

ARMBRECHT, JACKSON, McCONNELL & DeMOUY

LAWYERS

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

June 1, 1961

WM. H. ARMBRECHT  
THEO. K. JACKSON  
JOHN W. McCONNELL, JR.  
MARSHALL J. DeMOUY  
WM. H. ARMBRECHT, III  
RAE M. CROWE  
BROOK G. HOLMES  
W. BOYD REEVES

MAILING ADDRESS  
P. O. BOX 290  
MOBILE, ALA.

CABLE ADDRESS  
SEALAW

TELEPHONE  
HEMLOCK 3-1891

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

Re: Willie E. Williams, Plaintiff, vs.  
William Welch and Jewell Luverne  
Springer, Defendants. No. 4611

Robert L. Williams, Plaintiff, vs.  
William Welch and Jewell Luverne  
Springer, Defendants. No. 4612

Dear Mrs. Duck:

Enclosed herewith you will find notice of the re-filing of our demurrers in each of the above cases. We are sending a copy of these demurrers to Mr. Telfair J. Mashburn, Attorney for the Plaintiffs.

Very truly yours,

ARMBRECHT, JACKSON, McCONNELL  
& DeMOUY

By



Marshall J. DeMouy

MJD  
ah  
Enclosures

cc: Mr. Telfair J. Mashburn

ROBERT L. WILLIAMS,

PLAINTIFF,

VS.

WILLIAM WELCH AND  
JEWELL LUVERNE SPRINGER,

DEFENDANTS.

IN THE CIRCUIT COURT OF  
BALDWIN  
MOBILE COUNTY, ALABAMA

No. 4612

INTERROGATORIES TO DEFENDANTS

Comes the plaintiff in the above styled cause, and desiring the testimony of the defendants, propounds the following interrogatories to be answered separately and severally in the manner and form provided by law, viz:

1. (a) State your correct name, age, residence address and business address.  
(b) Is your name correctly stated in the complaint on file in this cause?  
(c) If you state that your name is not correctly stated, then state the correct way that you could be designated as a party plaintiff or a party defendant in an action at law:
  - (1) At the time that the accident which is made the basis of this suit occurred;
  - (2) At the time that you answer these interrogatories.
2. (a) State whether you are a person, firm, or corporation.  
(b) If you state that you are a partnership, then state the name of each and every partner composing said partnership, and the name under which the partnership does business.  
(c) If you state that you are a corporation, state on what date you were incorporated and at what place.
3. (a) Describe completely and in detail the vehicle occupied or owned by you on the occasion of the accident made the basis of this suit, stating in your answer the make, model, year, and body style of same.  
(b) State the name and address of the owner of said motor vehicle on the date of said accident.  
(c) State the name and address of the driver of said vehicle on said occasion.  
(d) Describe completely and in detail every item of damage sustained by said vehicle.  
(e) Give the amount of each repair estimate obtained on said damage and give the name and address of the person making said repair estimate.  
(f) State whether or not any of said damage was repaired, and, if so, give the amount of the repair bill and the name and address of the person, firm, or corporation who made said repairs.  
(g) Describe the condition of the brakes, signal device, steering apparatus, tires, and lighting equipment on said motor vehicle at the time of the accident made the basis of this suit.  
(h) When had the brakes, signal device, steering apparatus, lights and tires on said motor vehicle last been inspected prior to said accident and by whom?
4. (a) If you have stated that the owner of the vehicle which collided with the vehicle in which plaintiff was riding was not the driver on the occasion of said accident, explain fully and in detail the presence of the driver in said vehicle.  
(b) State who was the employer of the driver of the vehicle which collided with the vehicle in which plaintiff was riding at the time that said accident occurred.

