

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons L. L. Radcliff, Individually and L. L. Radcliff doing business as Radcliff's Restaurant, to appear and plead, answer or demur within thirty days from the service hereto to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, by Sarah Young, as administratrix of the estate of Eva Perry, deceased.

Witness my hand this the 25 day of June 1962.

Cliff Radcliff
Clerk

SARAH YOUNG, AS ADMINISTRATRIX OF
THE ESTATE OF EVA PERRY, DECEASED

Plaintiff

VS

L. L. RADCLIFF, INDIVIDUALLY
AND L. L. RADCLIFF, DOING
BUSINESS AS RADCLIFF'S RESTAURANT

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5182

1.

The Plaintiff claims of the Defendant the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) as damages for that on, to-wit: January 18, 1962, the Defendant owned and operated a restaurant in Gulf Shores, in Baldwin County, Alabama, and extended an invitation to the public to come to his restaurant and dine for a price. He had invited Eva Perry, the Plaintiff's intestate, as one of the public to come to his restaurant and eat on the day of the injury complained of. As such a guest of the Defendant, the Defendant owed the Plaintiff's intestate a duty of taking due and proper care of her while a guest and a duty to keep said guest free from danger and harm in such restaurant; that while a guest at the Defendant's restaurant and while walking into the ladies rest room of said restaurant, the Plaintiff's intestate fell into said rest room. The cause of said falling was that the approach to the said rest room was on a lower level than the approach thereto; that the Defendant was negligent in not providing sufficient light to warn the Plaintiff's intestate as well as other guests of the

change in elevation of said rest room floor; that as a proximate consequence and result of said negligence, the Plaintiff's intestate was injured in that she suffered a fractured spine, contusions and abrasions of her right shoulder and was caused such mental anguish and physical pain that she died, all to the loss of the Plaintiff in the aforesaid amount. The Plaintiff further avers that she has been appointed and is now acting as the administratrix of the estate of Eva Perry, deceased.

2.

The Plaintiff claims of the Defendant the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) as damages for that on to-wit: January 18, 1962, the Defendant owned and operated a restaurant in Gulf Shores in Baldwin County, Alabama; the Defendant sold food in this restaurant and extended an invitation to the public to come to his restaurant and buy said food; that on this said date, Eva Perry, the Plaintiff's intestate, went to the Defendant's restaurant to dine and while there as a guest she started into the ladies rest room and fell. The Plaintiff avers that the Defendant negligently failed to furnish sufficient light for the approach to the rest room; that the rest room floor was lower than the approach to it; that the Defendant was negligent in allowing this condition to exist; that he knew or should have known that such a condition created a place of hazard. The Plaintiff avers further that while the Plaintiff's intestate was a guest at the Defendant's restaurant he owed her a duty to keep her free from danger and harm in such restaurant; that as a proximate consequence and result of said negligence, the Plaintiff's intestate suffered a fractured spine, contusions and abrasions of her right shoulder and was caused such mental anguish and physical pain that she died, all to the loss of the Plaintiff in the aforesaid amount. The Plaintiff further avers that she has been appointed and is now acting as the administratrix of the estate of Eva Perry, Deceased.

Plaintiff demands a trial
by jury.

WILTERS, BRANTLEY & NESBIT

BY: *Phyllis S. Nesbit*

Attorneys for the Plaintiff

FILED

JAN 25 1962

CLERK
REGISTER

71

*Ref. may be
served by
Shores, Ala
Ex. 6-27-62*

Received 25th day of June 1962
on 27 day of June 1962
erved a copy of the within file
L. L. Radcliff

service on _____

TAYLOR WILKINS, Sheriff
B. Robert Brantley & Nesbit

July 2 hours

Sheriff claims 100 miles at
Ten Cents per mile Total \$ 10.00
TAYLOR WILKINS, Sheriff
by CLERK REGISTER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5182

SARAH YOUNG, AS ADMINISTRATRIX OF
THE ESTATE OF EVA PERRY, DECEASED

Plaintiff

VS

L. L. RADCLIFF, INDIVIDUALLY
AND L. L. RADCLIFF, DOING
BUSINESS AS RADCLIFF'S RESTAURANT

Defendant

FILED

JUN 25 1962

ALICE J. DUCK, CLERK
REGISTER

W. I. Brantley & Nesbit
Box 555
Robertsdale, Alabama

SARAH YOUNG, AS ADMINISTRATRIX	X		
OF THE ESTATE OF EVA PERRY,	X		
DECEASED,	X	IN THE CIRCUIT COURT OF	
	X		
Plaintiff,	X		
vs.	X	BALDWIN COUNTY, ALABAMA	
	X		
L. L. RATCLIFF, INDIVIDUALLY	X		
AND L. L. RATCLIFF, DOING	X	AT LAW	NO. _____
BUSINESS AS RATCLIFF'S	X		
RESTAURANT,	X		
	X		
Defendant.	X		

