

JOHN W. KILLCREAS,
Plaintiff,
vs.
ALLEN WILTON QUINLEY,
Defendant

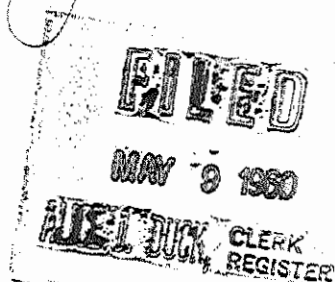
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

No. 4249

Plaintiff claims of the Defendant, Allen Wilton Quinley, the sum of Twenty-Five Hundred Dollars (\$2500) for damages for that on heretofore, to-wit: the fifth day of December, 1959, the Plaintiff was lawfully operating an automobile on and along a public highway in Baldwin County, Alabama, being United States Highway 31, at a point thereon approximately 1.3 miles south of the city limits of Bay Minette, Alabama, and at the same time and said place, the Defendant unlawfully and negligently left parked or standing on the paved traveled portion of said highway, a 1954 Ford station wagon, without leaving 15 feet of the said highway free for the passing of other vehicles, it being practical to park off said highway, at said point, and that the said unlawful and negligent parking by the Defendant of the said automobile at the said time and place thereby caused the automobile which the Plaintiff was operating to collide with, on or against the automobile of the Defendant, and as a proximate consequence of the negligence of the Defendant aforesaid, the Plaintiff's vehicle was totally demolished and destroyed, hence this suit.

James Quinley, Jr.
Attorney For Plaintiff

Plaintiff demands a trial by jury.



Received 9 day of May 1960
and on 11 day of May 1960
I served a copy of the within JTC
on Allen Wilton Quinley
By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Talbot D. S.
O. M.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW No. 47419

JOHN W. KILLCREAS,
Plaintiff,
vs.
ALLEN WILTON QUINLEY,
Defendant

SUMMONS IN COMPLAINT

FILED
MAY 9 1960
ALICE J. DUCK, CLERK
REGISTER

LAW OFFICES OF
J. CONNOR OWENS, JR.
101 COURTHOUSE SQUARE
BAY MINETTE, ALABAMA

JOHN W. KILLCREASE,

Plaintiff,

vs.

ALLEN WILTON QUINLEY,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4249

DEMURRER:

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and assigns the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That said Complaint does not state whether the Defendant's automobile was parked inside or outside of a business or residence district.
3. That said Complaint does not state whether the Defendant's vehicle was attended or unattended at the time of the accident.
4. That said Complaint does not allege whether the Defendant's vehicle was disabled while on the paved or improved or main traveled portion of such highway to such an extent that it was impractical to avoid stopping and temporarily leaving such vehicle in such position.
5. That said Complaint does not allege that the Defendant negligently damaged the Plaintiff.
6. That said Complaint does not allege whether the Defendant's automobile was in the Plaintiff's lane of travel.
7. That said Complaint has only charged negligence by conclusion.
8. That said Complaint does not sufficiently allege that the Plaintiff was the owner of the vehicle that he was operating.

FILED

JUN 17 1910

ALICE B. DUCK, CLERK
REGISTER

James R. Stone
Attorneys for Defendant.

DEMURRER

* * * * *

JOHN W. KILLCREASE,
Plaintiff,

vs.

ALLEN WILTON QUINLEY,
Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW No. 4249

* * * * *

FILED

JUN 17 1960

ALICE J. DUCK, CLERK
REGISTER

JOHN W. KILLCREASE,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
ALLEN WILTON QUINLEY,	X	
Defendant	X	AT LAW NO. 4249
	X	

Comes the Defendant in the above styled cause and demurs to the complaint as last amended filed in said cause, and to each and every count thereof, separately and severally, and assigns the following separate and several grounds in support thereof:

1. That COUNT I" of said complaint does not allege that the Plaintiff was the owner of the vehicle which he was driving.
2. That the allegation that the Defendant unlawfully left a vehicle parked on such highway is but a conclusion of the pleader and does not allege sufficient facts to show any unlawful or negligent conduct on the part of the Defendant.
3. That it is not alleged whether the Defendant's automobile was attended or unattended.
4. That the allegations in "COUNT III" and in "COUNT IV" of said complaint that the Defendant negligently left, permitted or suffered an automobile to be parked in or on said highway does not sufficiently allege negligence on the part of the Defendant.
5. That "COUNT III" and "COUNT IV" of said complaint does not allege any duty owing by the Defendant to the Plaintiff.
6. That the allegations in "COUNT III" and "COUNT IV" of the complaint that the Defendant parked a vehicle on the highway does not allege that it was parked on the paved portion of said highway.

