

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 Ray Browder.

Witness my hand this the 27 day of October, 1960.

Archie Hester  
Clerk

RAY BROWDER,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
HARRY L. LINDEN and DONALD C.	X	
LINDEN, individually and doing	X	
business as partners under the	X	
firm name and style of LINDEN	X	AT LAW
CONSTRUCTION COMPANY and DONALD	X	
E. COOPER,	X	
Defendants.	X	

NO. 4468

COUNT ONE

The plaintiff claims of the defendants the sum of Five Thousand (\$5,000.00) 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, upon or against an automobile in which plaintiff's wife was riding at said time and place and which was then and there being driven along U. S. Highway 31 where plaintiff's wife had a right to be and to ride, and as a proximate result of the negligence of such defendants, plaintiff's wife received severe personal injuries in this, to-wit: she suffered a severe whiplash injury to the cervical spine; she suffered injuries to the right trapezius muscle of the neck; she suffered a whiplash injury to the lumbosacral spine; she was caused to be and remains extremely and highly nervous; she was caused to suffer and still does suffer severe mental pain and anguish and she was permanently injured; and the plaintiff avers that as the proximate result and consequence of the injuries to his wife the plaintiff was caused to incur considerable expense for drugs and doctors in and about the treatment of his wife, and will probably have to incur further such expenses in the future, and plaintiff lost and continues to lose the society, consortium and services of his wife, for all of which he claims damages and hence this suit.

#### COUNT TWO

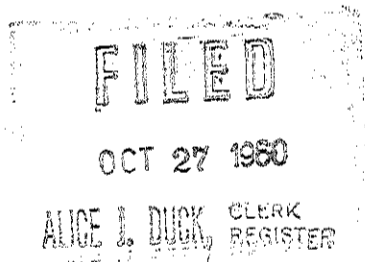
The plaintiff, Ray Browder, claims of the defendants the sum of One Thousand Five Hundred and No/100 (\$1,500.00) Dollars as damages for that on, to-wit, November 20, 1959, the defendant, Donald E. Cooper, who was then and there the agent, servant or employee of the defendants, Harry L. Linden and Donald 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 a 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 owned by the plaintiff and which was being driven by the plaintiff at such time along

U. S. Highway 31, where plaintiff had a right to be, and as a direct and proximate result of the negligence of Donald E. Cooper, acting within the line and scope of his employment as an 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, plaintiff's automobile was bent, damaged and destroyed and rendered greatly less valuable, all to his great damage in the sum aforesaid, hence this suit.

Sharon Stone  
Hugh M. Gaffey Jr  
ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial by jury.

Sharon Stone  
Hugh M. Gaffey Jr  
ATTORNEYS FOR PLAINTIFF



BREWTON, ALABAMA

ATTORNEY AT LAW

HUGH M. CAFFEY, JR.

ALICE J. DUCK, CLERK  
REGISTER

OCT 27 1960

FILED

SUMMONS AND COMPLAINT

HARRY L. LINDEN AND DONALD C.  
LINDEN, individually and doing  
firm name and style of LINDEN  
CONSTRUCTION COMPANY and DONALD  
E. COOPER,  
Defendants,

RAY BROWDER,  
Plaintiff  
VS.

Sheriff claims 170 miles at  
Ten Cents per mile Total \$17.00  
TAYLOR WILKINS, Sheriff  
BY *Harmon B. Steadman*  
DEPUTY SHERIFF

received on 27 day of Oct 1960  
served a copy of the within 29 day of Oct 1960  
BY *Harmon B. Steadman*  
TAYLOR WILKINS, Sheriff  
11-1-60  
*Donald C. Linden*  
*Ray B. Browder*  
*Harmon B. Steadman*

11-1-60

RAY BROWDER,

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.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA

) AT LAW

) NO 4468

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 he 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

FILED  
NOV 18 1960  
ALICE J. DUCK, CLERK  
REGISTER