

Foley, Alabama
August 31, 1963

Honorable Hubert M. Hall
Judge, Circuit Court
Bay Minette, Alabama

Dear Judge Hall:

Please dismiss the case of Florence A. Grothjahn,
plaintiff, vs. South Baldwin Hospital, Inc., et al., Case
No. 5596, now pending on the law side of the Circuit Court
of Baldwin County, Alabama.

I am the plaintiff in this case.

Very truly yours,

Florence A. Grothjahn

Florence A. Grothjahn

FLORENCE A. GROTHJAHN,
Plaintiff,
VS.
SOUTH BALDWIN HOSPITAL,
INC., ET AL.,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 5596

DEMURRER

Now comes the defendant, James A. Brice, and demurs to the complaint heretofore filed in this cause and to each count thereof, separately and severally, and as grounds of such demurrer 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. The allegations of the complaint are vague, indefinite and uncertain.
4. The allegations of the complaint are conclusions of the pleader.
5. No facts are alleged to show any duty owing by this defendant to the plaintiff.
6. No facts are alleged to show the breach of any duty owing by this defendant to the plaintiff.
7. No facts are alleged to show to whom the policy of insurance described in the complaint was payable.
8. No facts are alleged to show that the policy of insurance described in the complaint was not payable to the defendants or one of them.
9. The allegations of the complaint are conclusions of the pleader and no facts are alleged to show how or in what way this defendant maliciously converted the funds or money described therein.
10. No facts are alleged to show any legal duty owing by this defendant to the plaintiff.

11. No facts are alleged to show the breach of any legal duty owing by this defendant to the plaintiff.

12. It does not allege any facts to show any privity by contract or otherwise between this defendant and the plaintiff.

13. It does not allege any facts to show fraud or collusion on the part of this defendant.

14. No facts are alleged to show that this defendant was the agent, servant or employee of the defendant, South Baldwin Hospital, Inc., and acting within the line and scope of his authority as such agent, servant or employee at the time of the alleged conversion.

J. B. Blackburn
Attorney for defendant, James A. Brice

FILED

JUL 11 1962

ALICE L. DUCK, CLERK
REGISTER

DEMURRER

FLORENCE A. GROTHJAHN,

Plaintiff,

VS.

SOUTH BALDWIN HOSPITAL, INC.,
ET AL.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5596

FLORENCE A. GROTHJAHN,

Plaintiff,

VS.

SOUTH BALDWIN HOSPITAL,
INC., GEORGE SCHNEIDER
and JAMES A. BRICE,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5596

DEMURRER

Now come the defendants, South Baldwin Hospital, Inc., and George Schneider, separately and severally, and demur to the complaint heretofore filed in this cause and to each count thereof, separately and severally, and as grounds of such demurrer assign, 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. The allegations of the complaint are vague, indefinite and uncertain.
4. The allegations of the complaint are conclusions of the pleader.
5. No facts are alleged to show any duty owing by the defendants to the plaintiff.
6. No facts are alleged to show the breach of any duty owing by the defendants to the plaintiff.
7. No facts are alleged to show that the defendant, James A. Brice, was the agent, servant or employee of the defendant, South Baldwin Hospital, Inc., and acting within his authority as such agent, servant or employee at the time of the alleged conversion.
8. No facts are alleged to show that the defendant, George Schneider, was the agent, servant or employee of the defendant, South Baldwin Hospital, Inc., and acting within his authority as such agent, servant or employee at the time of the alleged conversion.

9. No facts are alleged to show to whom the policy of insurance described in the complaint was payable.

10. No facts are alleged to show that the policy of insurance described in the complaint was not payable to the defendants or one of them.

11. The allegations of the complaint are conclusions of the pleader and no facts are alleged to show how or in what way the defendants maliciously converted the funds or money described therein.

J. B. Blackburn
Attorney for defendants, South Baldwin
Hospital, Inc., and George Schneider

FILED

JUL 11 1933

ALICE I. DUCK, CLERK
REGISTERS

DEMURRER

FLORENCE A. GROTHJAHN,

Plaintiff,

VS.

SOUTH BALDWIN HOSPITAL, INC.,
ET AL.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NO. 5596

FLORENCE A. GROTHJAHN))
Plaintiff))

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

VS.