- (c) State on whose business or behalf said driver was acting at the time that said accident occurred.
  - (d) State the hours of work which said driver had at the time of said accident.
5. (a) State the number of persons occupying the motor vehicle which collided with the vehicle in which plaintiff was riding and state specifically how and in what manner each of said occupants were located in said vehicle on said occasion.
- (b) State fully the purpose of the trip you were making at the time of the accident made the basis of this suit.
- (c) From what point had you departed?
- (d) What was your destination?
- (e) Were you performing a mission, errand, or duty for anybody whatsoever? If so, state the nature of same and the name and address of the person for whom you were performing it.
- (f) Give the name and address of each and every person or firm who had any interest whatsoever in the trip that was being made by the driver of the vehicle which collided with the plaintiff on the occasion of said accident, and state the nature of said interest and the connection of said person or firm with the trip.
6. Prepare and attach to your answers to these interrogatories a map portraying the scene of the accident and the physical objects involved in the accident made the basis of this suit and designate on said map the following:
- (a) The point of impact and skid marks leading up to and from same;
  - (b) The resting place of the vehicles after the accident;
  - (c) Where you were located when you first saw the plaintiff's vehicle;
  - (d) Where the plaintiff's vehicle was located when first seen by you;
  - (e) The placement of any other vehicles or physical objects which had anything to do with said accident.
7. State whether or not the accident made the basis of this suit occurred at an intersection of streets or avenues, and if so, then state:
- (a) At what intersection of streets or avenues said accident occurred;
  - (b) Whether any buildings or objects were located within any of the four corners of the intersection which would obscure the vision of any person approaching the intersection;
  - (c) State how far you, in your judgment, could see to the left and right on each of the streets entering the intersection and down each of the intersecting streets when you approached from a point fifty feet from said intersection.
  - (d) Describe the locus of said accident with reference to the contour of the land, the grade or curve of the road, highway or intersection, and any physical structures located within two hundred feet of the place of the accident;
  - (e) Describe any traffic controls located at the scene of the accident and the operation of same, stating the directions in which said traffic signals or controls faced.
8. (a) State where the motor vehicle in which plaintiff was riding was located with reference to the point of the impact in the accident made the basis of this suit when you first observed same immediately prior to said accident.
- (b) Did you see the motor vehicle in which plaintiff was riding before the actual collision?
- (c) How many feet was the motor vehicle in which plaintiff was riding from the place of the impact when you first observed same?
- (d) How many feet were you from the point of impact when you first observed the vehicle in which plaintiff was riding?
- (e) Where did the impact occur with reference to the center line of the street on which the vehicle in which plaintiff was traveling?

- (f) Where did the impact occur with reference to the right edge of the street on which your vehicle was traveling?
9. (a) State specifically and in detail exactly how the accident made the basis of this suit occurred and describe chronologically the events that occurred leading up to same as seen by you.
- (b) Describe each and everything which the driver of the vehicle in which plaintiff was riding failed to do to avoid said accident.
- (c) Describe each and everything done by the driver of the vehicle in which plaintiff was riding which contributed to the cause of said accident.
- (d) State each and everything done by you or which you omitted to do, which contributed proximately to cause the accident.
- (e) Describe each negligent act or omission of the driver of the vehicle in which plaintiff was riding on said occasion.
10. (a) State whether or not any of the occupants in any of the vehicles involved in the accident made the basis of this suit were intoxicated or drinking intoxicating beverages at the time of the said accident.
- (b) Give the name and address of each of said persons who was drinking or who was intoxicated.
- (c) State what each of said persons was drinking, where he or she had obtained same, the quantity or amount consumed, and the time and place where same was drunk.
11. State, according to your best judgment the speed of the vehicle in which plaintiff was riding at the following points:
- (a) When you first observed same prior to the accident made the basis of this suit;
- (b) At a point 300 feet from the place where the impact occurred;
- (c) At a point 200 feet from the place where the impact occurred;
- (d) At a point 100 feet from the place where the impact occurred;
- (e) At a point 50 feet from the place where the impact occurred;
- (f) At a point 25 feet from the place where the impact occurred;
- (g) At a point 10 feet from the place where the impact occurred;
- (h) At the time of the impact;
- (i) Immediately after the impact.
12. (a) State in what direction and along what street or avenue each of the motor vehicles involved in the accident made the basis of this suit was traveling on the occasion of said accident.
- (b) State in your best judgment, in number of feet, the width of each of said streets or avenues or highways.
- (c) If either of the vehicles involved in the accident made the basis of this suit was engaged in making a turn from a direct line of travel, describe same, and the course followed with reference to the center of the intersection and also the four corners of same, and with reference to the center line of the street, avenue or highway on which said motor vehicle had been traveling prior to said turn.
13. (a) State fully, specifically and in detail each and every act or thing done by the operator of the vehicle owned or occupied by you at the time of the accident made the basis of this suit during the last 100 feet of said vehicle's approach to the point of said collision, stating in your answer the chronological order in which said operator did each of said acts or things.
- (b) Describe each change in the course of travel made by the vehicle in which plaintiff was riding immediately prior to said accident.
- (c) Describe each change in the course of travel made by the vehicle in which you were riding immediately prior to the accident herein sued on.
14. (a) State whether or not the brakes on the vehicle occupied by you or owned by you at the time of the accident sued on were applied prior to the collision.

