

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 138

TERM. 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Bernard Eugene Phillips, Sr., and George Willis  
Trucking Company; John Doe, d/b/a George Willis Trucking Company, a partnership  
composed of John Doe and Richard Doe; George Willis Trucking Company, a corporation  
whose true and correct name is otherwise unknown but will be ascertained when ascertained,  
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 ~~John Doe~~

Bernard Eugene Phillips, George Willis Trucking Company et als, Defendant

by Eddie Ervin, as Administrator of the Estate of Ella Jane Ervin

Plaintiff

Witness my hand this 16th day of August 19 67

Walter Duck, Clerk

No.....

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STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS AND COMPLAINT

Filed ..... 19.....

..... Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

..... 19.....

....., Sheriff

I have executed this summons

this ..... 19.....

by leaving a copy with

..... Sheriff

..... Deputy Sheriff

EDDIE ERVIN, as Administrator ) IN THE CIRCUIT COURT OF  
of the Estate of Ella Jane Ervin,

Plaintiff, ) BALDWIN COUNTY, ALABAMA

VS. ) AT LAW

BERNARD EUGENE PHILLIPS, SR. and )  
GEORGE WILLIS TRUCKING COMPANY; )  
JOHN DOE, D/B/A GEORGE WILLIS )  
TRUCKING COMPANY; GEORGE WILLIS )  
TRUCKING COMPANY, a Partnership )  
composed of JOHN DOE and RICHARD )  
ROE; GEORGE WILLIS TRUCKING )  
COMPANY, a Corporation whose true )  
and correct name is otherwise )  
unknown but will be amended when )  
ascertained, jointly and indivi- )  
dually,

Defendants. ) CASE NO. 9681

Plaintiff claims of the Defendants jointly and individually the sum of One Hundred Fifty Thousand and 00/100 (\$150,000.00) Dollars for that heretofore on, to-wit, the 6th day of June, 1967, while Ella Jane Ervin was a passenger in a car being operated by one Milton Horace Douglas, in a southerly direction on and along U. S. Highway 90, at a point, to-wit, 526 feet of the intersection of the aforesaid highway and the Apalachee River Bridge, said Highway 90 being a public highway, in Baldwin County, State of Alabama, Defendant Milton Horace Douglas, Sr., the agent, servant or employee of Defendant George Willis Trucking Company while acting within the line and scope of his authority as such, so negligently operated a truck on U. S. Highway 90 at the time and place mentioned so as to cause the same to be in a collision with the automobile in which Ella Jane Ervin was a passenger and as a direct and proximate of the negligence of the Defendants as aforesaid Ella Jane Ervin was fatally injured, wherefore Plaintiff seeks punitive damages.

TYSON, MARR AND FRIEDLANDER

AUG 16 1967

ALICE J. DUCK

CLERK  
REGISTER

By

David S. Conrad

Plaintiff demands a trial by jury.

Defendant Bernard Eugene Phillips, Sr. may be served at 359 West Moreland Drive, Prichard, Alabama.

Defendant George Willis Trucking Company is located at 509 Telegraph Road, Mobile, Alabama.

LAW OFFICES  
TYSON, MARR AND FRIEDLANDER  
158 ST. LOUIS STREET  
MOBILE, ALABAMA

LAW OFFICES

TYSON, MARR AND FRIEDLANDER

158 ST. LOUIS STREET

MOBILE, ALABAMA 36601

TELEPHONE 432-4554

JOHN M. TYSON  
THOMAS M. MARR  
MAURY FRIEDLANDER

CHARLES S. STREET  
DAVID S. CONRAD

December 13, 1967

Mrs. Alice V. Duck  
Clerk of the Circuit Court  
Baldwin County Courthouse  
Bay Minette, Alabama 36507

In Re: Eddie Ervin, as Administrator of the  
Estate of Ella Jane Ervin

Dear Mrs. Duck:

Please issue a branch summons in the above styled cause in  
accordance with Title 7 Section 185 of the Code of Alabama 1958  
Recompiled upon Bernard Eugene Phillips, Sr., at 419 Fremont  
Street, Selma, Alabama.