Filed
8-8-60


Attorneys for Defendant

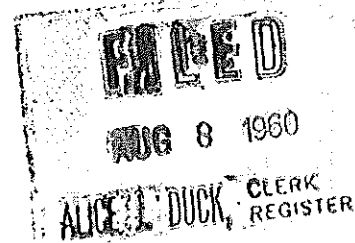
DEMURRER TO AMENDED
COMPLAINT

JOHN W. KILLCREASE,
Plaintiff,

vs.

ALLEN WILTON QUINLEY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 4249



JOHN W. KILLCREASE,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
ALLEN WILTON QUINLEY,	X	LAW SIDE NO. 4249
Defendant.	X	

Comes the Defendant in the above styled cause and for plea to the complaint as last amended which was filed by the Plaintiff in said cause and to each and every count thereof, separately and severally, says:

1. That the allegations of the complaint are untrue.
2. For further plea the Defendant says that at the time and place complained of in each count of the complaint the Plaintiff himself was guilty of negligence which proximately contributed to his damages in that he so negligently operated the motor vehicle which he was then and there driving as to cause or allow such motor vehicle to run into, upon or against the motor vehicle belonging to the Defendant, hence the Plaintiff should not recover.
3. The Defendant, Allen Wilton Quinley, claims of the Plaintiff, John W. Killcrease, by way of recoupment the sum of One Thousand Dollars (\$1,000.00) as damages for that on, to-wit: December 5, 1959, the Plaintiff negligently drove an automobile into or against the automobile owned by the Defendant at a point approximately 1.3 miles South of the City Limits of Bay Minette, Alabama on U. S. Highway No. 31, a public highway in Baldwin County, Alabama, and as a proximate result of the negligence of the Plaintiff the Defendant's automobile was almost completely demolished, all to the damage of the Defendant in the amount sued for.


Attorney for Defendant

FILED
AUG 12 1960
ALICE J. DUCK, CLERK
REGISTER

JOHN W. KILLCREASE,
Plaintiff,

VS

ALLEN WILTON QUINLEY,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE NO. 4249

PLEAS

FILED

AUG 12 1960

ALICE J. DUCK, CLERK
REGISTER

JOHN W. KILLCREAS,	IN THE CIRCUIT COURT OF
Plaintiff,	
VS.	BALDWIN COUNTY, ALABAMA,
ALLEN WILTON QUINLEY,	
Defendant.	AT LAW NO. _____.

Now comes the Plaintiff, by his attorney, and amends his Bill of Complaint filed heretofore in this cause so that the same shall read as follows:

COUNT I

Plaintiff claims of the Defendant, Allen Wilton Quinley, the sum of Twenty-five Hundred Dollars (\$2500.00) as damages for that on heretofore, to-wit: the fifth day of December, 1959, the Plaintiff was lawfully operating an automobile on and along a public highway in Baldwin County, Alabama, being United States Highway 31, at a point thereon approximately 1.3 miles South of the city limits of Bay Minette, Alabama, which said highway at said point is not within the limits of a municipality, and at the same time and at the same place, the Defendant unlawfully and negligently left parked or standing on the paved traveled portion of said highway, a 1954 Ford station wagon, without leaving 15 feet of the said highway free for the passing of other vehicles, it being practical to park off said highway, at said point, and that the said unlawful and negligent parking by the Defendant of the said automobile at said time and place thereby caused the automobile which the Plaintiff was operating, to-wit: a 1960 Ford, to collide with, on or against the automobile of the Defendant, and as a proximate consequence of the negligence of the Defendant aforesaid, the Plaintiff's vehicle was totally demolished and destroyed, hence this suit.

