

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Irmal R. Harris 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 the same, then and there to answer the complaint of Orvis Mitchell, as Administrator of the Estate of Doris Kathryn Mitchell, deceased.

WITNESS my hand this the 5 day of November, 1964.

Alice L. Duck
Clerk

ORVIS MITCHELL, as Adminis-
trator of the Estate of
Doris Kathryn Mitchell, de-
ceased,

Plaintiff,

Vs.

IRMAL R. HARRIS,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6286

1.

The Plaintiff, Orvis Mitchell, sues as the Administrator of the Estate of Doris Kathryn Mitchell, deceased, and claims of the Defendant the sum of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS as damages for that heretofore on, to-wit, the 25th day of July, 1964, Doris Kathryn Mitchell, deceased, was riding in a vehicle which was being driven in an easterly direction along or upon Fairhope Avenue, a public street in Fairhope, Baldwin County, Alabama, at a point where Fairhope Avenue intersects Greeno Road; that at said time and place, the Defendant, Irmal R. Harris, who was driving an automobile in a northerly direction on Greeno Road, a public road in Fairhope, Baldwin County, Alabama, so negligently operated her automobile as to cause it to run into and against the automobile in which Doris Kathryn Mitchell was riding and by reason thereof and as a proximate result and consequence thereof, Doris Kathryn Mitchell was so

severely injured that she died on, to-wit, July 25, 1964, all to the loss of the Plaintiff in the aforesaid amount.

2.

Plaintiff claims of the Defendant the sum of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS as damages, for that heretofore on, to-wit, the 25th day of July, 1964, Doris Kathryn Mitchell was riding in a vehicle which was being driven along or upon Fairhope Avenue, a public street in Fairhope, Baldwin County, Alabama, at a point where Fairhope Avenue intersects Greeno Road; that at said time and place, the Defendant, Irmal R. Harris, so negligently operated the vehicle she was driving so as to cause it to collide with the vehicle in which Doris Kathryn Mitchell was riding and as a proximate result thereof, Doris Kathryn Mitchell was killed. Your Plaintiff avers that he is the Administrator of the Estate of Doris Kathryn Mitchell, deceased, and brings this suit in that capacity.

3.

The Plaintiff, Orvis Mitchell, as Administrator of the Estate of Doris Kathryn Mitchell, deceased, claims of the Defendant the sum of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS as damages for that heretofore on, to-wit, July 25, 1964, the Plaintiff was riding in an automobile being operated in an easterly direction along and upon Fairhope Avenue, a public street in Fairhope, Baldwin County, Alabama, where Fairhope Avenue intersects Greeno Road; that at said time and place, the Defendant, Irmal R. Harris, who was driving an automobile in a northerly direction on Greeno Road, a public road in Fairhope, Baldwin County, Alabama, so wantonly operated her automobile as to cause it to run into and against the automobile Doris Kathryn Mitchell was riding in; and as a direct proximate consequence and result thereof, Doris Kathryn Mitchell was wantonly injured so that she died, all to the loss of the Plaintiff in

the aforesaid amount.

WILTERS, BRANTLEY & NESBIT

BY:

Phyllis L. Nesbit
Attorney for the Plaintiff

Plaintiff demands a trial by Jury.

WILTERS, BRANTLEY & NESBIT

BY:

Phyllis L. Nesbit
Attorney for the Plaintiff

Defendants Address:
Tolay, Alabama

FILED

Nov 5 1964

ALICE J. DUCK, CLERK
REGISTER

E4-11-23-64

ORVIS MITCHELL, As Administrator
of the Estate of Doris Kathryn
Mitchell, deceased,

Plaintiff

vs:

IRMAL R. HARRIS,

Defendant.

FILED

NOV 5 1964

ALICE L. DICK, CLERK
REGISTER

Wilters & Brantley, Attys.

Telephone
Office

Received 5 day of Sept 1964
and on 23 day of Nov 1964
I served a copy of this within 59 C
on IRMAL R. Harris

By service on phone

TAYLOR WILKINS, Sheriff

By Jim Eastman D.
Foley, Ala.

72

720

96

ORVIS MITCHELL, as Administrator of
the Estate of DORIS KATHRYN MITCHELL,
deceased,

PLAINTIFF

VS

IRMAL R. HARRIS,

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6286

AMENDMENT

Comes now the Plaintiff in the above styled cause and amends his
Complaint to read as follows:

1.

The Plaintiff, Orvis Mitchell, sues as the Administrator of the
Estate of Doris Kathryn Mitchell, deceased, and claims of the Defendant,
the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) as damages for that
heretofore on, to-wit, the 25th day of July, 1964, Doris Kathryn Mitchell,
deceased, was riding in a vehicle which was being driven in an easterly
direction along or upon Fairhope Avenue, a public street in Fairhope,
Baldwin County, Alabama, at a point where Fairhope Avenue intersects
Greeno Road; that at said time and place, the Defendant, Irmal R. Harris,
who was driving an automobile in a northerly direction on Greeno Road, a
public road in Fairhope, Baldwin County, Alabama, so negligently operated
her automobile as to cause it to run into and against the automobile in
which Doris Kathryn Mitchell was riding and by reason thereof and as a
proximate result and consequence of said negligence, Doris Kathryn Mitchell
was so severely injured that she died on, to-wit, July 25, 1964, all to the
loss of the Plaintiff in the aforesaid amount.

