

JAMES D. SHIPP,

Plaintiff,

VS.

RAY E. LOPER LUMBER COMPANY,
INC., a corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4261

DEMURRER

Now comes the defendant and for demurrer to the complaint 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. It affirmatively appears that the plaintiff's cause of action is barred by the one year statute of limitations.
4. The allegations of the complaint are conclusions of the pleader.
5. The allegations of the complaint are vague, indefinite and uncertain and no facts are alleged to show whether the contract of employment referred to therein is oral or in writing.
6. The contract of employment referred to in the complaint is not attached thereto.
7. The essential elements of the contract of employment referred to in the complaint are not set out.

J. B. Blackburn
Attorney for Defendant

FILED

MAY 25 1930

ALICE J. DICKSON
CLERK
REGISTER

DEMURRER

JAMES D. SHIPP,

Plaintiff,
VS.

RAY E. LOPER LUMBER COMPANY, INC.,
a corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 4261

FILED

MAY 25 1960

ALICE J. DUCK, CLERK
REGISTER

State of Alabama
County of Baldwin

To any Sheriff of the State of Alabama:

You are hereby commanded to summon Ray E. Loper Lumber Co. Inc., a Corporation, to appear and plead, answer or demur within thirty days to the Bill of Complaint filed in the Circuit Court of said County by James D. Shipp as Plaintiff and against Ray E. Loper Lumber Co. Inc. a Corporation as Defendant.

Witness my hand, this 20 day of May 1960.

Alice J. Duck
Clerk

James D. Shipp

Plaintiff

Vs

Ray E. Loper Lumber Co. Inc.
a Corporation

Defendant

In the Circuit Court of
Baldwin County, Alabama
At law. No. 4261

The Plaintiff claims of the Defendant Two Hundred Thousand Dollars as damages, for that on to wit June 22, 1954, while working under a contract of employment with the Defendant in Interstate Commerce and while in the line and scope of his employment with the Defendant, through no fault of the Plaintiff, a log rolled over, throwing a peavey handle on or against the abdomen of the Plaintiff, permanently and totally injuring him. As a proximate result thereof, the Plaintiff was made sick and suffering, causing him great physical pain and agony, mental pain, worry and trouble. The Plaintiff has continuously been under Doctors care since that time and as a direct result thereof, has had to have at least two Major operations on his abdomen and the contents of his stomach pumped out on a number of occasions. Plaintiff has been unable to work since said injury, thereby reducing him from a self supporting Wage Earner and family man and causing him to have to have the Department of Pensions and Security support his family and himself. This has considerably lowered his self respect. Said injury was the proximate cause of the aforementioned resulting damages to the Plaintiff, all in the amount aforesaid.

Robert H. McQuilley
(Attorney for the Plaintiff)

Plaintiff demands a trial by jury.

Robert H. McQuilley
Attorney for the Plaintiff

FILED

MAY 20 1960

ALICE J. DUCK, Clerk

4261

Received 20 day of May 1960
and on 23 day of May 1960

I served a copy of the within Sto C
on Ray E. Loper Lumber
Co

By service on Ray E. Loper

TAYLOR WILKINS, Sheriff
By W. L. Zolner D. S.

8 m

James D. Shipp
Plaintiff

Vs

Ray E. Loper Lumber Co. Inc.
a Corporation

Defendant

Summons and Complaint

FILED

MAY 20 1960

ALICE J. DUCK, Clerk