

JAMES LANE, A Minor, suing herein
by MAGGIE JEAN LANE, as his Mother
and Next Friend,

Plaintiff,

Vs.

LESTER J. FOURNET,

Defendant.

) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA
)
)

AT LAW

NO. 4322

D E M U R R E R

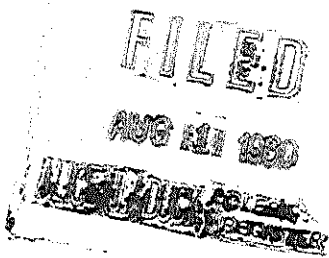
COMES NOW the defendant, Lester J. Fournet, in the above styled cause and demurs to plaintiff's complaint and to each count thereof, separately and severally, and sets down and assigns the following grounds, separately and severally:

1. Said count does not allege a wanton injury.
2. For aught that appears, plaintiff's alleged injuries were not wanton injuries.
3. For aught that appears, plaintiff's alleged injuries were not the result of any wanton act on the part of the defendant.
4. Said count does not allege physical causation.
5. Said count fails to allege any act on the part of the defendant which is wanton in law.
6. Said count fails to allege a wanton act.
7. Said count fails to state a cause of action.
8. For aught that appears, plaintiff's alleged injuries were not proximately caused by any act of the defendant.
9. The allegation "by then and there willfully and wantonly operating an automobile * * * at such an excessively high rate of speed as to lose control of the same and cause it to run off said Highway 31 * * * " is a mere conclusion of the pleader.

10. The allegation "at such an excessively high rate of speed as to lose control of same" is a mere conclusion of the pleader.

11. The place of the accident is not alleged with sufficient certainty.

12. Said count is inconsistent in its allegations of the place of plaintiff's injuries.



LYONS, PIPES & COOK
Attorneys for Defendant.

By: Irwin W. Coleman, Jr.
Irwin W. Coleman, Jr.

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO: ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Lester J. Fournet 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 James Lane, a minor, suing herein by Maggie Jean Lane as his Mother and next friend.

Witness my hand this the 15th day of July, 1960.

Deice J. Luck
CLERK

JAMES LANE, A Minor, suing
herein by Maggie Jean Lane
as his Mother and next friend,

Plaintiff,

vs.

LESTER J. FOURNET,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4322

COUNT ONE

The Plaintiff claims of the Defendant the sum of Nine Thousand Five Hundred Dollars (\$9,500.00) as damages for, that on heretofore, to-wit: the 30th day of May, 1960, on U. S. Highway 31, a public highway in Baldwin County, Alabama, at the intersection thereof with the Old Daphne Road in Bay Minette, Baldwin County, Alabama, the Defendant willfully and wantonly injured the Plaintiff, a minor thirteen (13) years of age, by then and there willfully and wantonly operating an automobile in which the Plaintiff was riding as a guest at such an excessively high rate of speed as to lose control of the same and cause it to run off said U. S. Highway 31, into a ditch and embankment and to collide with a tree; and as a proximate consequence and result of the willful and wanton conduct of the Defendant, afore-

said, the Plaintiff sustained serious personal injuries in this: he suffered a broken pelvis, lacerations on his forehead, a severe laceration on his right arm which required stitches, he suffered great pain and mental anguish and was caused to incur and did incur hospital, medical and drug bills in and about the care and treatment of his said injuries; all to his damages aforesaid, wherefore he brings this suit and asks judgment in the above amount.

CHASON & STONE

By: M. C. Stone
Attorneys for Plaintiff

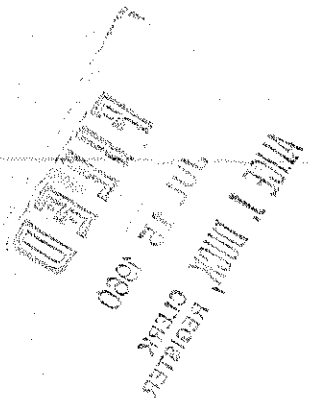
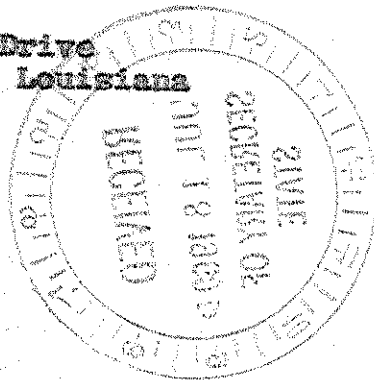
Plaintiff respectfully demands a trial
of this cause by a jury.

