

MARION C. MUNN,

PLAINTIFF

VS

CLIFFORD A. NEWPORT AND OLIVE
NEWPORT DANNE,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 4010

4610

DEMURRER

Comes the Defendant in the above styled cause, Clifford A. Newport, by his attorney, and demurs to the complaint heretofore filed, and assigns, as grounds therefor, the following, separately and severally:

1. No facts are alleged showing the negligence of the defendant arose out of his employment or agency.
2. The Plaintiff fails to allege a description of the injuries, their nature and extent, with sufficient certainty.

James A. Quinn
Attorney for Defendant, C.A. Newport

DEMAND FOR TRIAL BY JURY

Defendant, C. A. Newport, demands trial by jury.

James A. Quinn
Attorney for Defendant

FILED

MAY 27 1961

ALICE I. DUCK, CLERK
REGISTER

MARION C. MUNN,

Plaintiff

vs.

CLIFFORD A. NEWPORT and
OLIVE NEWPORT DANN,

Defendants.

Y

Y

Y

Y

Y

Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

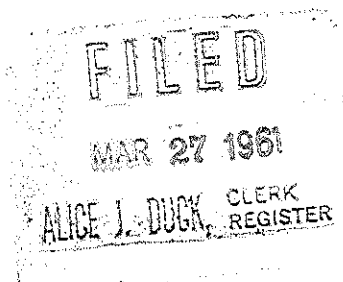
AT LAW

DEMURRER

Comes now Olive Newport Dann, one of the Defendants in the above styled cause, and files the following demurs to each and every count of the Plaintiff's Complaint separate and severally says:

1.

That the Complaint fails to state a cause of action.



WILTERS & BRANTLEY

BY:

S. Allen M. Brantley

4610

MARION C. MUNN,

Plaintiff

vs.

CLIFFORD A. NEWPORT and
OLIVE NEWPORT DANN,

Defendants.

DEMURRER

FILED

MAY 1934
ALICE J. DUCK, CLERK
REGISTER

MARION C. MUNN,

Plaintiff,

VS.

CLIFFORD A. NEWPORT and
OLIVE NEWPORT DANN,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4610

DEMURRER

Now comes the defendant, Olive Newport Dann, by her attorney, and demurs to the complaint and to each and every count thereof, separately and severally, and as grounds of such demurrer assigns, separately and severally, the following:

1. It does not state a cause of action.
2. No facts are alleged on which the relief sought can be granted.
3. The allegations of the complaint are vague, indefinite and uncertain.
4. The allegations of the complaint are conclusions of the pleader.
5. The allegations of the complaint are vague, indefinite and uncertain in that it does not allege whether the plaintiff was driving the automobile or riding in it as a passenger.
6. The allegations of the complaint are vague, indefinite and uncertain in that the damages to the plaintiff's automobile are not described with sufficient certainty.

FILED

MAR 28 1961

ALICE J. DUCK, Clerk

J. B. Blackburn
Attorney for Defendant, Olive Newport
Dann.

4610
DEMURRER

MARION C. MUNN,

Plaintiff,

VS.

CLIFFORD A. NEWPORT and OLIVE
NEWPORT DANN,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 4610

FILED

MAR 28 1961

ALICE J. DUCK, Clerk

MARION C. MUNN,

VS.

Plaintiff,

CLIFFORD A. NEWPORT and
OLIVE NEWPORT DANN,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4610

ANSWER

1. Now comes Olive Newport Dann, one of the defendants, and, for answer to Counts One, Two and Three of the complaint, each separately and severally, says:

A. The defendant, Olive Newport Dann, for answer to the complaint, saith that she is not guilty of the matters alleged therein.

2. Now comes Olive Newport Dann, one of the defendants, and, for answer to Counts One and Three of the complaint, each separately and severally, says:

A. At the time and place alleged in the complaint, Waitie Lou Donaldson Munn, the agent, servant or employee of the plaintiff, Marion C. Munn, who was then and there acting within the line and scope of her authority as such agent, servant or employee, was herself guilty of negligence which proximately contributed to the plaintiff's alleged injuries and damages in that she then and there so negligently operated the motor vehicle which she was then and there driving as to cause it to run into, upon or against the motor vehicle which was then and there being driven by the defendant, Clifford A. Newport.

