

Plaintiff,

DAVID LEE HADLEY and
EUGENE EADY,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NO 4631

8. For that there is misjoinder of causes of action.

By Walter M. Cook
Walter M. Cook

4 19 1961

ALICE DUCK, CLERK REGISTER

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

SIXTH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON, JR.
LYMAN F. HOLLAND, JR.
J. THOMAS HINES, JR.
W. C. BOONE, JR.
DONALD F. PIERCE

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAS

TELEPHONE:
HEMLOCK 2-5514

July 28, 1961

Miss Alice Duck
Clerk, Circuit Court
Baldwin County
Bay Minette, Alabama

Re: Smith v. Hadley and Eady, Case No. 4631

Dear Miss Duck:

Enclosed are some amended demurrers which I wish you would
file in the above case.

Yours very truly,



For the Firm

PB.dc

Enclosures

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

CHAS. C. HAND
C. B. ARENDALL, JR.
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DONALD F. PIERCE

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
HEMLOCK 2-5514

April 26, 1961

Miss Alice Duck
Clerk, Circuit Court
of Baldwin County
Bay Minette, Alabama

Re: Frank F. Smith vs. David Lee Hadley and
Eugene Eady, Case No. 4631 in Circuit
Court of Baldwin County, Alabama

Dear Miss Duck:

Enclosed is my appearance as attorney of record for the
defendants, David Lee Hadley and Eugene Eady, and joinder on
the demurrers filed on their behalf.

With best regards,

Yours very truly,



For the Firm

PWB:dc

Enclosures

FRANK F. SMITH,

Plaintiff

VS

DAVID LEE HADLEY and
EUGENE EADY

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4631

Comes now the Defendants in the above styled cause and
demurs to Plaintiff's Complaint and assigns as grounds the
following:

I

The Complaint fails to state a cause of action.

II

Plaintiff states grounds upon which the recovery may
be had.


WILSON HAYES, ATTORNEY FOR
DEFENDANTS

Defendants demands a trial of this
cause by jury.


ATTORNEY FOR DEFENDANTS

FILED

APR 11 1961

ALICE J. DUCK, CLERK
REGISTER

| | | |
|----------------------|---|-------------------------|
| FRANK F. SMITH, | : | IN THE CIRCUIT COURT OF |
| Plaintiff, | : | BALDWIN COUNTY, ALABAMA |
| VS. | : | |
| | : | AT LAW |
| DAVID LEE HADLEY and | : | |
| EUGENE EADY, | : | |
| Defendants. | : | CASE NO. 4631 |

Comes now Paul W. Brock, attorney at law, and does appear as one of the attorneys of record in the above cause on behalf of David Lee Hadley and Eugene Eady, defendants, and, with the permission of the court and of Messrs. Lyons, Pipes and Cook, present attorneys of record for said defendants, does join with said attorneys on the demurrers previously filed on behalf of said defendants.

Paul W. Brock

Paul W. Brock, one of the attorneys of record for defendants, David Lee Hadley and Eugene Eady

FILED

APR 27 1961

Alice J. Duck, CLERK
REGISTER

| | | |
|----------------------|---|-------------------------|
| FRANK F. SMITH, | : | IN THE CIRCUIT COURT OF |
| Plaintiff, | : | BALDWIN COUNTY, ALABAMA |
| VS. | : | AT LAW |
| DAVID LEE HADLEY and | : | |
| EUGENE EADY, | : | |
| Defendants. | : | CASE NO. 4631 |

AMENDED DEMURRER

Comes now each of the defendants, separately and severally, and demurs to the complaint as a whole and to each count thereof, separately and severally, and for separate and several grounds of demurrer, does separately and severally assign each ground of demurrer heretofore filed, being grounds 1 through 8, both inclusive, and, for further additional separate and several grounds of demurrer, does separately and severally assign the following:

9. That it does not state facts sufficient to constitute a cause of action against this defendant.

10. For that it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence defendant is called on to defend.

11. For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.

12. For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by defendant to the plaintiff.

13. For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.

14. For that the averments set up, if true, do not show any liability on the part of this defendant.

15. For that there does not appear sufficient causal connection between this defendant's said breach of duty and plaintiff's injuries and damages.

