

R. W. HENDERSON,

Plaintiff,

vs.

ORLANDO J. MANCI,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

3734

DEMURRER

Comes now the Defendant in the above styled cause, by his attorneys, and demurs to the complaint heretofore filed against him and to each count thereof, separately and severally, and assigns the following separate and several grounds in support thereof:

1. The complaint fails to state a cause of action.
2. Count "ONE" of the complaint fails to state a cause of action.
3. Count "TWO" of the complaint fails to state a cause of action.
4. The complaint fails to allege who was operating the automobile of the Plaintiff at the time and place complained of.
5. For ought that appears from the complaint the Plaintiff was a passenger in the automobile of the Defendant at the time and place complained of.
6. The allegations of the complaint are vague, indefinite and uncertain.
7. The complaint fails to allege with sufficient particularity the damages and injuries allegedly sustained by the Plaintiff.
8. The allegations of count "TWO" fail to allege with sufficient certainty in what manner or to what extent the automobile of the Plaintiff was damaged.

Respectfully submitted,

CHASON & STONE

Filed
Jan. 22, 1959

By: *[Signature]*

Attorneys for Defendant

R. W. HENDERSON,

Plaintiff,

vs.

ORLANDO J. MANCI,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

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DEMURRER

* * * * *

FILED

JAN 22 1959

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

STATE OF ALABAMA

BALDWIN, COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Orlando J. Mancini to appear before the Circuit Court of Baldwin County, Alabama, in and for said County, at the place of holding the same, within thirty days from the services of this summons and complaint, then and there to demur or plead to the complaint of R.W. Henderson.

And you are hereby commanded to execute this process instant and make return as required by law.

Witness my hand this 2nd day of January, 1959.

Ex-1-2-59

Alvin J. Luck
CIRCUIT CLERK

R.W. HENDERSON
PLAINTIFF

VS.

ORLANDO J. MANCI
DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

COUNT ONE

The Plaintiff claims of the defendant Twenty-Five Thousand (25,000.00) dollars for that heretofore on, to-wit, the 14th day of September, 1958, (the Plaintiff's automobile was being lawfully operated) along a Public Highway in Baldwin County, Alabama, at a point about 1 mile South of Perdido Alabama, on U.S. Highway 31, and that at said time and place the defendant so negligently operated a motor vehicle as to cause said motor vehicle to collide with the automobile of the plaintiff and as a proximate consequence of said negligent operation of said automobile by the defendant; the plaintiff was injured in this, the plaintiff's back and neck was broken or dislocated; plaintiff's back muscles were torn; plaintiff was caused to spend large sums of money for medical and hospital care; plaintiff was permanently crippled and injured; he was

caused to suffer and continues to suffer great physical pain and mental anguish; and plaintiff was caused to lose much time from his employment.

And the plaintiff alleges that all of his said injuries were the proximate consequence of the negligence of the defendant in negligently operating his motor vehicle along said Public Highway, as hereinabove alleged. Hence this suit.

COUNT TWO

The plaintiff claims of the defendant the additional sum of Eight Hundred (800.00) dollars as damages for that heretofore on, to-wit, the 14th day of September, 1958, (the plaintiff's automobile was being lawfully driven) along a Public Highway in Baldwin County, Alabama, at a point about 1 mile South of Perdido, Alabama, on U.S. Highway 31, and that at said time and place the defendant negligently operated a motor vehicle as to cause said motor vehicle to collide with the automobile of the plaintiff and as a proximate consequence of said negligent operation of said automobile by the defendant the plaintiff's automobile was damaged and practically demolished, all to his great damage as foresaid; Hence this suit.)


ATTORNEY FOR PLAINTIFF

Plaintiff request a trial by jury.


ATTORNEY FOR PLAINTIFF

July original 3734

R.W. HENDERSON,
Plaintiff.

vs.

ORLANDO J. MANCI,
Defendant.

*Defendant lives in or
near Bay Minette, Ala*

IN THE CIRCUIT COURT
OF BALDWIN COUNTY, ALA.

SUMMONS & COMPLAINT

FILED
JAN 2 1959
ALICE J. DUCK, Clerk

W.C. OWENS
Monroeville, Ala.
Attorney for Plaintiff

received 2 day of Jan 1959
and on 2 day of Jan 1959
served a copy of the within B9C
on Orlando J. Mancie

By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Zallat D. S.
omi

R.W. HENDERSON)
PLAINTIFF)
VS.)
ORLANDO J. MANCI)
DEFENDANT)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Comes the Plaintiff in above styled cause and desiring the testimony of the defendant in said cause hereby propounds the following separate and several interrogatories to the defendant under Section 477, et seq., Title 7 of the Code of Alabama, 1940:

1. Please give your name, age, address.
2. Are you the defendant in this cause?
3. Have you been sued by your proper legal name, and if not, please give your proper legal name.
4. On or about September 14, 1958 was the automobile you were driving involved in a collision with an automobile driven by the Plaintiff.
5. Please give the exact date and time of day said collision occurred.
6. Please give the exact location said collision took place.
7. Were you alone in your automobile at the time said collision occurred. If you state you were not alone please state the name and address of each passenger in your car.
8. What were the weather conditions at the time said collision occurred.
- 9(a) What direction were you traveling at the moment said collision occurred?
(b) At a minute prior to the collision?
10. Were you traveling or headed North or South at the time of the collision?
11. In what direction were you headed five minutes before the collision occurred?
12. Please state your speed:
(a) At the moment the collision occurred.
(b) One minute before the collision occurred.

(c) Five minutes before the collision occurred.

13. Is it not a fact that you were traveling South immediately preceding the collision and that you were traveling North at the moment the collision occurred.

