

41174

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon HAROLD N. COOPER AND HARRY COOPER, to appear within thrity days from the service of this writ in the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of ELLEN M. FUNNELL.

WITNESS my hand this 8 day of February, 1960.

Reice J. Duck
Clerk.

ELLEN M. FUNNELL,)	IN THE CIRCUIT COURT OF
Plaintiff,)	
vs.)	BALDWIN COUNTY, ALABAMA
HAROLD N. COOPER AND HARRY COOPER,)	AT LAW.
Defendants.)	

COUNT ONE:

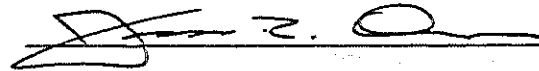
The Plaintiff claims of the Defendant, Harold N. Cooper, the sum of SIX HUNDRED DOLLARS (\$600.00) for that heretofore on, to-wit, June 10, 1959, Plaintiff was driving her automobile upon and along U. S. Highway Number 90 in Baldwin County, Alabama, at a point approximately 1.9 miles North of Robertsdale, and which point is also 20 feet East of the driveway leading to Oscar Middleton's house and that while she was lawfully traveling upon said highway in a Northerly direction in said automobile, which was her property, Defendant, Harold N. Cooper, who was driving an automobile on the said highway in a Northerly direction and in the same direction Plaintiff was traveling, so negligently operated his said automobile truck as to cause it to run upon or against an automobile which was immediately behind or South of the Plaintiff and caused

said automobile to strike, run upon, over or against the said automobile of the Plaintiff, and also thereby causing the said automobile of Plaintiff to strike an automobile which was immediately in front of or North of the Plaintiff and as a proximate consequence of the negligence of the Defendant, Harold N. Cooper, Plaintiff's automobile was bent, damaged and broken; the rear bumper of Plaintiff's automobile was bent, damaged and broken; the front bumper of Plaintiff's automobile was bent, damaged and broken, all to Plaintiff's damage as aforesaid, hence this suit.

COUNT TWO:

The Plaintiff claims of the Defendants, Harry Cooper and Harold N. Cooper, the sum of SIX HUNDRED DOLLARS (\$600.00) for that heretofore on, to-wit, June 10, 1959, Plaintiff was driving her automobile upon and along U. S. Highway Number 90 in Baldwin County, Alabama, at a point approximately 1.9 miles North of Robertsdale, and which point is also 20 feet East of the driveway leading to Oscar Middleton's house and that while she was lawfully traveling upon said highway in a Northerly direction in said automobile, which was her property, Defendant, Harold N. Cooper, who was then and there an agent, servant or employee of the Defendant, Harry Cooper, acting within the line and scope of his authority as such agent, servant or employee, and who was, at said time and place driving an automobile truck on the said highway in a Northerly direction and in the same direction Plaintiff was driving, so negligently operated said automobile truck as to cause it to run upon or against an automobile which was immediately behind or South of the Plaintiff and caused said automobile to strike, run upon, over or against the said automobile of the Plaintiff, and also thereby causing the said automobile of the Plaintiff to strike an automobile which was immediately in front of or North of the Plaintiff and as a proximate consequence of the negligence of the Defendant, Harold N. Cooper, who was then and there an agent, servant or employee of the Defendant, Harry Cooper, acting within the line and scope of his authority as such agent, servant or employee,

Plaintiff's automobile was bent, damaged and broken, the rear bumper of Plaintiff's automobile was bent, damaged and broken; the front bumper of Plaintiff's automobile was bent, damaged and broken, all to Plaintiff's damage as afore said, hence this suit.



Attorney for Plaintiff.

FILED

FEB 8 1960

ALICE L. DUCK, CLERK
REGISTER

No. 4174

SUMMONS AND COMPLAINT

ELLEN M. FUNNELL,
Plaintiff,

vs.

HAROLD N. COOPER AND HARRY
COOPER,
Robert Odell Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

FILED

FEB 8 1960

ALICE E. DUCK, CLERK
REGISTER

JAMES R. OWEN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

Received 8 day of Feb 1960
and on 7 day of Feb 1960

I served a copy of the within S & C
on Harold N. Cooper & Harry Cooper

By service on _____

TAYLOR WILKINS, Sheriff
By Edleigh Steadman, Jr.

Elson, Ala

Sheriff claims 120 miles at

Ten Cents per mile Total \$ 12.00

TAYLOR WILKINS, Sheriff
BY Taylor Wilkins
DEPUTY SHERIFF

ELLEN M. FUNNELL,
Plaintiff,

vs

HAROLD N. COOPER and
HARRY COOPER,
Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

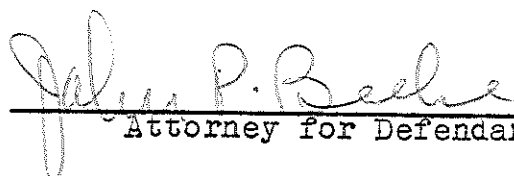
AT LAW No. 4174

Comes now the Defendants, Harold N. Cooper and Harry Cooper, in the above styled cause and demurs to the Plaintiff's complaint heretofore filed in said cause, and to each and every count thereof, separately and severally, and assigns the following grounds of demurrer:

1. Said complaint fails to state a substantial cause of action against the Defendants.

2. The damages to the Plaintiff's automobile are not alleged with sufficient clarity and in sufficient detail to apprise the Defendants of the nature or extent thereof.