- (b) If so, state in your best judgment the speed in miles per hour said vehicle was traveling at the moment the brakes were applied.
  - (c) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until said collision occurred
  - (d) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until it came to a stop after the occurrence of the accident made the basis of this suit.
15. (a) State specifically what portion of the vehicles involved in the accident made the basis of this suit first came in contact with each other.
- (b) Describe the portions which next came in contact after the initial impact.
16. (a) State in your best judgment the distance each of the vehicles involved in the accident made the basis of this suit traveled on said occasion from the moment of the collision to the point where each of said vehicles first came to a stop immediately thereafter.
- (b) In what direction did each of said motor vehicles move from the point of said collision until they came to a complete stop?
- (c) Describe each and every skid mark which led up to the point of collision.
- (d) Describe each and every skid mark which extended from the point of collision toward the place where either of the motor vehicles involved in the accident came to rest.
- (e) Locate the point where each motor vehicle came to rest with reference to the point of impact, the center of the intersection, the four corners of same and the right edge of the street on which it had been traveling.
17. State the speed of the motor vehicle which you owned or occupied, according to your best judgment, at the following points:
- (a) When you were within a distance of 300 feet from the point of impact in the accident made the basis of this suit;
  - (b) When you were 200 feet from the point of impact;
  - (c) When you were 100 feet from the point of impact;
  - (d) When you were 50 feet from the point of impact;
  - (e) When you were 25 feet from the point of impact;
  - (f) When you were 10 feet from the point of impact;
  - (g) At the time of said impact;
  - (h) When you first observed the other vehicle involved in said accident.
18. (a) State whether any horn or other signal was given as a warning by the operator of the vehicles involved in the accident made the basis of this suit prior to the time of the collision.
- (b) If so, describe each of said signals given by each respective driver specifically and in detail.
- (c) State how far distant from the point of collision each vehicle was located at the time said signal was given.
- (d) If any signals for stopping or turning were given by each driver immediately prior to said collision, describe same, and state how far distant from the point of impact said signal was given by each driver respectively.
19. (a) State whether or not there were any other vehicles at or near the scene of the accident at the time of and immediately prior to the occurrence of same
- (b) If so, state the number of such other vehicles and where they were located with reference to the point of the accident at the moment same occurred.
- (c) State whether or not any of the other vehicles located at or near the scene of the accident played any part, or contributed in any manner, to cause the collision made the basis of this suit.

