

STATE OF ALABAMA)

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Harry L. Linden and Donald C. Linden, individually and doing business as partners under the firm name and style of Linden Construction Company and Donald E. Cooper 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 of Mrs. H. E. C. Barnette.

Witness my hand this 27 day of October, 1960.

Rice J. Smith
Clerk

MRS. H. E. C. BARNETTE,)

Plaintiff) (IN THE CIRCUIT COURT OF

VS) (

BALDWIN COUNTY, ALABAMA

HARRY L. LINDEN and DONALD)

C. LINDEN, individually and)

doing business as partners) AT LAW. NO. 21467

under the firm name and style)

of LINDEN CONSTRUCTION COMPANY)

and DONALD E. COOPER,)

Defendants)

COUNT ONE

The plaintiff claims of the Defendants the sum of Three Thousand Five Hundred (\$3,500.00) Dollars as damages for that on, to-wit, November 20, 1959, the defendant, Donald E. Cooper, who was then and there the agent, servant or employee of the defendants, Harry L. Linden and Donald C. Linden, individually and doing business as partners under the firm name and style of Linden Construction Company and while acting within the line and scope of his employment as such agent, servant or employee so

negligently operated a motor vehicle which he was then and there driving on Armstrong Avenue, a public street in Baldwin County, Alabama, within the city limits of Bay Minette, Alabama, at the point where Armstrong Avenue intersects with U. S. Highway 31 as to cause or allow such motor vehicle to run into or against an automobile in which the plaintiff was riding at said time and place and which was then and there being driven along U. S. Highway 31, where plaintiff had a right to be, and as a proximate result of the negligence of such defendants the plaintiff was injured in this: she was made sick, sore and lame; she received bruises and contusions; she suffered a severe injury to her chest and ribs; she was caused to suffer and still does suffer severe physical and mental pain and anguish; she was permanently injured; she was caused to incur medical and drug bills in an effort to heal and to cure her injuries, all to the great damage of the plaintiff in the sum aforesaid, hence this suit.

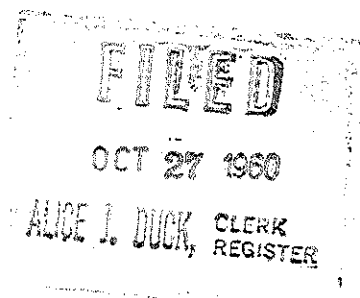
James A. Stone

W. M. Campbell
ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial by jury.

James A. Stone

W. M. Campbell
ATTORNEYS FOR PLAINTIFF



4467

Received 27 day of Oct 1960
and on 29 day of Oct 1960
served a copy of the within A & C
on HARRY L. LINDEN
DONALD C. LINDEN
By service on DONALD C. COOPER
11-1-60
TAYLOR WILKINS, Sheriff
By Garner & Steadham, D. S.
Silverskill & R. Dale

Sheriff claims 170 miles at
Ten Cents per mile Total \$17.00
TAYLOR WILKINS, Sheriff
BY Garner & Steadham
DEPUTY SHERIFF

MRS. H.E.C. BARNETTE,
Plaintiff

VS.

HARRY L. LINDEN and DONALD C.
LINDEN, individually and doing
business as partners under the
firm name and style of LINDEN
CONSTRUCTION COMPANY and DONALD
E. COOPER,

Defendants

SUMMONS AND COMPLAINT

FILED
OCT 27 1960
ALICE L. DUCK, CLERK
REGISTER

HUGH M. CAFFEY, JR.
ATTORNEY AT LAW
BREWTON, ALABAMA

MRS. H. E. C. BARNETTE,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
Vs)	AT LAW
HARRY L. LINDEN AND DONALD)	
C. LINDEN, individually and)	
doing business as partners)	
under the firm name and style)	
of LINDEN CONSTRUCTION COMPANY)	
AND DONALD E. COOPER,)	
Defendants.)	NO <u>4467</u>

Come now the defendants, and demur to the plaintiff's complaint and to each count thereof, and as grounds for said demurrer set down and assign the following separately and severally:

1. Said count fails to allege the violation of any duty owed by these defendants to the plaintiff.
2. Said count fails to allege facts showing the violation of any duty owed by these defendants to the plaintiff.
3. For aught that appears from said count, the accident did not occur on a public street.
4. For aught that appears from said count, the plaintiff was not at a place where she had a legal right to be at the time and place complained of.
5. For aught that appears from said count, the damages suffered by the plaintiff were not the proximate result of any act or failure to act on the part of these defendants.
6. For that there is a misjoinder of causes of action.
7. For that there is a misjoinder of parties.

J. B. Blackburn
J. B. Blackburn, Attorney for
Defendants

Lyons, Pipes and Cook
Lyons, Pipes and Cook,
Attorneys for Defendants