16. No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of this defendant.

17. It is not alleged with sufficient certainty where said accident occurred.

18. For aught that appears, plaintiff had no right to be where plaintiff was at the time and place of said accident.

19. For aught appearing, said collision did not occur upon a public street or highway.

20. For that there is a misjoinder of parties defendant.

21. For that there is a misjoinder of causes of action.

LYONS, PIPES and COOK

By: Frank T. Pope Jr.
Attorney for Defendants

Paul W. Brock
Paul W. Brock, Attorney for Defendants

FILED

JUL 31 1961

ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon DAVID LEE HADLEY and EUGENE EADY to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding same, then and there to answer the complaint of FRANK F. SMITH.

WITNESS my hand this 14 day of March, 1961.

Alice J. Luck
Clerk of the Circuit Court

The defendants live at
Perdido, Alabama.

Ex-3-23-61

FRANK F. SMITH,

VS.

DAVID LEE HADLEY and
EUGENE EADY,

Plaintiff,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW NO. _____

COMPLAINT

COUNT ONE

The plaintiff claims of the defendants, David Lee Hadley and Eugene Eady, the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) as damages for that on, to-wit, March 16, 1960, the defendant, David Lee Hadley, who was then and there the agent, servant and employee of the defendant, Eugene Eady, and who was then and there acting within the line and scope of his authority, so negligently operated the motor vehicle which he was then and there driving at a point on U. S. Highway No. 31 in Baldwin County, Alabama, at or near the intersection of U. S. Highway No. 31 and Alabama Highway No. 59, as to cause the said motor vehicle to run into, upon or against the automobile in which Frank F. Smith, Jr., was then and there riding, and as a proximate result of the said negligence the said Frank F. Smith, Jr., the plaintiff's minor son, was killed; wherefore, plaintiff brings this action and asks judgment in the above sum.

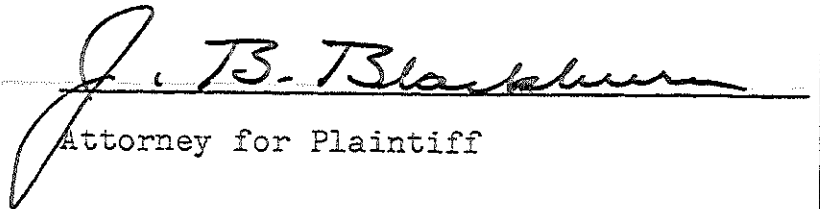
COUNT TWO

The plaintiff claims of the defendant, David Lee Hadley, the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) as damages for that on, to-wit, March 16, 1960, the defendant, David Lee Hadley, so negligently operated the motor vehicle which he was then and there driving at a point on U. S. Highway No. 31 in Baldwin County, Alabama, at or near the intersection of U. S. Highway No. 31 and Alabama Highway No. 59, as to cause the said motor vehicle to run into, upon or against the automobile in which Frank F. Smith, Jr., was then and there riding, and as a proximate result of the said negligence the said Frank F. Smith, Jr., the plaintiff's minor son, was killed; wherefore, plaintiff brings

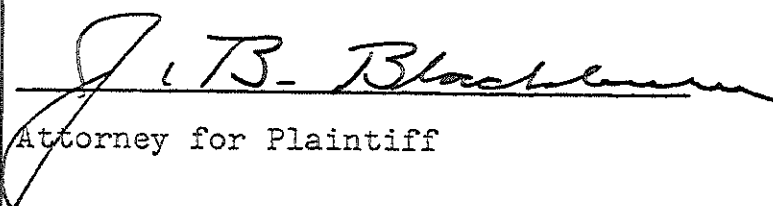
this action and asks judgment in the above sum.