2.

Plaintiff claims of the Defendant the sum of ONE HUNDRED THOUSAND
DOLLARS (\$100,000.00) as damages, for that heretofore on, to-wit, the 25th
day of July, 1964, Doris Kathryn Mitchell was riding in a vehicle which was
being driven along or upon Fairhope Avenue, a public street in Fairhope,
Baldwin County, Alabama, at a point where Fairhope Avenue intersects Greeno
Road; that at said time and place, the Defendant, Irmal R. Harris, so
negligently operated the vehicle she was driving so as to cause it to collide
with the vehicle in which Doris Kathryn Mitchell was riding, and as a proximate

result of said negligence, Doris Kathryn Mitchell was killed. Your Plaintiff avers that he is the Administrator of the Estate of Doris Kathryn Mitchell, deceased, and brings this suit in that capacity.

3.

The Plaintiff, Orvis Mitchell, as Administrator of the Estate of Doris Kathryn Mitchell, deceased, claims of the Defendant the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) as damages for that heretofore on, to-wit, July 25, 1964, the Plaintiff was riding in an automobile being operated in an easterly direction along and upon Fairhope Avenue, a public street in Fairhope, Baldwin County, Alabama, where Fairhope Avenue intersects Greeno Road; that at said time and place, the Defendant, Irmal R. Harris, who was driving an automobile in a northerly direction on Greeno Road; a public road in Fairhope, Baldwin County, Alabama, so wantonly operated her automobile as to cause it to wantonly run into and against the automobile Doris Kathryn Mitchell was riding in; and as a direct proximate consequence and result of said wanton act, Doris Kathryn Mitchell was wantonly injured so that she died, all to the loss of the Plaintiff in the aforesaid amount.

WILTERS, BRANTLEY & NESBIT

By:

James M. Brantley
Attorney for the Plaintiff

No.

1286

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

ORVIS MITCHELL, as Administrator of
the Estate of DORIS KATHERYN MITCHELL,
deceased.

Plaintiff

VS

IRMA R. HARRIS

Defendant

AMENDMENT

Walters, Brantley & Nesbit
Box 555
Robertsdale, Alabama

Plaintiff's attorney

Chason, Stone & Chason
Bay Minette, Alabama

Defendant's attorney



FEB 12 1953

ALICE L. DICK
Clerk

ORVIS MITCHELL, as Administrator	§		
of the Estate of DORIS KATHRYN			
MITCHELL, deceased,	§	IN THE CIRCUIT COURT OF	
Plaintiff,	§	BALDWIN COUNTY, ALABAMA	
vs.	§	AT LAW	NO. 6286
IRMAL R. HARRIS,	§		
Defendant.	§		

DEMURRER

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

1. That the Plaintiff sues as Administrator but the Complaint fails to allege that he has ever been appointed as such administrator.
2. That the Complaint fails to allege that the Plaintiff has been appointed as the Administrator of the Estate of Doris Kathryn Mitchell anywhere in the State of Alabama.
3. That the Complaint fails to allege that the Plaintiff is still acting as administrator of such estate.
4. That said Complaint does not allege whether the Plaintiff's intestate was driving the automobile in which she was riding or whether she was a passenger.
5. That said Complaint alleges that the automobile in which the Plaintiff was riding was being driven along or upon a public street and such allegation fails to allege that such automobile was on a public highway or street at the time the accident occurred.

6. That Count 3 of the Complaint does not sufficiently allege that the Defendant wantonly injured the Plaintiff's intestate so as to cause her death.

Chasen, Stone & Chasen
Attorneys for Defendant

FILED

FEB 1 1968

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED
FEB 1 1968
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

6286

ORVIS MITCHELL, as
Administrator of the Estate
of DORIS KATHRYN MITCHELL,
deceased,

vs

IRMAL R. HARRIS,
Defendant.

DEMURRER

FILED
FEB 19 1962
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORVIS MITCHELL, As Administrator
of the Estate of Doris Kathryn
Mitchell, Deceased,

Plaintiff,

vs.

IRMAL R. HARRIS,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA


AT LAW

NO. 6286

Comes the Defendant in the above styled cause and demurs to the 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 complaint does not state a cause of action.
2. That count "2" of the complaint fails to allege that the said Doris Kathryn Mitchell who was riding in a vehicle was one and the same person as Doris Kathryn Mitchell who is the Plaintiff's intestate.
3. That the allegations of count "2" of the complaint are vague and indefinite.
4. That count "3" of the complaint refers to Orvis Mitchell as being the Plaintiff in said cause and then recites that such Plaintiff was riding in the automobile referred to therein.
5. That count "3" of the complaint fails to properly allege that the Defendant wantonly injured the Plaintiff's intestate.


Attorneys for Defendant


Filed - 12-3-64

ORVIS MITCHELL, As Adminis-
trator of the Estate of
Doris Kathryn Mitchell,
Deceased,

Plaintiff,

VS

IRMAL R. HARRIS,

Defendant

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 6286

* * * * *

DEMURRER

* * * * *

FILED

12-3-64

ALICE I. DUCH, CLERK
RECORDED