DEMURRER

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

1. That said amended complaint does not state a cause of action.
2. That Count One of the amended complaint charges the Defendant with a greater degree of care than is required of a person engaged in operating a restaurant.
3. That the allegation in Count One of the amended complaint, that the Defendant owed the Plaintiff's intestate a duty of taking due and proper care of her while she was a guest, is beyond the duty actually owed by the Defendant to the Plaintiff's intestate.
4. That Count One of the amended complaint does not properly allege any duty owing by the Defendant to the Plaintiff's intestate.
5. The allegation of Count One of the amended complaint, that the Defendant owed Plaintiff's intestate the duty of keeping her free from danger and harm while she was in his restaurant, does not properly state the law of the State of Alabama and is in excess of the duty actually owed by him to her.
6. Count One of the amended complaint does not allege the date the accident occurred.
7. That Count One of the amended complaint is vague and indefinite as to the negligence of the Defendant.

8. That Count One of the amended complaint does not sufficiently set out the reasons why the Plaintiff's intestate fell.

9. That Count One of the amended complaint fails to allege what lights were burning near the restroom at the time of the accident.

10. The allegation in Count One of the amended complaint, that there was not sufficient light, is but a conclusion of the pleader.

11. That there is no allegation in Count One of the amended complaint as to what change in the floor level appears at the entrance to the restroom.

12. It is not alleged in the amended complaint when the Plaintiff's intestate died.

13. That Count Two of the amended complaint fails to allege the type of lighting that was in the premises near the restroom.

14. The allegation in Count Two of the amended complaint that there was not sufficient light for the approach to the restroom is but a conclusion of the pleader.

15. That Count Two of the amended complaint does not allege the difference of the elevation of the floor of the restroom and the approach thereto.

16. That Count Two of the amended complaint does not allege whether there were warning signs in regard to the change in elevation of the floor.

17. For ought that appears the Plaintiff's intestate knew of the change of the elevation in the floor.

18. That Count Two of the amended complaint sets out too great a duty on the Defendant.

19. That the laws of Alabama do not require the Defendant to keep his guests free from danger and harm while in his restaurant.

FILED

AUG 23 1962

ALICE L. DUCK, CLERK
REGISTER

Joseph T. Pearson
Chas. A. Stone
Attorneys for Defendant

5182

SARAH YOUNG, AS ADMINISTRATRIX OF
THE ESTATE OF EVA PERRY, DECEASED,

Plaintiff,

vs.

L. L. RATCLIFF, INDIVIDUALLY AND
L. L. RATCLIFF, DOING BUSINESS
AS RATCLIFF'S RESTAURANT,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. _____

* * * * *

DEMURRER

* * * * *

FILED

AUG 23 1962

ALICE I. DUCK, CLERK
REGISTER

SARAH YOUNG, AS ADMINISTRATRIX
OF THE ESTATE OF EVA PERRY,
DECEASED,

Plaintiff,

vs.

L. L. RATCLIFF, INDIVIDUALLY,
and L. L. RATCLIFF, DOING
BUSINESS AS RATCLIFF'S
RESTAURANT,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO

DEMURRER

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

1. That the amended complaint does not state a cause of action.

2. That the amended complaint does not properly allege any duty owing by the defendant to Plaintiff's intestate.

3. That the amended complaint does not allege or show that the rest room used by the Plaintiff's intestate was a public rest room or was a rest room provided by the Defendant for use of his customers.

4. That the amended complaint is vague, indefinite and uncertain in that it does not inform the Defendant against what he must defend with the statement of Count One.. "the approach was on a lower level than the approach".

5. That the amended complaint is vague, indefinite and uncertain in that there are contradictory allegations.

6. That the amended complaint is vague, indefinite and uncertain in that it is alleged that the cause of falling was the difference in level of the approach, and that the negligence alleged was insufficient lighting.

7. The injury to the Plaintiff's intestate is not alleged with sufficient surety.

8. The allegations of the complaint are not sufficiently specific as to the cause of death of Plaintiff's intestate.

9. There are no allegations of negligence in the amended complaint which would lead to the death of the Plaintiff's intestate, as a proximate cause of any negligence on the part of the Defendant.

10. That the amended complaint fails to allege what lights were on near the rest room at the time of the alleged injury.

11. That a statement that there was not sufficient light is a conclusion of the pleader.

12. That the amended complaint does not allege the difference in elevation of the floor of the rest room and the approach.

13. For aught that appears Plaintiff's intestate knew of the change of the elevation of the floor.

14. For aught that appears Plaintiff's intestate knew that the rest room was on a lower level than the approach thereto.

15. That the amended complaint alleges as cause of injury a difference in the level of the approach to the rest room, but claims damages on the basis of negligence for furnishing insufficient light.

16. That the allegation of death because of mental anguish and physical pain is not sufficient to apprise to the Defendant the matters against which he must defend.

17. That it is not shown that the mental anguish and physical pain alleged was as a result of the negligence of the Defendant.

18. That there are no allegations in the amended complaint to show any loss on the part of the Plaintiff's intestate.

19. That where allegations of loss are made, Plaintiff must show sufficient facts from which the loss could be determined and there are no allegations in the amended complaint of financial benefit received from Plaintiff's intestate whereby a loss could be determined.

20. That it is not alleged and shown that the rest room approached by Plaintiff's intestate was for the use of guests or customers.

21. For aught that appears in the amended complaint the rest room approached by Plaintiff's intestate may have been a

private rest room, and that the Plaintiff's intestate may have been a trespasser therein.

22. That nothing is alleged to show any duty on the part of the Defendant to furnish a rest room.

23. That the statement in the amended complaint that the Defendant knew or should have known that the condition which existed created a place of hazard, is merely a conclusion on the part of the pleader.

24. That there is nothing alleged to show what type or kind of warning sign was placed before the rest room.

25. That there is a variance in the date of the injury as alleged in the amended complaint, Count One alleging that the injury occurred on the 19th day of January, 1962, and Count Two of the amended complaint alleging that the injury occurred on January 18, 1962.

Eric T. Gorman

Wm. Stone

Attorneys for Defendant

FILED

FEB 14-63

MADE L. DICK, CLERK
REGISTER

SARAH YOUNG, AS ADMINISTRATRIX OF THE ESTATE OF EVA PERRY, DECEASED,)	
)	
)	
Plaintiff,)	IN THE CIRCUIT COURT OF
)	
VS)	BALDWIN COUNTY, ALABAMA
)	
L. L. RATCLIFF, INDIVIDUALLY, and L. L. RATCLIFF, DOING BUSINESS AS RATCLIFF'S RESTAURANT,)	AT LAW NO 5182
)	
)	
Defendant.)	

PLEA

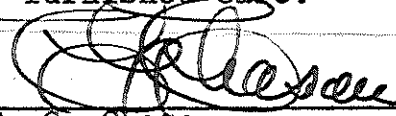
Comes the Defendant in the above styled cause and in answer to the Bill of Complaint as last amended filed therein, and to each count thereof separately and severally, shows separately and severally the following:

1. The Defendant says he is not guilty.
2. For further answer, the Defendant says that the Plaintiff ought not to recover for that on the occasion complained of Plaintiff's Intestate was herself guilty of negligence proximately contributing to her alleged injury and damages in this; that the Plaintiff's Intestate was familiar with the rest room facilities at Defendant's place of business and had on many occasions prior to her injury been a user thereof; that Plaintiff's Intestate was cognizant of and familiar with the lights and warnings in front of and before the rest room of the Defendant; that the Plaintiff's Intestate was familiar with any difference in level of the floor between the restaurant where she was being served and the rest room; that the Plaintiff's Intestate was a regular and frequent customer of the restaurant of the Defendant and regularly and frequently availed herself of the use of the rest room, and that she knew of her own personal knowledge of the difference in floor levels from the restaurant to the rest room, and knew of her own personal knowledge the lighting furnished, all without complaint on the part of the Plaintiff's Intestate to the Defendant.

3. That the Defendant says that the Plaintiff ought not to recover in this case for that on the occasion complained of Plaintiff's Intestate was herself guilty of negligence proximately contributing to her alleged injury and damages.

4. For further answer to the last amended complaint filed in this cause, Defendant shows and alleges that the Plaintiff ought not to recover in that the death of the Plaintiff's Intestate was caused by uremic poisoning.

5. Defendant further shows as plea and answer that the Plaintiff's Intestate was seventy-five years of age and not able to care for herself in the normal aspects of life, such as attendance in a rest room, and that without notification of infirmity and inability to attend herself being given to the Defendant, that the Defendant owed no duty to furnish care, and that the Plaintiff's Intestate left the table of the Plaintiff without any request for care being furnished at which time and place the Plaintiff was present and could have requested or furnished care.


C. G. Chason
Foley, Alabama

CHASON & STONE
Attorneys at Law
Bay Minette, Alabama

by 

Filed 3-5-62

SARAH YOUNG, AS ADMINISTRATRIX OF
THE ESTATE OF EVA PERRY, DECEASED

Plaintiff

Vs.

L. L. RATCLIFF, INDIVIDUALLY
AND L. L. RATCLIFF, DOING
BUSINESS AS RATCLIFF'S RESTAURANT

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO.

5182

AMENDED COMPLAINT

Comes now the Complainant in the above styled cause amends her
Complaint to read as follows:

1.

The Plaintiff claims of the Defendant the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) as damages for that on, to-wit: January 18, 1962, the Defendant owned and operated a restaurant in Gulf Shores, in Baldwin County, Alabama, and extended an invitation to the Public to come to his restaurant and dine for a price. He had invited Eva Perry, the Plaintiff's intestate, as one of the Public, to come to his restaurant and eat on the day of the injury complained of. That on January 18, 1962 while a guest at the Defendant's restaurant and while walking into the ladies rest room of said restaurant, the Plaintiff's intestate fell into said rest room. The cause of said falling was that the approach to the said rest room was on a lower level than the approach thereto; that the Defendant was negligent in not providing sufficient light to warn the Plaintiff's intestate as well as other guests of the change in elevation of said rest room floor; the Plaintiff avers that the Defendant had a sign on the door leading into the rest room but that the same was not visible from the outside of the rest room because of insufficient light, that as a proximate consequence and result of said negligence, the Plaintiff's intestate was injured in that she suffered a fractured spine, contusions and abrasions of her right shoulder and was caused such mental anguish and physical pain that she died, all to the loss of the Plaintiff in the aforesaid amount. The Plaintiff further avers that she has been appointed and is now acting as the administratrix of the estate of Eva Perry, deceased.

The Plaintiff claims of the Defendant the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) as damages for that on to-wit: January 18, 1962, the Defendant owned and operated a restaurant in Gulf Shores in Baldwin County, Alabama; the Defendant sold food in this restaurant and extended an invitation to the public to come to his restaurant and buy said food; that on the aforesaid date, Eva Perry, the Plaintiff's intestate, went to the Defendant's restaurant to dine and while there as a guest she started into the ladies rest room and fell. The Plaintiff avers that the Defendant negligently failed to furnish sufficient light for the approach to the rest room; the Plaintiff avers that the Defendant had placed a warning sign at or near the approach to the rest room but the same was not visible because of insufficient light, that the rest room floor was lower than the approach to it; that the Defendant was negligent in allowing this condition to exist; that he knew or should have known that such a condition created a place of hazard. That as a proximate consequence and result of said negligence, the Plaintiff's intestate suffered a fractured spine, contusions and abrasions of her right shoulder and was caused such mental anguish and physical pain that she died, all to the loss of the Plaintiff in the aforesaid amount. The Plaintiff further avers that she has been appointed and is now acting as the administratrix of the estate of Eva Perry, Deceased.

WILTERS, BRANTLEY & NESBIT

BY:  

Attorneys for the Plaintiff

No. 5182

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

Sarah Young, As Administratrix of
The Estate of Eva Perry, Deceased

Plaintiff

Vs.

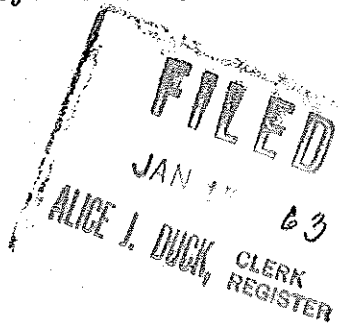
L. L. Ratcliff, individually and
L. L. Ratcliff, doing business as
Ratcliff's Restaurant

Defendant

AMENDED COMPLAINT

Wilters, Brantley & Nesbit
Robertsdale, Alabama
Attorneys for Plaintiff

Cecil Chason and
Chason & Stone
Attorneys for Defendant



SARAH YOUNG, as Administra-
trix of the Estate of Eva
Perry, deceased,

Plaintiff, X

Vs. X

L. L. RATCLIFF, individually, X
and L. L. RATCLIFF, doing
business as RATCLIFF'S X
RESTAURANT, X

Defendant. X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 5182

REPLICATION

Comes now the Plaintiff in the above styled cause and files the following replications to Plea #4, filed by the Defendant in this cause, on March 5, 1963:

1.

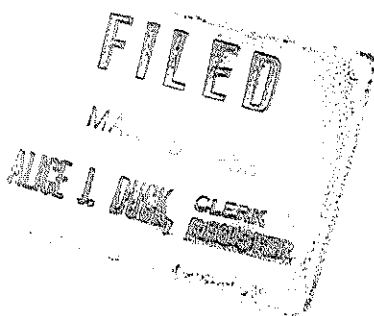
The uremic poisoning referred to in this plea is a direct result of the injuries sustained by the Plaintiff's Intestate when she fell at the time and place and under the circumstances set out in the Plaintiff's Complaint.

2.

The uremic poisoning referred to in Plea #4 is a direct and proximate consequence and result of the injuries the Plaintiff's Intestate received because of the negligence of the Defendant complained of in the Plaintiff's Complaint.

WILTERS, BRANTLEY & NESBIT

BY: Phyllis S. Nesbit



SARAH YOUNG, AS ADMINISTRATRIX OF
THE ESTATE OF EVA PERRY, DECEASED

Plaintiff

VS

L. L. RADCLIFF, INDIVIDUALLY
AND L. L. RADCLIFF, DOING
BUSINESS AS RADCLIFF'S RESTAURANT

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

Comes now the Complainant in the above styled cause amends her Complaint to read as follows:

SARAH YOUNG, AS ADMINISTRATRIX OF
THE ESTATE OF EVA PERRY, DECEASED

Plaintiff

VS

L. L. RATCLIFF, INDIVIDUALLY
AND L. L. RATCLIFF, DOING
BUSINESS AS RATCLIFF'S RESTAURANT

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

1.

The Plaintiff claims of the Defendant the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) as damages for that on, to-wit: January 19, 1962, the Defendant owned and operated a restaurant in Gulf Shores, in Baldwin County, Alabama, and extended an invitation to the public to come to his restaurant and dine for a price. He had invited Eva Perry, the Plaintiff's intestate, as one of the public to come to his restaurant and eat on the day of the injury complained of. As such a guest of the Defendant, the Defendant owed the Plaintiff's intestate a duty of taking due and proper care of her while a guest and a duty to keep said guest free from danger and harm in such restaurant; that while a guest at the Defendant's restaurant and while walking into the ladies rest room of said restaurant, the Plaintiff's intestate fell into said rest room. The cause of said falling was that the approach to the said rest room was on a lower level than the approach thereto; that the Defendant was negligent in not providing sufficient light to warn the Plaintiff's intestate as well as other guests of the

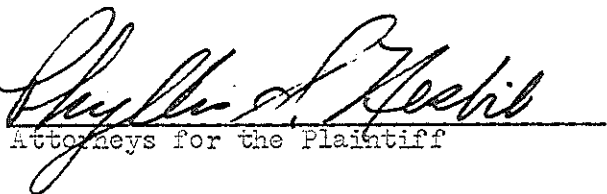
change in elevation of said rest room floor; that as a proximate consequence and result of said negligence, the Plaintiff's intestate was injured in that she suffered a fractured spine, contusions and abrasions of her right shoulder and was caused such mental anguish and physical pain that she died, all to the loss of the Plaintiff in the aforesaid amount. The Plaintiff further avers that she has been appointed and is now acting as the administratrix of the estate of Eva Perry, deceased.

2.

The Plaintiff claims of the Defendant the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) as damages for that on to-wit: January 18, 1962, the Defendant owned and operated a restaurant in Gulf Shores in Baldwin County, Alabama; the Defendant sold food in this restaurant and extended an invitation to the public to come to his restaurant and buy said food; that on this said date, Eva Perry, the Plaintiff's intestate, went to the Defendant's restaurant to dine and while there as a guest she started into the ladies rest room and fell. The Plaintiff avers that the Defendant negligently failed to furnish sufficient light for the approach to the rest room; that the rest room floor was lower than the approach to it; that the Defendant was negligent in allowing this condition to exist; that he knew or should have known that such a condition created a place of hazard. The Plaintiff avers further that while the Plaintiff's intestate was a guest at the Defendant's restaurant he owed her a duty to keep her free from danger and harm in such restaurant; that as a proximate consequence and result of said negligence, the Plaintiff's intestate suffered a fractured spine, contusions and abrasions of her right shoulder and was caused such mental anguish and physical pain that she died, all to the loss of the Plaintiff in the aforesaid amount. The Plaintiff further avers that she has been appointed and is now acting as the administratrix of the estate of Eva Perry, Deceased.

