

OTIS MARSHALL,
Plaintiff,

vs

ROBERT ALLEN HUBBART,
Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

3908

Comes now Robert Allen Hubbard, the Defendant in the above styled cause and demurs to the Plaintiff's complaint heretofore filed in said cause, and assigns the following grounds of demurrer:

1. Said complaint fails to state a substantial cause of action against the Defendant.

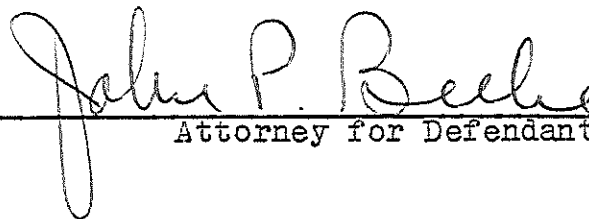
2. The damages to the Plaintiff's automobile are not alleged with sufficient clarity and in sufficient detail to apprise the Defendant of the nature or extent thereof.

3. For aught that appears from the averments of the complaint the injuries complained of were caused by the negligence of the Plaintiff.

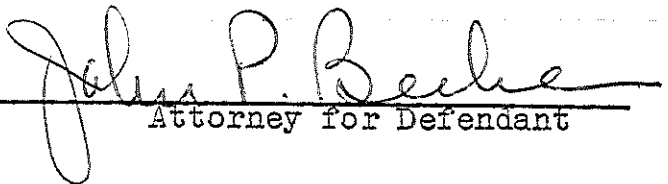
4. It does not appear from the averments of the complaint that the injuries to Plaintiff's automobile were proximately caused by the negligence of the Defendant.

5. The averments of the complaint are conflicting as to whether or not the Plaintiff was operating his automobile at the time of the collision.

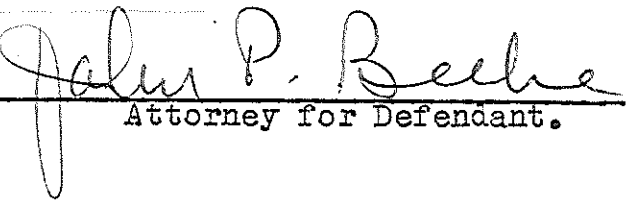
6. It does not appear from the averments of the complaint that the alleged damages suffered by the Plaintiff was a direct and proximate consequence of the negligence of the said Defendant in the operation of his automobile.


Attorney for Defendant

The Defendant demands a trial by jury in this cause.


Attorney for Defendant

I hereby certify that I have on this the 8th day of August, 1959, sent a true and exact copy of the foregoing demurrers by U. S. Mail, postage prepaid, to Messrs. Wilters and Brantley, Robertsdale, Alabama, Attorneys of record for the Plaintiff.


Attorney for Defendant.

3908

July

OTIS MARSHALL,
Plaintiff,

vs

ROBERT ALLEN HUBBART,
Defendant.

- - - - -

Demurrers

- - - - -

FILED
AUG 10 1959
ALICE J. DUCK, CLERK
REGISTER

OTIS MARSHALL,
Plaintiff,

vs

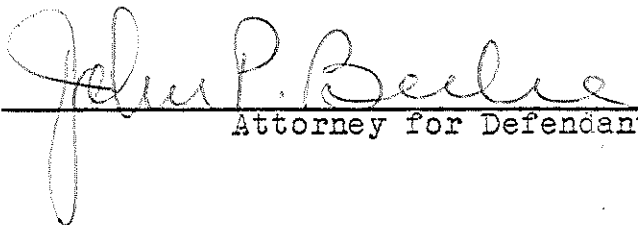
ROBERT ALLEN HUBBART,
Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

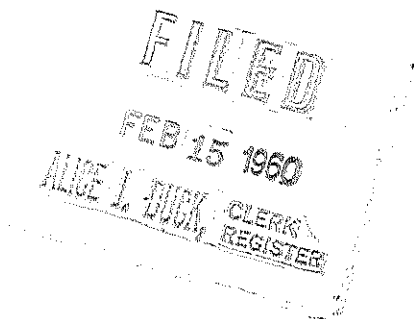
AT LAW

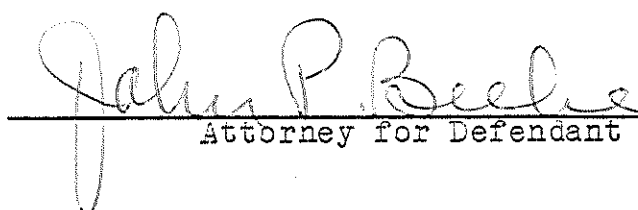
Comes the Defendant and for answer to the complaint, and to each count thereof, separately pleads in short by consent the general issue with leave to give in evidence any matters which might be well and specially pleaded with like leave on the part of Plaintiff to reply.


Attorney for Defendant

I, John P. Beebe, attorney for the defendant, Robert Allen Hubbard, certify that a copy of the above and foregoing plea was this day mailed, postage prepaid, to Messrs. Wilters, Brantley & Nesbit, attorneys for the plaintiff, Robertsedale, Alabama.

Dated this the 12th day of February, 1960.




Attorney for Defendant

SUMMONS

STATE OF ALABAMA

BAIDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Robert Allen Hubbard 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 the same, then and there to answer the complaint of Otis Marshall.

Witness my hand, this 21 day of July, 1959.

Alvin J. Hirsch
Clerk

OTIS MARSHALL

PLAINTIFF

VS

ROBERT ALLEN HUBBART

DEFENDANT

IN THE CIRCUIT COURT OF

BAIDWIN COUNTY, ALABAMA

AT LAW

NO. _____

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BAIDWIN COUNTY, ALABAMA, AT LAW:

1.

Plaintiff claims of the defendant the sum of FIVE HUNDRED DOLLARS (\$500.00) as damages for that heretofore on to-wit: 23 day of May, 1959, the automobile of the plaintiff was being driven upon or along Alabama Highway #59, a public highway in Baldwin County, Alabama, at or near the point where said highway intersects U. S. Highway #90, at said time and place the defendant so negligently operated his motor vehicle as to cause or allow the same to run into, upon or against the automobile of the plaintiff. As a direct, proximate consequence and result of the negligence of the defendant the plaintiff's automobile was damaged as follows: the left front fender was crushed, the entire front bumper was twisted and bent, the radiator was bent and punctured, the left side of the car was scraped and scarred and the frame of the car was warped and twisted, all to the loss of the plaintiff in the aforesaid amount.

WILTERS AND BRANTLEY

BY: Phyllis S. Nesbit

Attorneys for the Complainant

3908

The State of Alabama
Baldwin County
Circuit Court

Received 21 day of July 1959
and on 22 day of July 1959
served a copy of the within RC
on Robert Allen Hubbart
by service on _____

Otis Marshall
Plaintiff

vs.

Robert Allen Hubbart
Defendant

TAYLOR WILKINS, Sheriff
By W. A. Talbot D. S.
D. M.

We the jury
find for the
Plaintiff in the
amount of \$500⁰⁰

Eloy M. Kenzie Jr.
Foreman

FILED

JUL 21 1959

Alice L. Duck, CLERK
REGISTER