COUNT THREE

The plaintiff claims of the defendant, Eugene Eady, the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) as damages for that on, to-wit, March 16, 1960, the defendant, David Lee Hadley, who was then and there the agent, servant and employee of the defendant, Eugene Eady, and who was then and there acting within the line and scope of his authority, so negligently operated the motor vehicle which he was then and there driving at a point on U. S. Highway No. 31 in Baldwin County, Alabama, at or near the intersection of U. S. Highway No. 31 and Alabama Highway No. 59, as to cause the said motor vehicle to run into, upon or against the automobile in which Frank F. Smith, Jr., was then and there riding, and as a proximate result of the said negligence the said Frank F. Smith, Jr., the plaintiff's minor son, was killed; wherefore, plaintiff brings this action and asks judgment in the above sum.


Attorney for Plaintiff

Plaintiff demands a trial of this
cause by jury.


Attorney for Plaintiff

FILED
MAR 14 1960
ALICE L. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

FRANK F. SMITH,

Plaintiff,

VS.

DAVID LEE HADLEY and EUGENE EADY,

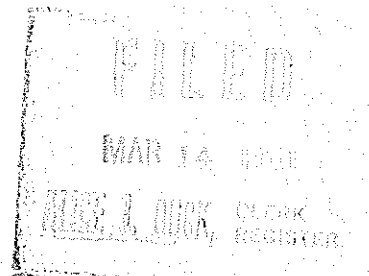
Defendants.

Received 14 day of Mar 1967
and on 23 day of March 1967
I served a copy of the within AJC
on David Lee Hadley
Eugene Eady
By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Talbot D. S.
Perdido

Sheriff claims 52 miles at
Ten Cents per mile Total 5.20
TAYLOR WILKINS, Sheriff
By W. A. Talbot
DEPUTY SHERIFF

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 4631



J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH H. LYONS (1900-1957)
SAM W. PIPES, III
WALTER M. COOK

FRANK T. POPE, JR.
GORDON B. KAHN
IRWIN W. COLEMAN, JR.
G. SAGE LYONS

August 8, 1962

Judge Hubert M. Hall
Twenty-Eighth Judicial Circuit of Alabama
Bay Minette, Alabama

Re: Frank F. Smith vs David Lee Hadley and Eugene Eady
Case No. 4631 in the Circuit Court of Baldwin County Ala.

Barnette Hall vs Mable G. Holman
Case 5178 in the Circuit Court of Baldwin County Alabama

Dear Judge Hall:

With reference to your letter of August 7 this is to advise that both of these cases have been settled and have either have been removed from the docket or are in the process of being removed.

Yours truly,

LYONS, PIPES AND COOK

Walter M. Cook
Walter M. Cook *a*

WMC/a

LYONS, PIPES & COOK
ATTORNEYS AT LAW
517 FIRST NATIONAL BANK BUILDING
MOBILE 8, ALABAMA

JOSEPH H. LYONS (1900-1957)
SAM W. PIPES, III
WALTER M. COOK
FRANK T. POPC, JR.
GORDON G. KAHN
IRWIN W. COLEMAN, JR.

April 17, 1961

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

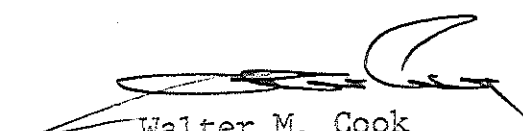
Re: Frank F. Smith vs David Lee Hadley and Eugene Eady
In the Circuit Court of Baldwin County Alabama

Dear Mrs. Duck:

Enclosed please find demurrers which we wish to file in this case. Please acknowledge receipt of our letter in the enclosed self-addressed stamped envelope.

Yours truly,

LYONS, PIPES AND COOK



Walter M. Cook

WMC/a
encl