COUNT II

Plaintiff claims of the Defendant, Allen Wilton Quinley, the sum of Ten Thousand Dollars (\$10,000.00) for damages for that on heretofore, to-wit: the fifth day of December, 1959,

the Plaintiff was lawfully operating an automobile on and along a public highway in Baldwin County, Alabama, being United States Highway 31, at a point thereon approximately 1.3 miles South of the city limits of Bay Minette, Alabama, which said highway at said point is not within the limits of a municipality, and at the same time and said place, the Defendant unlawfully and negligently left parked or standing on the paved traveled portion of said highway, a 1954 Ford station wagon, without leaving 15 feet of said highway free for the passing of other vehicles, it being practical to park off said highway, at said point, and that the said unlawful and negligent parking by the Defendant of said automobile at said time and place, thereby caused the automobile which the Plaintiff was operating to collide with, on or against the automobile of the Defendant, and as a proximate consequence of the negligence of the Defendant aforesaid, the Plaintiff was seriously and permanently injured in this: his skull was fractured, four of his front teeth were broken off, his chest was injured and bruised, he was caused great pain and suffering, and hospitalized for a period of 7 days and to remain in bed for a period of a month, he was caused to spend sums of money for hospital bills and doctor bills and to lose two months of work thereby suffering a financial loss, and to suffer permanent disability in that he received a scar five inches long across his forehead, a scar an inch long across his mouth and to lose permanently four of his front teeth, hence this suit.

COUNT III

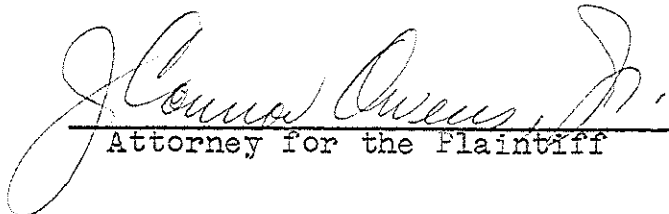
Plaintiff claims of the Defendant, Allen Wilton Quinley, the sum of Twenty-five Hundred Dollars as damages for that on heretofore, to-wit: the fifth day of December, 1959, the Plaintiff was driving his automobile, a 1960 Ford, on and along a public highway in Baldwin County, Alabama, being United States Highway 31, at a point thereon approximately 1.3 miles South of the city limits of Bay Minette, Alabama, and at the same time and place the Defendant negligently left, permitted or suffered an automobile to be parked in or on said highway at night, between the hours of one-half hour after sunset to one-half hour before sunrise, without the proper

lights, torch or warning signal, and as a proximate results and consequence thereof, the Plaintiff drove his automobile into, upon or against the automobile of the Defendant, and as a proximate consequence of the negligence of the Defendant aforesaid, the Plaintiff's vehicle was totally demolished and destroyed, hence this suit.

COUNT IV

Plaintiff claims of the Defendant, Allen Wilton Quinley, the sum of Ten Thousand Dollars (\$10,000.00) as damages for that on heretofore, to-wit: the fifth day of December, 1959, the Plaintiff was driving his automobile on and along a public highway in Baldwin County, Alabama, being United States Highway 31, at a point thereon approximately 1.3 miles South of the city limits of Bay Minette, Alabama, and at the same time and place the Defendant negligently left, permitted or suffered an automobile to be parked in or on said highway at night, between the hours of one-half hour after sunset to one-half hour before sunrise, without the proper lights, torch, or warning signal, and as a proximate results and consequence thereof, the Plaintiff drove his automobile into, upon or against the automobile of the Defendant, and as a proximate consequence of the negligence of the Defendant aforesaid, the Plaintiff was seriously and permanently injured in this: his skull was fractured, four of his front teeth were broken off, his chest was injured and bruised, he was caused great pain and suffering, and hospitalized for a period of seven days and to remain in bed for a period of a month, he was caused to spend sums of money for hospital bills and doctor bills and to lose two months of work thereby suffering a financial loss, and to suffer permanent disability in that he received a scar five inches long across his forehead, a scar an inch long across his mouth and to lose permanently four of his front teeth, hence this suit.

Filed
7-29-60



Attorney for the Plaintiff

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW NO. 4249

JOHN W. KILCREAS

Plaintiff

vs.

ALLEN WILTON QUINLEY,

Defendant

AMENDED COMPLAINT

FILED

JUL 20 1960

ALICE J. DUCK, CLERK
REGISTER

LAW OFFICES OF
J. CONNOR OWENS, JR.
101 COURTHOUSE SQUARE
BAY MINETTE, ALABAMA

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 Allen Wilton Quinley

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 Allen Wilton
Quinley _____, Defendant _____

by John W. Killcreas _____

_____, Plaintiff _____

Witness my hand this _____

_____ day of _____

19 60

Clifford J. Hirsch Clerk

No. _____ Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

Summons and Complaint

Filed _____ 19__

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19

Sheriff

I have executed this summons

19

by leaving a copy with

Sheriff

Deputy Sheriff