

THOMAS C. KERVIN,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
Vs.)	AT LAW
CLARA WILLIAMS,)	
Defendant.)	CASE NO. 4697.

D E M U R R E R

COMES NOW the defendant, Clara Williams, in the above styled cause and demurs to the plaintiff's complaint and to each count thereof, separately and severally, and as grounds therefor sets down and assigns the following, separately and severally:

1. For that the allegation "high cliff" is a mere conclusion of the pleader.
2. For that said count fails to allege physical causation between the alleged wanton act of the defendant and the alleged injuries of the plaintiff.
3. For that the allegation "over which the plaintiff had no charge or control" is a mere conclusion of the pleader.
4. For that said count is indefinite, vague, and uncertain in that it does not appear whether the plaintiff had "no control" of the defendant or whether the plaintiff had "no control" of the motor vehicle.
5. For aught that appears, the plaintiff had control of the motor vehicle in which he was allegedly riding.
6. For aught that appears, the injuries of the plaintiff were incurred as the proximate result of running off of a high cliff in an automobile, rather than as a proximate consequence of the alleged wanton act.
7. Said count does not allege that the alleged injuries of the plaintiff were a proximate consequence of the defendant's alleged wanton act.

8. For that it does not appear by what instrumentality within the control of the defendant the plaintiff was injured.

9. Said count fails to allege the violation of any duty owed by the defendant to the plaintiff.

10. Said count fails to allege facts showing the violation of any duty owed by the defendant to the plaintiff.

11. For aught that appears from said count, the accident did not occur on a public street.

12. For aught that appears from said count, the plaintiff was not at a place where he had a legal right to be at the time and place complained of.

13. For aught that appears from said count, the injuries and damages suffered by the plaintiff were not the proximate result of any act or failure to act on the part of the defendant.

14. For that the wanton act alleged in said count characterizes the act and not the injury.

15. For that said count fails to allege facts showing wantonness on the part of the defendant.

16. For that said count fails to allege any casual connection between the alleged negligence of the defendant and alleged injuries and damages to the plaintiff.

17. For that the allegations thereof are so vague and indefinite that the defendant is not advised thereby of the matters and things to be defended.

18. For that it does not appear that the defendant wantonly injured the plaintiff.

LYONS, PIPES & COOK
Attorneys for Defendant.

By: 
WALTER M. COOK

FILED
AUG 4 1961
ALICE J. DUCK, CLERK
REGISTER

THOMAS C. KERVIN,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
Vs)	AT LAW
CLARA WILLIAMS,)	
Defendant.)	NO _____

Comes now the defendant in the above entitled cause, and demurs to the plaintiff's complaint, and to each count thereof, and as grounds for said demurrer sets down and assigns the following separately and severally:

1. Said count fails to allege the violation of any duty owed by the defendant to the plaintiff.
2. Said count fails to allege facts showing the violation of any duty owed by the defendant to the plaintiff.
3. For aught that appears from said count, the accident did not occur on a public street.
4. For aught that appears from said count, the plaintiff was not at a place where he had a legal right to be at the time and place complained of.
5. For aught that appears from said count, the injuries and damages suffered by the plaintiff were not the proximate result of any act or failure to act on the part of the defendant.
6. For that the wanton act alleged in said count characterizes the act and not the injury.
7. For that said count fails to allege facts showing wantonness on the part of the defendant.
8. For that said count fails to allege any casual connection between the alleged negligence of the defendant and alleged injuries and damages to the plaintiff.
9. For that the allegations thereof are so vague and indefinite that the defendant is not advised thereby of the matters and things to be defended.

10. For that it does not appear that the defendant wantonly injured the plaintiff.

LYONS, PIPES AND COOK
Attorneys for Defendant

By 

Walter M. Cook

FILED
MAY 31 1961
ALICE J. DICK, CLERK
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Clara Williams 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 Thomas C. Kervin.

Witness my hand this the 9 day of May, 1961.


Clerk

THOMAS C. KERVIN,

Plaintiff,

vs.

CLARA WILLIAMS,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

The Plaintiff claims of the Defendant the sum of Fifty Thousand Dollars (\$50,000.00) as damages, for that heretofore and on to-wit: February 4, 1961, the Plaintiff was riding as a passenger in a motor vehicle operated by the Defendant Clara Williams, over which the Plaintiff had no charge or control, on Pensacola Avenue in Fairhope, Alabama, at a point approximately 100 yards West of the intersection of such avenue with Section Street, Pensacola Avenue at said point being a public highway in Baldwin County, Alabama. The Plaintiff avers that the Defendant wantonly injured the Plaintiff by wantonly operating the motor vehicle which she was driving at said time and place so as to cause it to leave Pensacola Avenue and run off of a high cliff and as a proximate consequence thereof the Plaintiff was caused to sustain and did sustain the following injuries and damages: he received a fracture of his 7th cervical vertebrae and also fractures of his 4th, 7th and 8th dorsal vertebrae; he was made sick, sore and lame; he suffered multiple bruises and contusions about his

head and body; his neck and back were seriously injured; he suffered and will continue to suffer in the future severe mental and physical pain and anguish; he was permanently injured in his neck and back and he was caused to lose much time from his employment; he is still unable to work and is still required to wear his neck and back brace.

The Plaintiff avers that the Defendant wantonly injured and damaged the Plaintiff at said time and place by wantonly operating the motor vehicle which she was then and there driving so as to cause it to leave Pensacola Avenue and run off of a high cliff and as a proximate result of such wanton conduct the Plaintiff was caused to sustain and did sustain the injuries and damages complained of and set out above.


Attorneys for Plaintiff

Plaintiff demands a trial of this
cause by a jury.


Attorneys for Plaintiff

Defendant's Address:

2511 Salvia Court
Mobile, Alabama

FILED

MAY 9 1961

ALICE J. DUCK

CLERK
REGISTER

RECEIVED
19 MAY 1961
by serving a copy of the within on
CLARA WILLIAMS
RAY D. BRIDGES, Sheriff
BY: H. L. LARSON

RECEIVED
MAY 11 1961
SHERIFF'S OFFICE

2693 MA 4697
5/9/61
JEL

THOMAS C. KERVIN,
Plaintiff,

197
JEL
vs.
CLARA WILLIAMS,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

SUMMONS AND COMPLAINT

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

JOHN CHASON
NORBORNE C. STONE, JR.

PHONE 3641

August 25, 1961

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

Dear Mrs. Duck:

Re: Thomas C. Kervin vs. Clara
Williams, Case No. 4697

The above case has been settled and we are enclosing
herewith draft in payment of the court costs.

Will you please dismiss this suit and sign the enclosed
letter stating that it has been dismissed.

With best regards, we are

Yours very truly,

CHASON & STONE

By: 

JC:bw

Encl: As Noted

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.

May 29, 1961

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

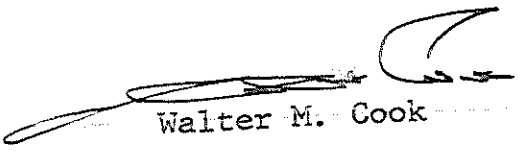
Re: Thomas C. Kervin vs Clara Williams
In the Circuit Court of Baldwin County, Ala.

Dear Mrs. Duck:

Enclosed please find demurrers which we have drafted in
this case and to be filed on behalf of the defendant Clara
Williams. Please acknowledge receipt of same.

Yours truly,

LYONS, PIPES AND COOK



Walter M. Cook

a
encl