SOUTH BALDWIN HOSPITAL, Inc.)
GEORGE SCHNEIDER and JAMES)
A. BRICE, Jointly and)
Severally)
Defendants))
))

AT LAW

COUNT ONE

The Plaintiff claims of the defendants, jointly and severally the sum of \$22,875.00 as damages for the malicious conversion by the defendants on or about to-wit: the 8th day of May, 1963 of the following money to-wit: \$644.95 paid by Blue Cross-Blue Shield of Alabama, under contract of hospitalization insurance number 788991 with the plaintiff as the insured, to South Baldwin Hospital, said sum of money having been paid by Blue Cross-Blue Shield of Alabama for reimbursement to the plaintiff for hospitalization and medical expenses incurred by the plaintiff during the periods of February 14, 1963 through February 19, 1963 and March 10, 1963 through March 23, 1963.

The plaintiff avers that she made demand upon George Schneider as Administrator of South Baldwin Hospital for said money but that the defendants George Schneider and James A. Brice acting within the line and scope of thier authority and employment as servants or employees of South Baldwin Hospital, well knowing that the said money belonged to the plaintiff and well knowing the great damage that would result to the plaintiff by thier actions, nevertheless, maliciously refused and failed to deliver the money, the property of the plaintiff to her.

The plaintiff avers that as a proximate result and consequence of the conversion of her money by the defendants, she was caused to suffer and continues to suffer great mental stress and strain, humiliation, embarrassment, physical disorders and pain, she has been caused to depend upon neighbors and friends for food, money for medicine and other necessities, she was put and continues to be put to great expense in employing medical aid and buying medicine for all of which she claims damages as aforesaid.

COUNT TWO

The plaintiff claims of the defendants, jointly and severally the sum of \$22,875.00 damages for the conversion by the defendants on to-wit: the 8th day of May, 1963, of the following money to-wit: \$507.80 paid by Blue Cross-Blue Shield of Alabama, under contract of hospitalization insurance number 788991 with the plaintiff as insured, the same being reimbursement to the plaintiff for hospitalization and medical expenses incurred by her during the period of March 10, 1963 through March 23, 1963 and \$137.15 paid by Blue Cross-Blue Shield of Alabama, under contract of hospitalization insurance number 788991 with the plaintiff as insured, the same being reimbursement to the plaintiff for hospitalization and medical expenses incurred by her during the period of February 14, 1963 through February 19, 1963. The plaintiff avers that James A. Brice acting within the line and scope of his authority as attorney, servant or employee of South Baldwin Hospital, maliciously and well knowing the great damage that would result to the plaintiff, directed George Schneider as Administrator of South Baldwin Hospital not to pay said money to the plaintiff, both well knowing the said money was the property of the plaintiff and subsequently thereafter on or about to-wit: the 8th day of May, 1963, the plaintiff made demand upon the said George Schneider as Administrator of South Baldwin Hospital for said money but that the said George Schneider acting within the line and scope of his authority as servant or employee of South Baldwin Hospital knowing the money belonged to the plaintiff, nevertheless refused and failed to deliver said money to the plaintiff.

The plaintiff avers that by reason of the conversion and as a proximate result and consequence thereof, she was caused to suffer and continues to suffer great mental stress and strain, anguish and physical pain, embarrassment and humiliation. She was put and continues to be put to great expense in employing medical aid and buying medicine for all of which she claims damages as aforesaid.

The Plaintiff Demands
trial by Jury.

FILED

JUN 6 1963

Arthur C. Epperson
Attorney for the Plaintiff

ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No.-----

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon George Schneider, ^{G/2} care South Baldwin Hospital

Foley, Ala. James A. Brice, Foley, Alabama, and South Baldwin Hospital, Inc.

Foley, Alabama in care of Roy Flint, Summerdale, Ala.

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against South Baldwin Hospital

Inc. George Schneider and James A. Brice, Jointly & Severally, Defendant

by Florence A. Grothjahn

Plaintiff

Witness my hand this 6 day of June

19 63

Miss J. Luck, Clerk

64-6-17-63
6-18-63
6-21-63

657

STATE of ALABAMA

Baldwin County

CIRCUIT COURTFlorence A. Gauthjahn

Plaintiffs

vs.

South Baldwin Hospital Inc.
Geo. Schneider & James
A. Brice

Defendants

Summons and ComplaintFiled 6-6 1963Reinhold ClerkArthur Epperson
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at _____

Received In Office

June 6, 1963

Sheriff.

I have executed this summons

this _____ 19____

by leaving a copy with

James C. Brice 6-17-63
Roy Flint 6-18-63Geo. Schneider & James
So. Baldwin Hospital
6-21-63Sheriff claims 216 miles atTen Cents per mile Total \$ 21.60

TAYLOR WILKINS, Sheriff

BY Childress
DEPUTY SHERIFFWm. Dickins
Sheriff.Wm. Dickins
Deputy Sheriff.Roy