J. B. Blackburn
Robert M. Brandy

Attorneys for Defendant, Olive Newport Dann

FILED

SEP 11 1961

ALICE J. DUCK, CLERK
REGISTER

ANSWER

MARION C. MUNN,

Plaintiff,

VS.

CLIFFORD A. NEWPORT and OLIVE
NEWPORT DANN,

Defendants,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 4610

FILED

SEP 11 1961

ALICE J. DUCK, CLERK
REGISTER

MARION C. MUNN,

PLAINTIFF,

VS

CLIFFORD A. NEWPORT & OLIVE NEWPORT
DANN,

DEFENDANT.

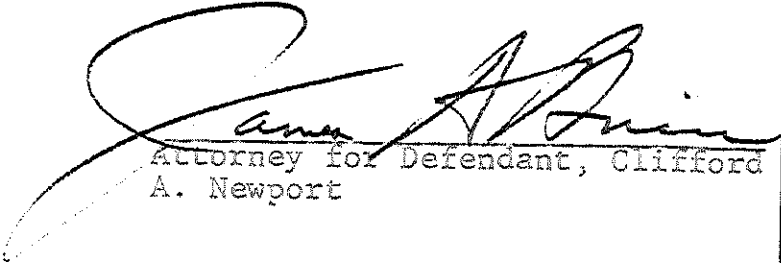
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW, NO. 4610

ANSWER

Comes the defendant, Clifford A. Newport, by his attorney,
and for answer to the complaint heretofore filed by the plaintiff,
says:

1. Not guilty.


Attorney for Defendant, Clifford
A. Newport

Filed
9-13-61
Alice French
Clerk

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 Clifford A. Newport and Olive Newport Dann 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 Marion C. Munn.

Witness my hand this 23 day of February, 1961.

Deice J. Munn
Clerk

Exp. 2-28-61

MARION C. MUNN,

Plaintiff,

vs.

CLIFFORD A. NEWPORT and
OLIVE NEWPORT DANN,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

no 4610

COUNT ONE:

The Plaintiff claims of the Defendants the sum of One Hundred Thousand Dollars (\$100,000.00) as damages for that on heretofore, to-wit: June 27, 1960, on Alabama Highway 59, a public highway in Baldwin County, Alabama, at a point one-half mile North of Foley, Alabama, the Defendant Clifford A. Newport, the agent, servant or employee of the Defendant Olive Newport Dann and while acting within the line and scope of his employment as such, so negligently operated a motor vehicle as to cause or allow the same to run into, upon or against the automobile of the Plaintiff in which he was riding and as a proximate consequence and result of the negligence of the Defendant Clifford A. Newport, aforesaid, the Plaintiff was injured in this: his right leg was fractured and broken; his right wrist was fractured and broken; his right shoulder was dislocated; the ligaments, muscles and nerves in his back, spine and shoulders were twisted, contused and otherwise injured; his neck was injured and damaged; he was caused to suffer

shock and as a result thereof to have a heart attack and blood clot; he was caused to lose time from his employment as a result of his injuries and damages; he was caused to suffer and will continue to suffer great physical pain and mental anguish as a result of his injuries and damages; he was permanently injured; he was caused to spend large amounts of money in and about the care and treatment of his injuries and will be caused to spend large sums of money in the future in the care and treatment of his injuries; he was crippled as a result of his injuries and it has been necessary that he use crutches to walk; the automobile of the Plaintiff in which he was then and there riding was damaged in that the frame was bent, twisted and knocked out of line; the chassis was bent, twisted and knocked out of line; the left side was bent and torn and twisted and his said automobile was made worthless; wherefore the Plaintiff brings this suit and asks judgment in the above amount.