- (d) Give the name and address of each driver or owner of each of said vehicles.
20. (a) Did you make any statements in the presence of the operator of any of the vehicles involved in the collision made the basis of this suit following the occurrence of same?
- (b) If so, state when, where and what was said by you.
- (c) Did the operator of the vehicle in which plaintiff was riding make any statement in your presence following the occurrence of the accident, and if so, state when, where and what was said by said driver.
- (d) Give the name and address of each and every person who was present when the accident made the basis of this suit occurred.
- (e) Give the name and address of each and every person who was present when any statements were made either by you or the driver of the vehicle in which plaintiff was riding following the occurrence of the accident made the basis of this suit.

CUNNINGHAM & BOUNDS and  
TELFAIR J. MASHBURN, Attorneys for Plaintiff

BY: Telfair J. Mashburn

STATE OF ALABAMA )

COUNTY OF BALDWIN )

Before me, the undersigned Notary Public, in and for said County in said State, personally appeared Telfair J. Mashburn, who having been first duly sworn, deposes and says that he is one of the attorneys for the Plaintiff in the above styled cause and that if the foregoing interrogatories are truthfully answered, the answers will be material evidence for the Plaintiff on a trial of said cause.

Telfair J. Mashburn

Sworn to and subscribed before  
me on the 18<sup>th</sup> day of April

1961.

James Owens, Jr.  
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA

no. 4612

Robert L. Williams

vs

Williams Welch &  
Jewel Luvern Springer

Received 19 day of April 1941  
and 19 day of April 1941  
I send copy of the within to the  
Chambers & Stone

By service on Mr. Chambers

TAYLOR WILKINS Sheriff  
By W. A. Roberts S.  
Omaha

FILED  
APR 18 1941  
ALICE J. DUCK, CLERK  
REGISTER

to be served on  
Chambers & Stone

ARMBRECHT, JACKSON, McCONNELL & DeMOUY  
LAWYERS

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

March 16, 1961

WM. H. ARMBRECHT  
THEO. K. JACKSON  
JOHN W. McCONNELL, JR.  
MARSHALL J. DeMOUY  
WM. H. ARMBRECHT, III  
RAE M. CROWE  
GEORGE A. McCain, JR.  
BROOK G. HOLMES  
W. BOYD REEVES

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HEMLOCK 3-1891

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

RE: Willie E. Williams, Plaintiff, vs.  
William Welch and Jewell Luverne  
Springer, Defendants.  
Case No. 4611

Robert L. Williams, Plaintiff, vs.  
William Welch and Jewell Luverne  
Springer, Defendants.  
Case No. 4612

Dear Mrs. Duck:

Enclosed herewith you will find demurrers which we wish  
to file on behalf of the Defendants in each of the above styled causes.  
We are sending a copy of these demurrers to Mr. Telfair J. Mashburn,  
Attorney for the Plaintiffs.

Very truly yours,

ARMBRECHT, JACKSON, McCONNELL  
& DeMOUY

By

  
Marshall J. DeMouy

MJD  
ah  
Enclosures

cc: Mr. Telfair J. Mashburn - w/encls.



ROBERT L. WILLIAMS,

Plaintiff,

vs.

WILLIAM WELCH and JEWEL  
LUVERNE SPRINGER,

Defendants.

Y

Y

Y

Y

Y

Y

Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4612

PLEAS

Come now the Defendants in the above styled cause, by their attorneys, and for answer to the complaint heretofore filed against them, plead, separately and severally, the following:

1. Not guilty.

2. That at the time and place complained of in the complaint the Plaintiff was himself guilty of negligence which proximately contributed to the injuries complained of in that he was riding as a passenger in an automobile being then and there operated by a driver who the Plaintiff knew, or should have known, was intoxicated and therefore incompetent to operate the automobile in which the Plaintiff was riding; hence the Plaintiff should not recover.

3. That at the time and place complained of in the complaint the Plaintiff has assumed the risk of the injuries allegedly received in that he voluntarily entered into the automobile in which he was then and there riding as a passenger and he knew, or should have known, that the driver of said automobile was intoxicated and therefore incompetent to operate said automobile with due regard for the safety of others; and any injuries received by the Plaintiff were by him; hence he should not recover.