CHASON & STONE

By: M. C. Stone

Defendants address:

4851 Arthur Drive
New Orleans, Louisiana



July 26, 1960

JAMES LANE, A minor, suing herein by
Maggie Jean Lane as his Mother and next
friend, Plaintiff

VS

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

LESTER J. FOURNET, Defendant

CASE NO. 4322

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW:

I, Bettye Frink, Secretary of State, hereby certify that on July 19, 1960
I sent by registered mail in an envelope addressed as follows:

"

Lester J. Fournet
4851 Arthur Drive
New Orleans,, Louisiana"

"Registered Mail—
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of
the State of Alabama in words and figures as follows:

"

Lester J. Fournet
4851 Arthur Drive
New Orleans, Louisiana

You will take notice that on July 18, 1960 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: JAMES LANE, A minor, suing herein by Maggie Jean Lane as his
Mother and next friend, Plaintiff VS LESTER J. FOURNET, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 4322 a true copy of which summons and complaint is attached hereto
and the said service upon me as Secretary of State of the State of Alabama has the force and
effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 19
day of July 1960

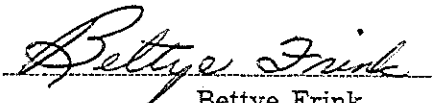
Enclosure (1)

(Signed) Bettye Frink
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed
as above set forth had attached to it a true copy of the summons and complaint in the above-styled
cause.

I further certify that on July 26, 1960 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at New Orleans, Louisiana
on July 25, 1960

WITNESS MY HAND and the Great Seal of the State of Alabama this the 26 day
of July 1960


Bettye Frink
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.

cc: Honorable N. C. Stone, Jr.
Chason & Stone, Attorneys at Law
Bay Minette, Alabama

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH H. LYONS (1900-1957)

SAM W. PIPES, III

WALTER M. COOK

FRANK T. POPE, JR.

GORDON B. KAHN

IRWIN W. COLEMAN, JR.

July 29, 1960

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

Re: James Lane, a minor, suing herein by
Maggie Jean Lane as his Mother and Next Friend,
Vs.
Lester J. Fournet, Circuit Court of Baldwin County,
Alabama, At Law, Case No. 4322.

Dear Mrs. Duck:

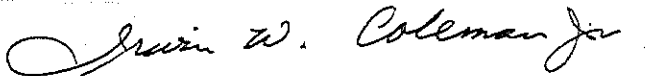
Enclosed herein is an original and one copy of the demurrer to
be filed in behalf of the defendant, Lester J. Fournet.

We would greatly appreciate it if you would certify on the copy
of this letter enclosed herein that said demurrer has been
filed and return same by mail in the enclosed envelope.

Thanking you for your time and effort, I am,

Sincerely yours,

LYONS, PIPES & COOK



Irwin W. Coleman, Jr.

IWC/bb
Encl.

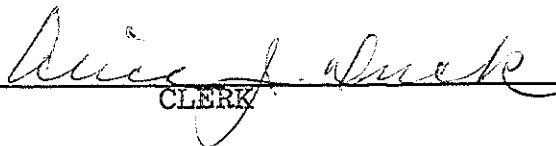
STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO: ANY SHERIFF OF THE STATE OF ALABAMA:

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Witness my hand this the 15th day of July, 1960.


CLERK

JAMES LANE, A Minor, suing
herein by Maggie Jean Lane
as his Mother and next friend,

Plaintiff,

vs.

LESTER J. FOURNET,

Defendant.

X

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X

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

COUNT ONE

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CHASON & STONE

By: 

Attorneys for Plaintiff

Plaintiff respectfully demands a trial
of this cause by a jury.

CHASON & STONE

By: 

Defendants address:

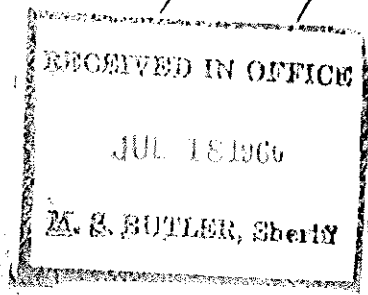
4851 Arthur Drive
New Orleans, Louisiana

FILED

JUL 15 1960

ALICE J. DUCK, CLERK
REGISTER

1221



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Executed by serving 3 copies of the within on Betty Fink Secretary of State of The State of Alabama.

This the 18 day of July 1960

Sheriff of Montgomery County M. S. Butler,

By Ramo D. S.

The Sheriff claims 2 miles at 10c per mile for a total of \$2.00 M. S. Butler, Sheriff Montgomery County, Ala.

4322

JAMES LANE, A Minor, suing herein by Maggie Jean Lane as his Mother and next friend,

Plaintiff,

vs.

LESTER J. FOURNET,

Defendant

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

AT LAW

SUMMONS AND COMPLAINT

FILED JUL 15-60 ALICE J. DUCK, CLERK REGISTER

LAW OFFICES CHASON & STONE BAY MINETTE, ALABAMA