3. From aught that appears from the averments of the complaint the injuries complained of were caused by the negligence of the Plaintiff.


Attorney for Defendants

The Defendants demand a trial by jury in this cause.

I hereby certify that I have on this the 2nd day of March, 1960, sent a true and exact copy of the foregoing demurrers by United States Mail, postage prepaid, to James R. Owen, Esquire, Bay Minette, Alabama, Attorney of Record for the Plaintiff.


Attorney for Defendants

Filed
3-3-60

4174

(404)

filed 3-3-66
Ricky J. French
clerk

ELLEN M. FUNNELL,
Plaintiff,

vs

HAROLD N. COOPER and
HARRY COOPER,
Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW No. 4174

Come the Defendants in the above styled cause and for plea to the complaint filed therein and to each and every court thereof, separately and severally, says:

FIRST: Not guilty.

SECOND: That at the time and place and in the same accident alleged in the said complaint, the Plaintiff was herself guilty of negligence which proximately contributed to the alleged damages to her automobile in that she so negligently operated her motor vehicle as to cause or allow the same to be following too closely the motor vehicle immediately in front of her automobile.

THIRD: That at the time and place and in the same accident alleged in the said complaint, the Plaintiff was herself guilty of negligence which proximately contributed to the alleged damages to her automobile in that she so negligently operated her motor vehicle as to cause or allow the same to strike the vehicle immediately in front of her automobile.

FOURTH: That at the time and place and in the same accident alleged in the said complaint, the Plaintiff was herself guilty of negligence which proximately contributed to the alleged damages to her automobile in that she so negligently operated her motor vehicle by failure to give the necessary and required signal to the motor vehicles in the rear of her automobile that she was stopping her car, thereby negligently operated her motor vehicle in such a manner, at the time and place alleged in the complaint and thereby contributed to her own damages to her automobile, hence she should not recover of the Defendants in the amount sued for in the complaint.

FILED
JUN 20 1930
CLERK
ALICE I. DUCK

I hereby certify that I have on this the 17th day of June, 1960, sent a true and exact copy of the foregoing pleading by United States Mail, postage prepaid, to James R. Owen, Esquire, Bay Minette, Alabama, attorney of record for the Plaintiff.

FILED
JUN 20 1960
ALICE I. DUCK, CLERK
REGISTER

John P. Beale
Attorney for Defendants

4174

ELLEN M. FUNNELL,
Plaintiff,

VS

HAROLD N. COOPER and
HARRY COOPER,
Defendants.

Plea

FILED

JUN 20 1960

ALICE I. DUCK, CLERK
REGISTER

JOHN P. BEEBE
ATTORNEY AT LAW
ROBERTSDALE, ALABAMA

4174

ELLEN M. FUNNELL,
Plaintiff,

vs

HAROLD N. COOPER and
HARRY COOPER,
Defendants.

Plea

FILED

JUN 20 1960

ALICE I. DUCK, CLERK
REGISTER

JOHN P. BEEBE
ATTORNEY AT LAW
ROBERTSDALE, ALABAMA

ELLEN M. FUNNELL,
Plaintiff,

vs

HAROLD N. COOPER and
HARRY COOPER,
Defendants.

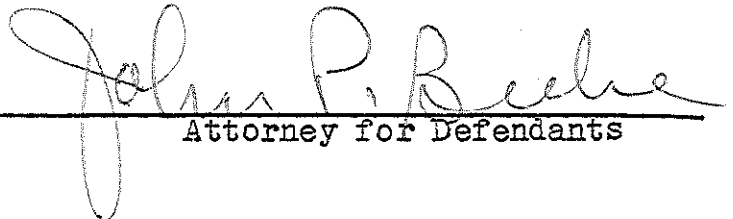
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

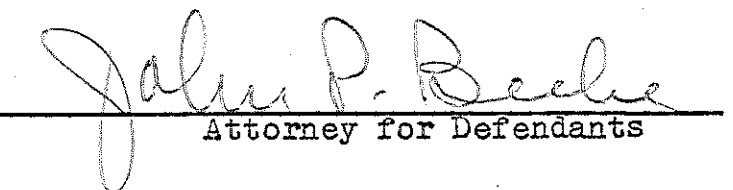
AT LAW No. 4174

Come the Defendants in the above entitled cause and show unto the Court that the Plaintiff is a non-resident of the State of Alabama.

WHEREFORE, the Defendants pray that Plaintiff be required to post with the Clerk of this Court security for costs or failing therein that this suit be dismissed by the Court.


Attorney for Defendants

I hereby certify that I have on this the 2nd day of September, 1960, sent a true and exact copy of the foregoing motion by United States Mail, postage prepaid, to the Hon. James R. Owen, Bay Minette, Alabama, attorney of record for the Plaintiff.


Attorney for Defendants

FILED

SEP 6 1960

ALICE L. DUCK, CLERK
REGISTER