ARMBRECHT, JACKSON, MCCONNELL & DEMOUY

and

CHASON & STONE

By:

*Marlene S. Stone*  
Attorneys for Defendants

ROBERT L. WILLIAMS,  
Plaintiff,

VS.

WILLIAM WELCH AND  
JEWELL LUVERNE SPRINGER,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. \_\_\_\_\_

C O U N T   O N E

The plaintiff claims of the defendants the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS as damages, for that, heretofore, on, to-wit: the 30th day of October, 1960, at about 9:25 o'clock, P. M., in the City Limits of Bay Minette, Alabama, on U. S. Highway No. 31, a public highway in Baldwin County, Alabama, at a point approximately 1,000 feet south of the West viaduct over the L & N RR, the defendant, William Welch, who was then and there acting as an agent, servant or employee of the defendant, JEWELL LUVERNE SPRINGER, acting within the line and scope of his employment as such, so negligently operated an automobile belonging to the defendant, JEWELL LUVERNE SPRINGER, that, by reason thereof and as a proximate result and consequence thereof, he caused, permitted or allowed said automobile to run into, upon or against an automobile in which plaintiff was then and there riding as a passenger and as a proximate consequence thereof plaintiff received severe personal injuries in this, to-wit: He was made sick, sore, lame and disordered; he received severe cuts about his face, head, hands and arms; his back was injured; he was permanently injured; he lost much time from his work; he suffered and continues to suffer great mental anguish and physical pain; he was forced to incur considerable expense for medical treatment, hospital services, nurses hire and the purchase of medicines and drugs in and about the treatment of his injuries; all to his great damage as aforesaid, hence this suit.

CUNNINGHAM & BOUNDS AND TELFAIR J.  
MASHBURN,

by Jessie A. Mashburn  
ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a jury trial of this cause.

Jessie A. Mashburn  
ATTORNEY FOR PLAINTIFF.

FILED  
FEB 24 1961

ALICE J. DUCK, Clerk

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 4612

\*\*\*\*\*

ROBERT L. WILLIAMS,  
Plaintiff,

VS.

WILLIAM WELCH AND  
JEWELL LUVERNE SPRINGER,  
Defendants.

\*\*\*\*\*

COMPLAINT

FILED

FEB 24 1960

ALICE J. DUCK, Clerk

Defendant, William Welch  
lives near West Viaduct in  
Bay Minette, Alabama

Defendant, JEWELL LUVERNE  
SPRINGER works at Vanity  
Fair, Atmore, Alabama

Residence address:  
206 South Main Street,  
Atmore, Alabama

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4612

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon William Welch and JEwell Luverne Springer

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against William Welch  
& Jewell Luverne Springer, Defendant

by Robert L. Williams

Plaintiff

Witness my hand this 24 day of February 1961

Ed 2-28-61

Bliss J. Duck, Clerk

ROBERT L. WILLIAMS,	)	IN THE CIRCUIT COURT
Plaintiff,	(	OF BALDWIN COUNTY,
vs.	)	ALABAMA
WILLIAM WELCH and JEWELL	(	AT LAW
LUVERNE SPRINGER,	)	
Defendants.	(	CASE NO. <u>4612</u>

Comes now the Defendants in the above styled cause and demur to Plaintiff's complaint as a whole and each and every count thereof, separately and severally, upon the following separate and several grounds:

1. Said count fails to state a cause of action.
2. Said count fails to allege the existence of any legal duty owing from the Defendants to the Plaintiff therein.
3. Said count fails to allege the breach of any duty owing from the Defendants to the Plaintiff therein.
4. For aught appearing from the allegations of said count, there was no causal connection between the alleged negligence of the Defendants and the alleged injuries and damages of the Plaintiff.
5. Because there is a misjoinder of causes of action in said count.
6. Said count seeks to set out the quomodo constituting the negligence without alleging sufficient facts in support thereof.
7. The allegations of said count with respect to the alleged injuries of the Plaintiff are vague, indefinite and uncertain and do not apprise the Defendants of what they will be called upon to defend.