Yours very truly,

David S. Conrad

DSC:mah

*David S. Conrad*  
*419 Fremont Street*  
*instead of Selma*



EDDIE ERVIN, as Administrator ) IN THE CIRCUIT COURT OF  
of the Estate of Ella Jane Ervin,

Plaintiff, ) BALDWIN COUNTY, ALABAMA

VS. ) AT LAW

BERNARD EUGENE PHILLIPS, SR. and )  
GEORGE WILLIS TRUCKING COMPANY; )  
JOHN DOE, D/B/A GEORGE WILLIS )  
TRUCKING COMPANY; GEORGE WILLIS )  
TRUCKING COMPANY, a Partnership )  
composed of JOHN DOE and RICHARD )  
ROE; GEORGE WILLIS TRUCKING )  
COMPANY, a Corporation whose true )  
and correct name is otherwise )  
unknown but will be amended when )  
ascertained, jointly and indivi- )  
dually,

Defendants. ) CASE NO. 7681

Plaintiff claims of the Defendants jointly and individually the sum of One Hundred Fifty Thousand and 00/100 (\$150,000.00) Dollars for that heretofore on, to-wit, the 6th day of June, 1967, while Ella Jane Ervin was a passenger in a car being operated by one Milton Horace Douglas, in a southerly direction on and along U. S. Highway 90, at a point, to-wit, 526 feet<sup>east</sup> of the intersection of the aforesaid highway and the Apalachee River Bridge, said Highway 90 being a public highway in Baldwin County, State of Alabama, Defendant Bernard Eugene Phillips, Sr., the agent, servant or employee of Defendant George Willis Trucking Company while acting within the line and scope of his authority as such, so negligently operated a truck on U. S. Highway 90 at the time and place mentioned so as to cause the same to be in a collision with the automobile in which Ella Jane Ervin was a passenger and as a direct and proximate<sup>result</sup> of the negligence of the Defendants as aforesaid Ella Jane Ervin was fatally injured, wherefore Plaintiff seeks punitive damages.

TYSON, MARR AND FRIEDLANDER

By David S. Conrad  
David S. Conrad

Plaintiff demands a trial by jury.

David S. Conrad  
Defendant Bernard Eugene Phillips, Sr. may be served at 359 West Moreland Drive, Prichard, Alabama.

Defendant George Willis Trucking Company is located at 509 Telegraph Road, Mobile, Alabama.

FILED

AUG 16 1967

Executed this 19 day of Dec 1967  
by leaving a copy of the within summons ~~and full of fees~~

with Bernard Eugene Phillips, Sr.

Respondent.

Wilson Baker  
Sheriff of Dallas County, Ala.

By V. Batts.  
Deputy Sheriff, Dallas County, Ala.

EXECUTED

This the 19 day of Dec 1967

Wilson Baker  
WILSON BAKER, Sheriff

V. Batts.  
Deputy Sheriff

Mileage 15 miles

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 7681

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Bernard Eugene Phillips, Sr., and George Will is  
Trucking Company; John Doe, d/b/a George Willis Trucking Company, a partnership  
composed of John Doe and Richard Ree; George Willis Trucking Company, a corporation  
whose true and correct name is otherwise unknown but will be amended when ascertained,  
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. ~~XXXXXX~~

Bernard Eugene Phillips, George Willis Trucking Company et als, Defendant.

by Eddie Ervin, as Administrator of the Estate of Ella Jane Ervin

Plaintiff.

Witness my hand this 16th day of August 19 67.

Chas. J. Smith, Clerk

Ex: 8-23-67

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Bernard Eugene Phillips, Sr.  
419 Fremont St. - Selma, Ala.

No. 7681

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STATE OF ALABAMA  
Baldwin County

## CIRCUIT COURT

EDDIE ERVIN, as Administrator of

The Estate of ELLA JANE ERVIN

Plaintiffs

vs.

