

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

JOSEPH H. LYONS (1900-1957)
SAM W. PIPES, III
WALTER M. COOK
GORDON B. KAHN
IRWIN W. COLEMAN, JR.
G. SAGE LYONS
WILLIAM F. HORSLEY

March 18, 1965

6402

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

Re: Lewis E. Everett vs Julio Corte, Sr. and
George Hallaway, jointly and individually
In the Circuit Court of Baldwin County, Alabama

Dear Mrs. Duck:

Enclosed please find demurrers which we are filing in this case,
and for which I will appreciate your acknowledging receipt of
our letter on the enclosed copy, returning it to us.

Will you kindly also advise us as to when the demurrers will be
heard.

Yours truly,

LYONS, PIPES AND COOK


Walter M. Cook

WMC/a
encl

JOHN V. DUCK
RICHARD C. LACEY

DUCK & LACEY
Attorneys at Law
FAIRHOPE, ALABAMA

319 MAGNOLIA AVENUE
P. O. BOX 296
TELEPHONE 928-2191

April 16, 1965

Mrs. Alice J. Duck
Clerk of the Circuit Court
P. O. Box 239
Bay Minette, Alabama

Re: Louis E. Everett vs. Julio Corte, Sr.
and George Halloway. Case No. 6402

Dear Mrs. Duck:

Would you please dismiss the above styled suit and send the cost bill to Lyons, Pipes & Cook, attention Mr. Walter M. Cook, First National Bank Building, Mobile, Alabama.

We have reached a settlement in this case.

Your cooperation in this matter will be most appreciated.

Sincerely,


John V. Duck

JVD:LH




LEWIS E. EVERETT

Plaintiff

vs

JULIO CORTE, SR., AND
GEORGE HALLAWAY, jointly
and individually,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO 64-07

Comes now each of the defendants, separately and severally, and demur to the plaintiff's complaint, and to each count thereof, separately and severally, upon the following separate and several grounds, to-wit:

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 said count fails to allege any causal connection between the alleged negligence of this defendant and the alleged damages of the plaintiff.

LYONS, PIPES AND COOK
Attorneys for Defendants

By Walter M. Cook

CERTIFICATE OF SERVICE
I do hereby certify that I have on this _____
day of _____, 196____, 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
MAR 18 1965

CLERK
U.S. DISTRICT COURT
BALDWIN COUNTY, ALABAMA

LEWIS E. EVERETT,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
JULIO CORTE, SR., and)	
GEORGE HALLAWAY, jointly)	
and individually,)	
Defendants.)	

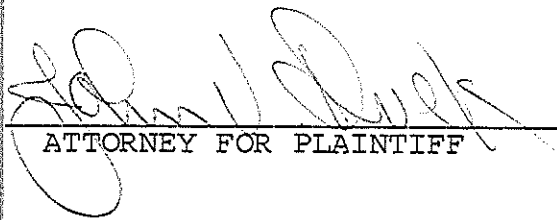
Plaintiff claims of the Defendant the sum of TWENTY-FIVE THOUSAND AND NO/100 (\$25,000.00) DOLLARS damages for that on, to-wit: the 18th day of September, 1964, the Defendant by his agent, servant or employee, GEORGE HALLAWAY, acting within the line and scope of his employment, negligently and unlawfully parked a truck crossways on Alabama Highway Number 64 at a point thereon one and one-tenths miles East of its intersection with U. S. 98, Daphne, Alabama, which was then and there a public highway in Baldwin County, Alabama, during the period of from one-half hour after sunset to one-half hour before sunrise, without displaying in a prominent position above the surface of the highway a burning, danger or caution signal as required by law; and as a proximate result thereof, the Plaintiff, while driving his said truck along said highway at said time and at about the hour of 9:20 P.M., ran into said truck and as a proximate result thereof, Plaintiff received the following injuries: He received avulsive lacerations of the face, causing permanent scarring of his face, he suffered a cerebral contusion, he sustained a severe sprain of the trapezius muscles in his neck, he suffered a dysfunction of an inner ear, that he was caused to suffer great pain and mental anguish, and will continue to suffer great physical pain and mental anguish in the future.

The Plaintiff avers that by reason of said injuries which he sustained in said collision he was compelled to go to a hospital, employ doctors at great expense, which said employment not continues as to treatment by the doctors and which expense continues in an amount not yet known by the Plaintiff; and Plaintiff further alleges that he was caused to lose much time from his

labors, that his capacity for work has been greatly reduced, that such condition continues to exist and will so continue to exist in the future, and he was permanently injured, for all of which he claims damages as aforesaid.


ATTORNEY FOR PLAINTIFF

Plaintiff respectfully demands
a trial by jury.


ATTORNEY FOR PLAINTIFF

FILED
FEB 18 1965
ALICE L. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No.....

.....TERM. 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JULIO CORTE, SR. and GEORGE HALLAWAY,
jointly and individually,

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 JULIO CORTE, SR.
and GEORGE HALLAWAY, jointly and individually, Defendant S.

by LEWIS E. EVERETT

Plaintiff.....

Witness my hand this 14 day of Feb 1965

EX-2-19-65

Wm. J. Hensley, Clerk

No. 6402

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

LEWIS E. EVERETT

Plaintiffs

vs.

JULIO CORTE, SR. and GEORGE

HALLAWAY, jointly and individually

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

FEB 18 1965

CLERK

Clerk

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

JULIO CORTE, SR. can be

served at Rt. 1, Daphne, Ala.

Defendant lives at

GEORGE HALLAWAY can be served
at Rt. 1, Box 120, Daphne,
Ala.

RECEIVED
Received In Office

FEB 18 1965

19.....

TAYLOR WILKINS

SHERIFF

Sheriff

I have executed this summons

this 2/19/ 1965

by leaving a copy with

Julio Corte Sr. &

George Hallaway

Belforest

Sheriff claims 100 miles at

Ten Cents per mile Total \$ 10.00

TAYLOR WILKINS, Sheriff
BY Roy Randal
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Roy Randal Deputy Sheriff