ARMBRECHT, JACKSON, McCONNELL  
& DeMOUY

By Marshall J. DeMouy  
Marshall J. DeMouy

**FILED**  
MAR 27 1961  
ALICE L. DUCK, CLERK  
REGISTER

ROBERT L. WILLIAMS,  
Plaintiff,

VS.

WILLIAM WELCH AND  
JEWELL LUVERNE SPRINGER,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. 4612

AMENDED COMPLAINT

Comes the plaintiff, ROBERT L. WILLIAMS, and amends his complaint, heretofore filed in this cause, so that, as amended, said complaint is as follows:

C O U N T O N E

The plaintiff claims of the defendants the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS as damages, for that, heretofore, on, to-wit: the 30th day of October, 1960, at about 9:25 o'clock, P. M., in the City Limits of Bay Minette, Alabama, on U. S. Highway No. 31, a public highway in Baldwin County, Alabama, at a point approximately one thousand (1,000) feet south of the West viaduct over the L & N Railroad, the defendant, WILLIAM WELCH, who was then and there an agent, servant or employee of the defendant, JEWELL LUVERNE SPRINGER, acting within the line and scope of his employment as such, so negligently operated an automobile belonging to the defendant, JEWELL LUVERNE SPRINGER, AS to cause, permit or allow said automobile to run into, upon or against an automobile in which plaintiff was then and there riding as a passenger, and as a direct and proximate consequence of the negligence of the said WILLIAM WELCH, as aforesaid, plaintiff received severe personal injuries in this, to-wit: He was made sick, sore, lame and disordered; he was permanently injured; he received severe cuts about his face, head, hands and arms; his face was permanently injured; his back was permanently injured; he suffered and continues to suffer great mental anguish and physical pain; he lost much time from his work; he was forced to incur considerable expense for medical treatment, hospital services, doctors services, nurses hire and the purchase of medicines and drugs in and about the treatment of his injuries; all to his great damage as aforesaid; hence this suit.

CUNNINGHAM AND BOUNDS AND  
TELFAIR J. MASHBURN

by Telfair J. Mashburn  
ATTORNEYS FOR PLAINTIFF

257

*Filed*  
*5-27-61*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 4612

\*\*\*\*\*

ROBERT L. WILLIAMS,

Plaintiff,

VS.

WILLIAM WELCH AND  
JEWELL LUYERNE SPRINGER,

Defendants.

\*\*\*\*\*

AMENDED COMPLAINT.

FILED

MAY 29 1961

ALICE J. DUCK, CLERK  
REGISTER

ROBERT L. WILLIAMS,

Plaintiff,

VS.

WILLIAM WELCH and JEWELL  
LUVIERNE SPRINGER,

Defendants.

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(

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA

AT LAW

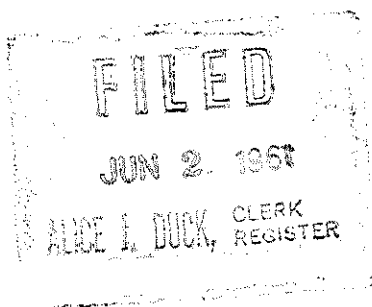
NO. 4612

Come now the Defendants in the above styled cause, separately and severally, and re-file to Plaintiff's complaint, as amended, and each and every count thereof, separately and severally, the demurrer previously filed therein.

ARMBRECHT, JACKSON, McCONNELL  
& DeMOUY

By

*Marshall J. DeMouy*  
Marshall J. DeMouy





ROBERT L. WILLIAMS,

Plaintiff,

vs.

WILLIAM WELCH and JEWELL  
LUVIERNE SPRINGER,

Defendants.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4612

DEMURRER:

Comes now the Defendant, William Welch, in the above styled cause and refiles to the amended complaint the demurrer heretofore filed by him to the original complaint and assigns, separately and severally, the grounds therein specified.

