

THOMAS B. CALHOUN, JR.,
a minor, suing by his mother
and next friend, JEAN L.
CALHOUN,

Plaintiff,

VS.

ERNEST CECIL SLYE,

Defendant.

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)
)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3781

DEMURRER

Comes now the defendant in the above styled cause and demurs to each count of the complaint filed herein, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

1) That it does not state facts sufficient to constitute a cause of action against this defendant.

2) For that negligence is therein alleged merely as a conclusion of the pleader.

3) For that it is vague, indefinite and uncertain, in that it does not apprise the defendant with sufficient certainty against what act or acts of negligence defendant is called on to defend.

4) For that it does not appear with sufficient certainty what duty, if any, the defendant may have owed to the plaintiff.

5) For that it does not appear with sufficient certainty wherein the defendant violated any duty owed by defendant to the plaintiff.

6) For that it does not sufficiently appear that the

defendant owed any duty to the plaintiff which defendant negligently failed to perform.

7) For that the averments set up, if true, do not show any liability on the part of the defendant.

8) For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.

9) For that there does not appear sufficient causal connection between the defendant's said breach of duty and plaintiff's injuries and damages.

10) No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of the defendant.

11) For aught that appears, plaintiff had no right to be where plaintiff was at the time and place of said accident.

12) It is not alleged that the negligence complained of proximately caused the accident and the injuries and damages complained of.

Filed
April 2, 1959
Alice J. Duck
clerk

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

By: *Paul W. Brook*
Lyman F. Holland

Attorneys for defendant.

3781

FILED
APR 12 1950

ALICE J. DUCK, CLERK
REGISTER

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THOMAS B. CALHOUN, JR.,
a minor, suing by his mother)
and next friend, JEAN L.)
CALHOUN,)

Plaintiff,)

vs.)

ERNEST CECIL SLYE,)

Defendant.)

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA.

AT LAW

NO. _____

MOTION TO STRIKE

Comes now the defendant in the above cause and moves the court to strike from the complaint the following:

" . . . and was also caused to expend large amounts for the treatment of his said injuries."

and, as grounds for said motion, assigns the following, separately and severally:

1. Said item of damage is not recoverable by said minor plaintiff.
2. The plaintiff, being a minor and not being shown to have been emancipated or to be emancipated, does not have the capacity to contract for said amounts for the treatment of his said injuries.
3. Said item of damage is not recoverable in this suit.
4. Said item of damage has been sued for against this same defendant in the pending companion case of Thomas B. Calhoun vs. Ernest Cecil Slye.

HAND, ARENDALL, BEDSOLE,
GREAVES & JOHNSTON

By: Paul W. Brook
Attorneys for Defendant

CHASON & STONE

By: John P. Chason
Attorneys for Defendant

Filed
7-21-59
Alice J. Duck
clerk.

MOTION TO STRIKE

THOMAS B. CALHOUN, JR., a
minor, suing by his mother
and next friend, JEAN L. CALHOUN,

Plaintiff,

vs.

ERNEST CECIL SLYE,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

Filed 7/21/09
[Signature]

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ERNEST CECIL SLYE to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding same, then and there to answer the complaint filed against him by THOMAS B. CALHOUN.

WITNESS my hand this 2nd day of March, 1959.

Deice J. Luck

Clerk of the Circuit Court

The defendant resides at
Fairhope in Baldwin
County, Alabama.

EP-3-2-59

* * * * *

THOMAS B. CALHOUN,)	
Plaintiff,)	IN THE CIRCUIT COURT OF
VS.)	BALDWIN COUNTY, ALABAMA
ERNEST CECIL SLYE,)	AT LAW NO. _____
Defendant.)	

COMPLAINT

The plaintiff claims of the defendant Two Thousand Dollars (\$2,000.00) as damages for that heretofore on, to-wit, March 2, 1958, at the intersection of Magnolia Avenue and Church Street, public streets or highways in Fairhope, Baldwin County, Alabama, the defendant so negligently operated the motor vehicle which he was then and there driving as to cause it to run into, upon or against a motor scooter on which plaintiff's minor son, Thomas B. Calhoun, Jr., was then and there riding as a passenger, and as a proximate consequence and result of the said negligence of the said defendant the plaintiff's said minor son sustained multiple lacerations of

the forehead, elbows and forearm, his left arm was broken, his nervous system was shocked and impaired, and he was caused to suffer great physical pain and mental anguish, because of all of which the plaintiff, the father of the said minor child, incurred great expense for medical treatment, medical attention, medicines and hospital expenses in the treatment of his said minor child.

J. B. Blackburn
Attorney for plaintiff

Plaintiff demands a trial of
said cause by jury.

J. B. Blackburn
Attorney for plaintiff

J. H. Jones No. 3781
SUMMONS AND COMPLAINT

THOMAS B. CALHOUN,

Plaintiff,

VS.

ERNEST CECIL SLYE,

Defendant.

Served 3 day of March 1957
on 2 day of Mon 1957
and a copy of the within A.C.
Ernest Cecil Slys
service on Ernest Cecil Slys

TAYLOR WILKINS, Sheriff

By J. H. Jones D. S.

Sheriff claims 20 miles at

Ten Cents per mile Total \$ 2.00

TAYLOR WILKINS, Sheriff

BY [Signature]
DEPUTY SHERIFF

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 3781

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FILED

MAR 2 1957

ALICE J. DUCK, CLERK
REGISTER

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

March 31, 1959

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON, JR.
LYMAN F. HOLLAND, JR.
J. THOMAS HINES, JR.
W. C. BOONE, JR.
DONALD F. PIERCE

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

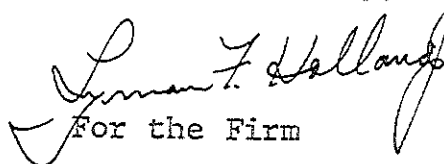
TELEPHONE:
HEMLOCK 2-5514

Honorable Alice J. Duck
Clerk of Circuit Court of Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed are demurrers to two cases which were
filed in court on March 2, 1959. We do not have the
case numbers of the cases.

Yours very truly,


For the Firm

JTH:md

ENC.

THOMAS B. CALHOUN,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
VS.)	AT LAW NO. _____
ERNEST CECIL SLYE,)	
Defendant.)	

D E M U R R E R

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6) For that it does not sufficiently appear that the defendant owed any duty to the plaintiff which defendant negligently failed to perform.

7) For that the averments set up, if true, do not show any liability on the part of the defendant.

8) For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.

9) For that there does not appear sufficient causal connection between the defendant's said breach of duty and plaintiff's injuries and damages.

10) No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of the defendant.

11) For aught that appears, plaintiff had no right to be where plaintiff was at the time and place of said accident.

12) It is not alleged that the negligence complained of proximately caused the accident and the injuries and damages complained of.

13) For that it affirmatively appears from the complaint that the time for the filing of said suit has expired.

14) For that it affirmatively appears that under the provisions of Title 7 Section 24 of the Alabama Code this action is barred by the statute of limitation of one year.

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

By: Paul W. Brock
Attorneys for defendant.

Filed
April 2, 1959
Alice J. Duck
clerk

[Handwritten notes and signatures]

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ALICE J. DUCK, CLERK
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