COUNT TWO:

The Plaintiff claims of the Defendants the sum of One Hundred Thousand Dollars (\$100,000.00) as damages for that heretofore on, to-wit; June 27, 1960, at a point on Alabama Highway 59, a public highway in Baldwin County, Alabama, at a point one-half mile North of Foley, Alabama, the Defendant Clifford A. Newport, the agent, servant or employee of the Defendant Olive Newport Dann, while acting within the line and scope of his employment as such, wantonly injured the Plaintiff by then and there wantonly operating a motor vehicle so as to cause or allow the same to run into, upon and against the automobile of the Plaintiff in which he was riding and as a proximate consequence and result of the wantonness of the Defendant, Clifford A. Newport, aforesaid, the Plaintiff was injured in this: his right leg was fractured and broken; his right wrist was fractured and broken; his right shoulder was dislocated; the ligaments, muscles and nerves in his back, spine and shoulders were twisted, contused and otherwise injured; his neck was injured and damaged; he was caused to suffer shock and as a result thereof to have a heart attack and blood clot; he was caused to lose time from his employment as a result of his injuries and damages; he was caused to suffer and will continue to suffer great physical pain and mental anguish as a result

of his injuries and damages; he was permanently injured; he was caused to spend large amounts of money in and about the care and treatment of his injuries and will be caused to spend large sums of money in the future in the care and treatment of his injuries; he was crippled as a result of his injuries and it has been necessary that he use crutches to walk; the automobile of the Plaintiff in which he was then and there riding was damaged in that the frame was bent, twisted and knocked out of line; the chassis was bent, twisted and knocked out of line; the left side was bent and torn and twisted and his said automobile was made worthless; wherefore the Plaintiff brings this suit and asks judgment in the above amount.

COUNT THREE:


The Plaintiff claims of the Defendants the sum of Ten Thousand Dollars (\$10,000.00) as damages for that on heretofore, to-wit: June 27, 1960, the Plaintiff's wife, Waitie Lou Donaldson Munn, was injured while riding as a passenger in an automobile on Alabama Highway 59, a public highway in Baldwin County, Alabama, at a point one-half mile North of Foley, Alabama, at which said time and place the Defendant Clifford A. Newport, the agent, servant or employee of the defendant Olive Newport Dann and while acting within the line and scope of his employment as such, negligently ran an automobile into-upon or against the automobile in which the Plaintiff's wife was riding as a passenger and as a proximate consequence and result of the negligence of the Defendant Clifford A. Newport, aforesaid, the Plaintiff's wife was severely injured in this: the ligaments, muscles and nerves in her back and shoulder were injured and contused; her ribs were fractured; her left hand was fractured, her face was cut, bruised and lacerated; her right arm was cut, bruised and lacerated; and it was necessary to take many stitches in her right arm; her central nervous system was injured and damaged; she was caused to suffer much physical pain and mental anguish and will continue to suffer much physical pain and mental anguish in the future; she was permanently injured and was caused to spend time in the hospital for the care and treatment of her injuries; she has been under the care and treatment of doctors and nurses and will continue to be under the care and treatment of doctors and nurses in the future; and the Plain-

tiff avers that as the proximate result and consequence of the injuries to his wife the Plaintiff was caused to incur considerable expenses for medical, surgical and hospital treatment; taking of X-rays, and the services of nurses and doctors in the treatment of his wife, and he will have to incur further expenses in the future in the care and treatment of the injuries to his wife; and the Plaintiff lost and continues to lose the society, consortium, and services of his wife, for all of which the Plaintiff claims damages of the Defendants in the sum of Ten Thousand Dollars (\$10,000.00) and asks judgment in that amount.

CORRETTI AND NEWSOM

and

CHASON & STONE

By: 
Attorneys for Plaintiff

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

CHASON & STONE

By: 
Attorneys for Plaintiff

FILED

FEB 28 1961

ALICE L. DUCK, CLERK
REGISTER

W. 4610

Received 23 day of Feb 1961
and on 27 day of Feb 1961

SUMMONS AND BILL OF COMPLAINT

I served a copy of the within Bill of Complaint
on Clifford A. Newport

Olive Newport Dann

By service on

MARION C. MUNN,

Plaintiff,

VS.

CLIFFORD A. NEWPORT and OLIVE
NEWPORT DANN,

Defendant

Sheriff claims 200 miles at
Ten Cents per mile Total \$ 20.00
TAYLOR WILKINS, Sheriff
BY CC
DEPUTY SHERIFF

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

FILED

2-23-1961

ALICE J. DUCK, CLERK
REGISTER

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

Due the jury find
for the Plaintiff and
against
Olive Newport Dann
at \$ 50,000.00
for damages