Respectfully Submitted,

CHASON & STONE

FILED

JUN 13 1961

ALICE J. DUCK, Clerk

By:

  
Attorney for William Welch

ROBERT L. WILLIAMS,

Plaintiff,

vs.

WILLIAM WELCH and JEWELL LUVERNE  
SPRINGER,

Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW            NO. 4612

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

CHASON & STONE

ATTORNEYS AT LAW

BAY MINETTE, ALABAMA

ROBERT L. WILLIAMS,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
WILLIAM WELCH and JEWELL	X	
LUVERNE SPRINGER,	X	AT LAW NO. 4612
Defendants.	X	

DEMURRER

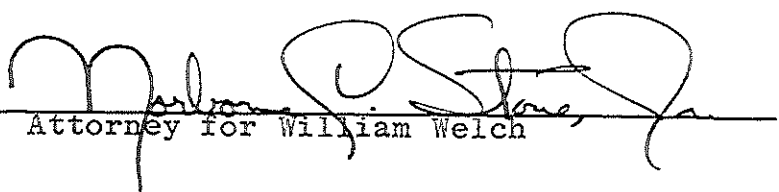
Comes now the Defendant William Welch in the above styled cause, by his attorney, and demurs to the complaint heretofore filed against him and assigns the following separate and several grounds in support thereof:

1. The complaint fails to state a cause of action.
2. The complaint fails to allege that the injuries complained of were the proximate result of any negligence on the part of the Defendant.
3. The complaint fails to allege any duty owing from this Defendant to the Plaintiff and a breach thereof proximately resulting in the injuries complained of.

Respectfully submitted,

CHASON & STONE

By:

  
Attorney for William Welch

**FILED**

MAR 27 1967

ALICE J. DUCK, Clerk

4612

ROBERT L. WILLIAMS,

Plaintiff,

vs.

WILLIAM WELCH and JEWELL  
LIVERNE SPRINGER,

Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 4611

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

FILED  
MAR 12 7 1961  
ALICE J. DUCK, Clerk

ROBERT L. WILLIAMS,	⌘	IN THE CIRCUIT COURT OF
Plaintiff,	⌘	BALDWIN COUNTY, ALABAMA
-Vs-	⌘	AT LAW
WILLIAM WELCH and JEWEL	⌘	CASE NO. 4612
LUVERNE SPRINGER,	⌘	
Defendants.	⌘	

D E M U R R E R S

Comes the Plaintiff in the above cause and demurs separately and severally to Pleas two and three filed by the Defendants and assigns therefor the following separate and several grounds:

1. Said plea fails to show facts which in law constitutes contributory negligence.
2. Said plea fails to show facts which in law constitutes assumption of risks.
3. Said plea fails to show that Plaintiff's alleged negligence was the proximate cause of his injuries.
4. For that said plea is no answer to the complaint.
5. For that said plea is vague, indefinite and uncertain.
6. For that said plea is immaterial and irrelevant.
7. For that said plea states no defense to the complaint.
8. For that said plea fails to show that the Plaintiff had knowledge of the driver's alleged intoxicated condition.
9. For that said plea fails to allege the knowledge and appreciation of any danger on the part of the Plaintiff.
10. For that said plea fails to allege sufficient facts showing Plaintiff breached any duty owed to the Defendants.
11. Said plea is insufficient in that no facts are alleged to show the Plaintiff was guilty of negligence so as to bar his recovery.

12. Said plea is insufficient in that no facts are alleged to show the Plaintiff assumed any risk so as to bar his recovery.

CUNNINGHAM & BOUNDS  
TELFAR MASHBURN  
Attorneys for Plaintiff

BY: Telfair J. Mashburn

FILED

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ALICE J. DUCK, CLERK  
REGISTER

Mark "Dismissed by Plaintiff  
says Washburn  
Cost Bill to Redding