14. Please state in detail how the collision occurred.

15. Please state whether your automobile was under control at the instant the collision occurred.

16. Please state whether your automobile skidded or spun around in the road just prior to the collision. If you state that your automobile did spin or skid around in the road please state what you did in an effort to control your automobile.

17. Please state whether you have Alabama driver's license. If you do have, ~~are~~ there any restrictions upon your driving.

18. Please state whether you applied your brakes on your automobile immediately preceding the collision.

19. If you state that you did apply your brakes please state whether you again stepped upon the gas or the accelerator of your car.

20. Please give the position of your car in relation to the highway when the collision occurred.

21. Please give the name and address of each witness to the collision.

22. Please describe in detail how the collision occurred.


ATTORNEY FOR PLAINTIFF

STATE OF ALABAMA)
MONROE COUNTY)

Personally appeared before me, Jewel W. Wiggins, the undersigned authority, W.C. Owens, who, being by me first duly sworn, deposes and says:

That he is the attorney of record for the plaintiff in the above-styled cause, and as such is authorized to make this affidavit for the plaintiff, and that the answers of the defendant to the foregoing interrogatories will be material testimony for the plaintiff in said cause.

W.C. Owens

Sworn to and subscribed before me
on this the 30th day of December,
1958.

Jewel W. Wiggins
NOTARY PUBLIC

Ex-1-2-59

original 3734

Received 2 day of Jan 1959

on 2 day of Jan 1959

Received a copy of the within Interrog

Armando J. Mancini

service on _____

TAYLOR WILKINS, Sheriff

By W. A. Tolbert D. S.

0 mi.

R. W. Henderson

Plaintiff

vs

Armando J. Mancini

Defendant

Interrogatories to
Defendant

FILED

JAN 2 1959

ALICE J. DUCK, Clerk

AMENDED COMPLAINT

STATE OF ALABAMA

BALDWIN, COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Orlando J. Mancini to appear before the Circuit Court of Baldwin County, Alabama, in and for said County, at the place of holding the same, within thirty days from the services of this summons and complaint, then and there to demur or plead to the complaint of R. W. Henderson.

And you are hereby commanded to execute this process instant and make return as required by law.

Witness my hand this 5 day of May, 1959.


CIRCUIT CLERK

R.W. HENDERSON
PLAINTIFF

VS.

ORLANDO J. MANCI
DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

COUNT ONE

The Plaintiff claims of the defendant Twenty-Five Thousand (25,000.00) dollars for that heretofore on, to-wit, the 14th day of September, 1958, the Plaintiff was driving his automobile along a Public Highway in Baldwin County, Alabama, at a point about 1 mile South of Perdido, Alabama, on U.S. Highway 31, and that at said time and place the defendant so negligently operated a motor vehicle as to cause said motor vehicle to collide with the automobile of the plaintiff and as a proximate consequence of said negligent operation of said automobile by the defendant; the plaintiff was injured in this, the plaintiff's back and neck was broken or dislocated; plaintiff's back muscles were torn; plaintiff was caused to spend large sums of money for medical and hospital care; plaintiff was permanently crippled and injured; he was

caused to suffer and continues to suffer great physical pain and mental anguish; and plaintiff was caused to lose much time from his employment.

And the plaintiff alleges that all of his said injuries were the proximate consequence of the negligence of the defendant in negligently operating his motor vehicle along said Public Highway, as hereinabove alleged. Hence this suit.

COUNT TWO

The plaintiff claims of the defendant the additional sum of Eight Hundred (800.00) dollars as damages for that heretofore on, to-wit, the 14th day of September, 1958, the Plaintiff was driving his automobile along a Public Highway in Baldwin County, Alabama, at a point about 1 mile South of Perdido, Alabama, on U.S. Highway 31, and that at said time and place the defendant so negligently operated a motor vehicle as to cause said motor vehicle to collide with the automobile of the plaintiff and as a proximate consequence of said negligent operation of said automobile by the defendant the plaintiff's automobile was damaged as follows: the frame was bent, the front lights were bent and broken, both front fenders were bent, the griff was bent, and the front wheels were bent all to his loss in the aforesaid amount. Hence this suit.

by Walter M. Brantley
WALTERS AND BRANTLEY

Plaintiff request a trial by jury.

by W. C. Owens
W. C. OWENS

Filed
May 5, 1959

R. W. HENDERSON,

Plaintiff,

vs.

ORLANDO J. MANCI,

Defendant.

X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes now the Defendant in the above styled cause, by his attorneys, and demurs to the amended complaint heretofore filed in this cause and to each count thereof, separately and severally, and assigns the following separate and several grounds in support thereof:

1. The amended complaint fails to state a cause of action.
2. Count "ONE" of the amended complaint fails to state a cause of action.
3. Count "TWO" of the amended complaint fails to state a cause of action.
4. The allegations of the complaint as amended are vague, indefinite and uncertain.
5. For aught that appears from the allegations of the complaint as amended there was no duty owing from the Defendant to the Plaintiff and a breach of that duty proximately resulting in the injuries alleged in the complaint as amended.
6. For aught that appears from the allegations of the complaint as amended the Defendant was operating the automobile of the Plaintiff at the time and place complained of.
7. The amended complaint fails to allege with sufficient certainty the place at which the alleged accident occurred.

Respectfully submitted

CHASON & STONE

By: *Walter S. Stone*
Attorneys for Defendant

*Filed
May 6, 1929*

3734

R. W. HENDERSON,

Plaintiff,

VS.

ORLANDO J. MANCI,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

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DEMURRER

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FILED

MAY 16 1959

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA