

PATRICIA A. SIBLEY, : IN THE CIRCUIT COURT OF
Plaintiff : BALDWIN COUNTY, ALABAMA
vs. :
THOMAS HOSPITAL, : AT LAW
Defendant. : CASE NO. 5696

O R D E R

This cause coming on to be heard on this day on the plea in abatement filed by the Defendant to the complaint, and the parties being present and appearing in open court by and through their attorneys, the Court having heard the evidence and having heard argument by counsel for both sides and having fully considered and understood the matter, the Court is of the opinion that the Defendant's plea in abatement filed in this cause to the complaint should be sustained, and it is hereby Ordered, Adjudged and Decreed that the plea in abatement be and hereby is sustained, and judgment is hereby rendered on the plea in abatement in favor of the Defendant and against the Plaintiff. All costs herein should be and the same hereby are taxed against the Plaintiff, for which let execution issue.

Dated at Mobile, Alabama, this 28th day of July, 1967.


Circuit Judge

FILED

JUL 31 1967

ALICE J. DICK

CLERK
REGISTER

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA
36601

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
432-5511
AREA CODE 205

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
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STEPHEN G. CRAWFORD
JERRY A. MCDOWELL
W. RAMSEY MCKINNEY, JR.
LARRY U. SIMS
C. WAYNE LOUDERMILCH

July 28, 1967

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Re: Sibley vs. Thomas Hospital
Case Number 5696
Circuit Court of Baldwin County
Our File: LEB 4438

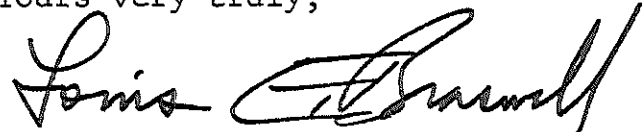
Dear Mrs. Duck:

Enclosed is the original Order signed by Judge McCall and dated July 28, 1967, which sustains the defendant's plea in abatement and which renders judgment in favor of the defendant. Please file and enter this order appropriately.

You will recall that this is one of the cases which came before Judge McCall when Judge Mashburn was out of town. Judge McCall held the hearing on the plea in abatement.

Thank you very much for your cooperation.

Yours very truly,



For the Firm

LEB.mhb
Enclosure

cc: Honorable Dan T. McCall, Jr.
cc: Honorable Telfair J. Mashburn
cc: Alton R. Brown, Jr., Esq.

FOREMAN & BROWN
ATTORNEYS AT LAW
SUITE 417 FIRST NATIONAL BANK BUILDING
MOBILE 13, ALABAMA

ALEXANDER FOREMAN, JR.
ALTON R. BROWN, JR.
WILLIAM H. BRIGHAM

August 27, 1963

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

RE: Patricia A. Sibley
- VS -
Thomas Hospital
Our File No. 63-4441-AB

Dear Mrs. Duck:

We are enclosing the Summons and Complaint in the above styled matter. We would like to bring to your attention the demand for jury trial on page 2 thereof. We respectfully request that the enclosed Summons and Complaint be filed immediately as the statute runs on August 31st, 1963. Please advise us by letter or card when the Complaint has been filed.

Yours very truly,

FOREMAN & BROWN

By


Alton R. Brown, Jr.

ARBjr/pas

Enclosures

PATRICIA A. SIBLEY, : IN THE CIRCUIT COURT OF
Plaintiff : BALDWIN COUNTY
vs. : ALABAMA
THOMAS HOSPITAL, : AT LAW
Defendant. : Case No. 5696

AMENDED PLEA IN ABATEMENT

Comes now the defendant, Thomas Hospital, and appears solely and specially for the purpose of pleading in abatement, and for no other purpose, and, pleading in abatement, amends its plea in abatement as follows and assigns to each separate and several count of the complaint filed herein the following separate and several pleas in abatement, separately and severally:

1. That the true name of the named defendant "Thomas Hospital" is not as set forth in said complaint but that its true name is now, was at the time of the commencement of this suit and has been at all times since then "Baldwin County Eastern Shore Hospital Board", and that it is now, was at the time of the commencement of this suit and has been at all times since then a corporation, all of which is hereby verified.

2. That there is not now, was not at the time of the commencement of this suit and has not been at any time since then any such defendant entity as "Thomas Hospital".

3. That the true name of said named defendant is "Baldwin County Eastern Shore Hospital Board", a corporation, and that said corporation is immune from suit under the doctrine of governmental immunity.

4. That the true name of said named defendant is "Baldwin County Eastern Shore Hospital Board", a corporation, and that said corporation is immune from suit under the doctrine of governmental immunity in that said corporation was organized and is operated under the provisions of Act 46, Acts of the Legislature of Alabama of 1949, Regular Session, p. 64, approved June 2, 1949.

Paul W. Brock

Louis E. Braswell
Attorney for Defendant
622 First National Bank Building
Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE,
GREAVES & JOHNSTON

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, Rachel K. Woodlief, a Notary Public in and for said County in said State, comes Louis E. Braswell, who, being duly sworn, deposes and says that he is one of the attorneys at law for the defendant, and that the facts set forth in each of the above pleas in abatement are true and correct.

Louis E. Braswell

Subscribed and sworn to before me,
on this 18th day of May, 1965.

Rachel K. Woodlief
Notary Public, Mobile County, Alabama

FILED

MAY 19 1965

ALICE L. DICK, CLERK

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct
copy of the foregoing pleading to Alton L
Brown, Jr., Esq., Attorney for Plaintiff
by depositing a copy of same in the United States mail,
postage prepaid, addressed to said attorney at his off-
ice in Mobile, Alabama on this, the 13 day of
May, 1965.
Lorrie E. Brumwell

FILED

MAY 19 1965

ALICE L. DUCK, CLERK
REGISTER

PATRICIA A. SIBLEY,) IN THE CIRCUIT COURT OF
Plaintiff,) BALDWIN COUNTY
Vs.) ALABAMA
THOMAS HOSPITAL,) AT LAW
Defendant.) CASE NO. 5696

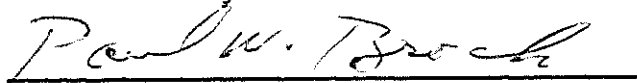
PLEA IN ABATEMENT

Comes now the defendant, Thomas Hospital, and appears solely and specially for the purpose of filing the following separate and several pleas in abatement, and for no other purpose, and pleading in abatement, said defendant does say the following:

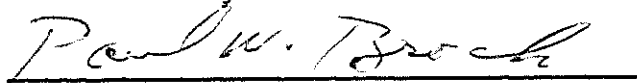
1. That the true name of the named defendant "Thomas Hospital" is not as set forth in said complaint but that its true name is now, was at the time of the commencement of this suit and has been at all times since then "Baldwin County Eastern Shore Hospital Board, Inc.", and that it is now, was at the time of the commencement of this suit and has been at all times since then a corporation, all of which is hereby verified.

2. That there is not now, was not at the time of the commencement of this suit and has not been at any time since then any such defendant entity as "Thomas Hospital".

3. That the true name of said named defendant is "Baldwin County Eastern Shore Hospital Board, Inc.", a corporation, and that said corporation is immune from suit under the doctrine of governmental immunity.


Paul W. Brock

Of Counsel:


HENDALL, BEDSOLE, GREAVES & JOHNSTON

SEP 23 1963

ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, Rachel K. Woodbury, a
Notary Public in and for said County in said State, comes
Paul W. Brock, who, being duly sworn, deposes and says that
he is the attorney at law for the above named defendant,
and that the facts set forth in each of the above pleas in
abatement are true and correct.

Paul W. Brock

Subscribed and sworn to before me,
on this 20 day of September, 1963.

Rachel K. Woodbury
Notary Public, Mobile County, Alabama

S U M M O N S

STATE OF ALABAMA :

COUNTY OF BALDWIN:

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon Thomas Hospital to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same and then and there to plead, answer or demur to the complaint of Patricia A. Sibley.

Witness my hand this 28 day of August, 1963.

Deane J. French
CLERK

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PATRICIA A. SIBLEY,	*	IN THE CIRCUIT COURT
Plaintiff	*	OF BALDWIN COUNTY,
-VS-	*	ALABAMA
THOMAS HOSPITAL,	*	AT LAW
Defendant	*	CASE NO. <u>5696</u>

C O U N T O N E

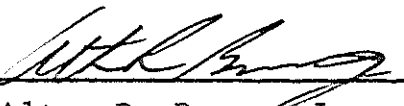
Plaintiff claims of the Defendant the sum of, to-wit, Twenty-five Thousand and No/100 (\$25,000.00) Dollars, as damages, for that heretofore and on, to-wit, the 31st day of August, 1962, the Defendant was engaged in the business of conducting a hospital for the treatment of patients requiring medical treatment, and for a reasonable compensation the Defendant undertook, promised and agreed to properly nurse and care for the Plaintiff who was admitted to said hospital on the 27th day of August, 1962, for the purpose of receiving medical treatment, and that while Plaintiff was in said hospital for such medical treatment, Plaintiff suffered a collapsed right shoulder and right clavical by reason of the negligence of two of the nurses employed by the Defendant in the care of Plaintiff while said nurses were engaged in and about the duties of their employment. Plaintiff further avers that as a proximate consequence of the negligence of the Defendant's nurses, as aforesaid, the Plaintiff was injured and damaged as follows: her body was bruised

and broken, and she was made sick, sore, and lame, she was caused to suffer excruciating physical pain and mental anguish and will be caused to suffer such in the future, she was caused to incur doctors, hospital and medical expenses for the care and treatment of her said injuries and will incur further such expenses in the future, she was caused to lose time from her work, and will lose more time from her work in the future, she was permanently injured, she received a permanent disability; all to her damage in the sum aforesaid, hence this suit.

FOREMAN & BROWN
Attorneys for Plaintiff

By 
Alton R. Brown, Jr.

Plaintiff demands a trial by jury.

By 
Alton R. Brown, Jr.

Defendant may be served at:

Morphy Avenue
Fairhope, Alabama

E4-9-4-63

FILED

AUG 28 1963

ALICE J. DUCK, CLERK
REGISTER

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA
36601

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P. O. BOX 123

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TELEPHONE:
432-5514
AREA CODE 205

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HAROLD D. PARKMAN
G. PORTER BROCK, JR.
HARWELL E. COALE, JR.
STEPHEN G. CRAWFORD
JERRY A. MCDOWELL

April 20, 1965

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

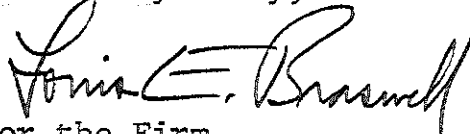
Re: Sibley v. Thomas Hospital
Case No. 5696
Our File: PWB 4438

Dear Mrs. Duck:

Alton Brown, who represents the plaintiff, and I would like to ask that the above case be taken off the motion docket for April 22, 1965. The reason for this request is that I plan to file an amended plea in abatement within the near future.

Thank you very much.

Yours very truly,


For the Firm

LEB.mjt
cc: Alton R. Brown, Esquire

FILED

APR 21 1965

ALICE J. DUCK, Clerk

M. 5696

Patricia D. Sibley

vs.

Thomas Hospital

dated 28 day of Aug. 1963
412 of Appt 63

made at the within

Thomas Hospital

by Claude Clark Jr.
Administrator

TAYLOR WILKINS, Sheriff
By Fred Sibley
2/10/63

Sheriff claims 70 miles at

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff
BY Fred Sibley
DEPUTY SHERIFF

FILED

AUG 28 1963


ALICE J. DUCK, CLERK
REGISTERED

PATRICIA A. SIBLEY,	:	IN THE CIRCUIT COURT
Plaintiff,	:	OF
-VS-	:	BALDWIN COUNTY,
THOMAS HOSPITAL, also known as	:	ALABAMA
BALDWIN COUNTY EASTERN SHORE	:	
HOSPITAL BOARD,	:	AT LAW
Defendant.	:	CASE NO. 5,696

Comes now the Plaintiff in the above entitled cause and Demurs, separately and severally, to the separate and several Pleas in Abatement heretofore filed herein, and as separate and several grounds of said Demurrer, sets down and assigns the following, separately and severally:

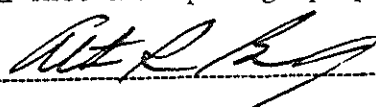
1. For that said Plea is immaterial.
2. For that said Plea is not a proper Plea in Abatement as the same, if true, is not subject to abate said action.
3. For that as alleged in said Plea, the Baldwin County Eastern Shore Hospital Board has not been named a Defendant in this suit, is not grounds for a Plea in Abatement.
4. For it affirmatively appears from said Plea that the same, if true, is no grounds to abate said action.
5. For that said Plea fails to apprise the Plaintiff wherein the Baldwin County Eastern Shore Hospital Board is not made a Party Defendant.
6. For it appears from said Act in said Plea that the Defendant is not immune from said suit under the doctrine of governmental immunity.
7. For that said Plea shows affirmatively that said Baldwin County Eastern Shore Hospital Board has been made a Defendant in said action.

FOREMAN & BROWN
Attorneys for Plaintiff

By: 
Alton R. Brown, Jr.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 6th day of December, 1985, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.



FILED
DEC 7 1985
ALICE J. DUCK, CLERK
REGISTER

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

SIXTH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

CHAS. C. HAND
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W. C. BOONE, JR.
DONALD F. PIERCE
LOUIS E. BRASWELL
HAROLD D. PARKMAN

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
HEMLOCK 2-5514

September 20, 1963

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

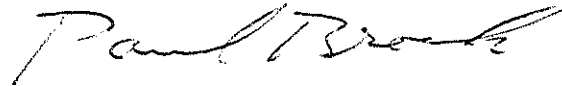
Re: Patricia A. Sibley vs. Thomas Hospital
Case No. 5696, Circuit Court of Baldwin County

Dear Mrs. Duck:

Enclosed is a plea in abatement which I have filed on behalf of the defendant in the above cause, as well as a receipt which I would appreciate your signing and returning to me. Please let me know when this plea in abatement will be heard.

With best regards,

Yours very truly,



For the Firm

PB.rw
Encls.

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

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July 27, 1966

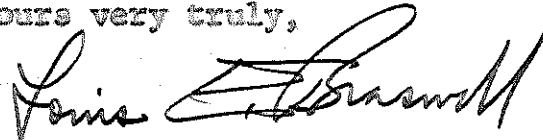
Alton R. Brown, Jr., Esquire
Attorney at Law
Van Antwerp Building
Mobile, Alabama

Re: Sibley vs. Thomas Hospital
Case No. 5696
Circuit Court of Baldwin County
Our File: LEB 4438 A

Dear Al:

This will confirm that the hearing on the
pleas in abatement has been set for 1:30 P.M. on
Thursday, August 11, 1966, at the Courtroom in
Bay Minette.

Yours very truly,



For the Firm

LEB:an

cc: Mrs. Alice J. Duck, Clerk