BERNARD EUGENE PHILLIPS, Sr; and

GEORGE WILLIS TRUCKING CO., et als

## SUMMONS AND COMPLAINT

Filed 8-16 1967

Alice J. Duck Clerk

RETURNED 8-26-67  
Not found in my county after diligent search and inquiry.

RAY D. BRIDGES, Sheriff

By L. Hapkins D. S.

Tyson, Marr, &amp; Friedlander

By /David S. Conrad Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED  
Received In Office  
AUG 16 1967  
TAYLOR WILKINS  
SHERIFF

I have executed this summons

this Aug 23 1967

by leaving a copy with

George Willis, Pres  
George Willis Trucking CoReturned 29 day of Aug 1967  
Not found in my county after diligent search and inquiry.  
As to John Over

Taylor Wilkins, Sheriff

By J. L. Hapkins Deputy Sheriff

Ray D. Bridges Sheriff  
L. Hapkins Deputy Sheriff

JOHNSTONE, ADAMS, MAY, HOWARD & HILL

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

PHONE 433-5561 P. O. BOX 1988

MOBILE, ALABAMA 36601

C. A. L. JOHNSTONE, JR.  
R. F. ADAMS, SR.  
JAMES L. MAY, JR.  
ALEX T. HOWARD, JR.  
J. JEPHTHA HILL  
CHARLES B. BAILEY, JR.  
BROCK B. GORDON

BEN H. HARRIS, JR.  
WILLIAM H. HARDIE, JR.  
DOUGLAS INGE JOHNSTONE

January 11, 1968

GESSNER T. MCCORVEY (1882-1965)  
BEN D. TURNER, OF COUNSEL

Honorable Alice J. Duck, Clerk  
Circuit Court of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama 36507

Re: Eddie Ervin, etc., v. George Willis Trucking Co.,  
et al, Cir. Ct., Baldwin County, Case No. 7681

Dear Mrs. Duck:

Enclosed is a Demurrer to be filed in your Circuit  
Court in the above case for the Defendant, Bernard Eugene  
Phillips, Sr.

Thank you for your kind attention to the above.

Yours very truly,

  
Alex T. Howard, Jr.

ATHjr/mjo

Enclosure: Demurrer

EDDIE ERVIN, as Administrator of ) IN THE CIRCUIT COURT OF  
the Estate of Ella Jane Ervin,

Plaintiff, ) BALDWIN COUNTY, ALABAMA

-vs- ) AT LAW CASE NO. 7681

BERNARD EUGENE PHILLIPS, SR. and )  
GEORGE WILLIS TRUCKING COMPANY,  
et al,

Defendants. )

Now comes Bernard Eugene Phillips, Sr., one of the Defendants  
in the above styled cause, and demurs to the Complaint in said  
cause and as grounds therefor assigns, separately and severally,  
the following:

1. For that the Complaint fails to state a cause of  
action.

2. For that the Complaint fails to state a cause of  
action against this Defendant.

3. From aught that appears this Defendant owed no duty  
to the Plaintiff at the time and place complained of in the  
Complaint.

4. From aught that appears this Defendant has breached  
no duty which he owed to the Plaintiff at the time and place  
complained of in the Complaint.

JOHNSTONE, ADAMS, MAY, HOWARD & HILL

By Alex T. Howard, Jr.  
Attorneys for the Defendant,  
Bernard Eugene Phillips, Sr.

CERTIFICATE

I, Alex T. Howard, Jr., one of the attorneys for Bernard  
Eugene Phillips, Sr., one of the Defendants in the above styled  
cause, hereby certify that I have served a copy of the above  
and foregoing Demurrer upon Mr. David S. Conrad, attorney for  
the Plaintiff in said cause, by mailing a copy of same to him  
by First Class United States Mail, properly addressed and with  
postage prepaid on this 11th day of January, 1968.

Alex T. Howard, Jr.  
Alex T. Howard, Jr.

FILED

JAN 12 1968