WILTERS, BRANTLEY & NESBIT

BY:


Attorneys for the Plaintiff

FILED
JUL 24 1962
ALICE I. DUCK, CLERK
REGISTER

3782

SARAH YOUNG, AS ADMINISTRATRIX
OF THE ESTATE OF EVA PERRY,
DECEASED,

Plaintiff,

Vs.

L. L. RATCLIFF, INDIVIDUALLY
AND L. L. RATCLIFF, DOING
BUSINESS AS RATCLIFF'S
RESTAURANT,

Defendant.

Amended Complaint

Case No. _____

FILED

JUL 24 1962

ALICE J. DUCK, CLERK
REGISTER

SARAH YOUNG, AS ADMINISTRATRIX
OF THE ESTATE OF EVA PERRY,
DECEASED,

Plaintiff

VS

L. L. RADCLIFF, INDIVIDUALLY
and L. L. RADCLIFF, DOING
BUSINESS AS RADCLIFF'S RESTAURANT,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Comes L. L. Ratcliff on whom a copy of the Complaint in the above styled cause was served, and appearing specially for the purpose of filing this plea and for no other purpose, shows that his correct name is L. L. Ratcliff, and that the name of the Restaurant is Ratcliff's Restaurant, and that therefore, the above styled cause should be abated and not allowed to proceed.

L. L. Ratcliff

STATE OF ALABAMA

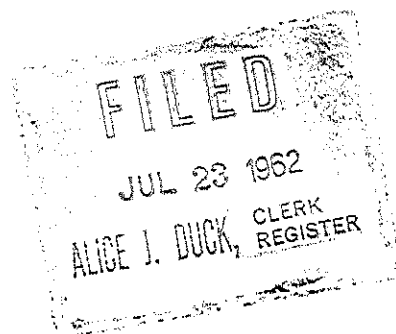
BALDWIN COUNTY

Before me, C. G. Chason, a Notary Public in and for said County and said State, personally appeared L. L. Ratcliff, who is known to me, and who, after being by me first duly and legally sworn deposes and says that the matters and facts set forth in the foregoing plea are true and correct.

L. L. Ratcliff

Sworn to and subscribed before
me, on this the 20th day of
July, 1962.

C. G. Chason
Notary Public, Baldwin County
State of Alabama



SARAH YOUNG, as Administra-
trix of the Estate of Eva
Perry, deceased,

X

X

Plaintiff, X

IN THE CIRCUIT COURT OF

Vs.

X

BALDWIN COUNTY, ALABAMA

L. L. RATCLIFF, individually
and L. L. RATCLIFF, doing
business as RATCLIFF'S
RESTAURANT,

X

AT LAW

X

CASE NO. 5182

X

Defendant. X

DEMURRER

Comes now the Plaintiff in the above styled cause and files the following demurrers to the pleas filed by the Defendant in this cause on March 5, 1963:

A.

The following demurrers are directed to Plea #2.

1.

Said plea fails to show wherein the Plaintiff's Intestate was negligent.

2.

Said plea fails to set out the Plaintiff's Intestate's negligence with sufficient particularity.

3.

This plea appears to be one of contributory negligence; it fails to show wherein Eva Perry, the Plaintiff's Intestate, was negligent.

B.

The following demurrers are directed to Plea #3.

1.

Said plea fails to set out with sufficient particularity wherein the Plaintiff's Intestate was negligent.

2.

Said plea fails to show what the Plaintiff's Intestate did or failed to do which contributed to her injury.

C.

The following demurrers are directed to Plea #5.

1.

It affirmatively appears from this plea that this is an answer and not a plea and has no place in a court of law.

2.

It affirmatively appears that this plea is no defense to the Plaintiff's Complaint. This plea shows neither a bar nor cause for abatement of the Plaintiff's Complaint; said plea contains matters which are conclusions of the pleader.

3.

This is an immaterial plea.

FILED

MAR 7 1963

ALICE J. DUCK, CLERK
REGISTER

WILTERS, BRANTLEY & NESBIT

BY:

Phyllis S. Nesbit