

JOHN V. DUCK  
ATTORNEY AT LAW  
FAIRHOPE, ALA.

Feb. 12th, 1960

41184

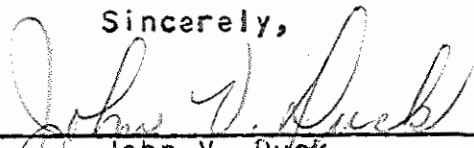
Mrs. Alice J. Duck  
Clerk of Circuit Court  
Bay Minette, Ala.

Dear Miss Alice:

Enclosed you will find original and two  
copies of a damage suit. Please file.

JVD:oq  
Encl:

Sincerely,

  
John V. Duck

CHARLES WILLIAMSON,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
JACK SAWYER, ET AL.,	X	
Defendants.	X	AT LAW NO. 4184

DEMURRER

Come now the Defendants in the above styled cause, by their attorneys, and demur to the Complaint heretofore filed against them and to each count thereof, separately and severally, and assign the following separate and several grounds in support thereof:

1. The Complaint fails to state a cause of action.
2. "COUNT ONE" of the Complaint fails to state a cause of action.
3. "COUNT TWO" of the Complaint fails to state a cause of action.
4. The allegations of "COUNT ONE" of the Complaint fail to allege that the Defendant Mrs. Jack Sawyer was, at the time and place complained of, acting as the agent, servant or employee of the Defendant Jack Sawyer, acting within the line and scope of her employment as such.
5. "COUNT ONE" of the Complaint claims damages for the loss of use of the automobile of the Plaintiff but fails to allege that such automobile was used in the business of the Plaintiff.
6. "COUNT ONE" of the Complaint fails to allege that the Defendant Jack Sawyer owed any duty to the Plaintiff and that he breached that duty.
7. "COUNT ONE" of the Complaint fails to allege with sufficient certainty the manner in which the Plaintiff's automobile was damaged.
8. "COUNT TWO" of the Complaint fails to allege with sufficient certainty the manner in which the automobile of the Plaintiff was damaged.
9. "COUNT TWO" of the Complaint seeks damages for the loss of use of the Plaintiff's automobile but fails to allege that such automobile was used in the business of the Plaintiff.
10. "COUNT TWO" of the Complaint fails to allege that the

Defendant Mrs. Jack Sawyer was the agent, servant or employee of the Defendant Jack Sawyer acting within the line and scope of her authority as such at the time and place complained of.

11. "COUNT TWO" of the Complaint fails to allege a duty owing from the Defendant Jack Sawyer to the Plaintiff and a breach of that duty proximately resulting in the damages complained of.

12. The Complaint fails to allege with sufficient certainty the place at which the accident complained of occurred.

Respectfully submitted,

CHASON & STONE

By: 

Attorneys for Defendants.

FILED  
FEB 26 1960  
ALICE J. DUCK, Clerk

4184

CHARLES WILLIAMSON,

Plaintiff,

vs.

JACK SAWYER, ET AL.,

Defendants

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4184

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

LAW OFFICES

**CHASON & STONE**

BAY MINETTE, ALABAMA

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW.

-VS-

JACK SAWYER, and MRS.  
JACK SAWYER, jointly  
and individually.

## Defendants

# BILL OF COMPLAINT

Count One:

Plaintiff claims of the Defendants the sum of FIVE HUNDRED (\$500.00) Dollars, as damages for this: That on, to-wit, the 12th day of December, 1959, while Plaintiff's automobile was being driven eastwardly along or upon White Avenue at or near its intersection with Liberty Street, both of which are public streets in the City of Fairhope, and County of Baldwin, Alabama, the Defendants, Mrs. Jack Sawyer, so negligently operated the motor vehicle she was driving southwardly on said Liberty street, at or near its intersection with White Avenue, as to cause or allow said motor vehicle to run into, or on or against the automobile of the Plaintiff; that as a proximate result of said negligence of the Defendant, Mrs. Jack Sawyer, the Plaintiff's automobile was battered, mashed in, bent and otherwise damaged, and the Plaintiff lost the use thereof over a period of time;

COUNT TWO:

The Plaintiff claims of the Defendants the sum of FIVE HUNDRED (\$500.00) Dollars as damages for this; that On, to-wit, the 12th day of December, 1959, while the Plaintiff's automobile was being driven eastwardly along or upon White Avenue, at or near its intersection with Liberty Street, both of which are public streets in the City of Fairhope, County of Baldwin, Alabama, the Defendant, Mrs. Jack Sawyer, acting as agent of the Defendant, Jack Sawyer, and within the line and scope of her authority, so negligently operated the motor vehicle she was driving southwardly on Liberty Street, at or near its intersection with White Avenue,

as to cause or allow said motor vehicle to run into, or on or against the automobile of the Plaintiff; that as a proximate result of said negligence of Defendant, the Plaintiff's automobile was battered, mashed in, bent and otherwise damaged, and Plaintiff lost the use thereof over a period of time; hence this suit.

Plaintiff demands a trial  
by Jury.

John I. Duck  
Attorney for Plaintiff

John I. Duck  
Attorney for Plaintiff

Defendant may be served at:

*Julius Beach*  
*Fairhope, Ala.*

FILED

FEB 15 1960

ALICE I. DUCK, CLERK  
REGISTER

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. \_\_\_\_\_

\_\_\_\_\_ TERM, 19\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JACK SAWYER, and MRS. JACK SAWYER,

Jointly and Individually

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 Jack Sawyer,  
and Mrs. Jack Sawyer, jointly and individually, Defendant.

by CHARLES WILLIAMSON

\_\_\_\_\_, Plaintiff.

Witness my hand this

15

day of

Feb

1960

Chief Clerk

\_\_\_\_\_, Clerk

No. 4184 Page \_\_\_\_\_

The State of Alabama  
Baldwin County

CIRCUIT COURT

CHARLES WILLIAMSON

Plaintiffs

vs.

JACK SAWYER, AND MRS. JACK

SAWYER, jointly & ind.

Defendants

Summons and Complaint

Filed \_\_\_\_\_ 19\_\_\_\_

FEB 15-60

ALICE J. DUCK, CLERK  
REGISTER

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at \_\_\_\_\_

Received In Office

Feb - 16 1960

\_\_\_\_\_, Sheriff

I have executed this summons

this Feb - 17 1960

by leaving a copy with

Jack Sawyer  
Mrs Jack Sawyer

Sheriff claims 140 miles at

Ten Cents per mile Total \$ 14.00

TAYLOR WILKINS, Sheriff

BY Taylor Wilkins  
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Edleigh Sheahan Deputy Sheriff

Fairhope, Ala