LAW OFFICES

### Tyson, Marr and Friedlander

158 St. Louis Street

Join M. Tyson Thomas M. Marr Maury Friedlander

CHARLES S. STREET DAVID S. CONRAD Mobile, Alabama 36601

TELEPHONE 432-4554

November 17, 1967

Mrs. Alice Duck Clerk of the Circuit Court Baldwin County Courthouse Bay Minette, Alabama 7853

In Re: Lela Dailey vs Ora M. Quinn and Robert Hav

Dear Mrs. Duck:

Please be kind enough to serve Defendant Ora M. Quinn at her address in Robertsdale, Alabama, and in addition thereto have Mr. Robert Hay of 211 West Bayliss Street, Pensacola, Florida, served through the Secretary of State in accordance with Title 7, Section 199 of the Code of Alabama 1958 Recompiled (1965 Cumulative Supplement to Volume Three).

Thank you very much for your cooperation in this matter.

David S. Conrad

DSC:mah Encs LAW OFFICES

#### TYSON, MARR AND FRIEDLANDER

158 St. Louis Street

Joen M. Tyson Teomas M. Marr Maury Friedlander

CHARLES S. STREET DAVID S. CONRAD MOBILE, ALABAMA 36601

Telephone 432-4554

December 26, 1967

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

Re: Lela Dailey Vs. Ora M. Quinn & Robert Hay 7853

Bessie Mae Burns Vs. Ora M. Quinn & Robert Hay 7854

Bessie Mae Burns as Administratrix of Estate of Evett James Page, Deceased 7880

Dear Mrs. Duck:

Please be kind enough to issue an alias in the above styled cases on Defendant Ora M. Quinn at her address, 6805 Larchmont Drive, North Highlands, California, through the Secretary of State in accordance with Title 7, Section 199 of Code of Alabama, 1958 recompiled (1965 Cumulative Supplement to Vol. 3). I am enclosing our check for \$5.00 in each of these three cases in the event this additional money is necessary. Please be kind enough to send the same back to me if it is not needed.

Thank you very much for your cocperation in this matter.

Yours very truly,

David S. Conrad

DSC:lhs

Enclosures

## HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

OR P O BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
432-5511

AREA CODE 205

MAILING ADDRESS:

January 23, 1968

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

> Re: Bessie Mae Burns, as Administratrix of the Estate of Evett James Page vs. Ora M. Quinn and Robert Hay - Case No. 7880; Lela Dailey vs. Ora M. Quinn and Robert Hay - Case No. 7853; Bessie Mae Burns vs. Ora M. Quinn and Robert Hay - Case No. 7854

Dear Mrs. Duck:

CHAS. C. HAND

C. B. ARENDALL.JR.

WM. BOFVADD WAND

PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON
LYMAN F. HOLLAND, JR.

J. THOMAS HINES, JR.
DONALD F. PIERCE
LOUIS E. BRASWELL
HAROLD D. PARKMAN
G. PORTER BROCK, JR.
HARWELL E. COALE, JR.
STEPPEN G. CRAWFORD
JERRY A. MCDOWCLL
W. RAMSEY MCKINNEY, JR.
LARRY U. SIMS
C. WAYNE LOUDERMILCH
A. CLAY RANKIN, III
ALAN E. RIFFLE

T-MASSEY BEDSOLE THOMAS G.GREAVES,JR.

VIVIAN G. JOHNSTON, JR.

Enclosed please find the following: (1) a plea in abatement to file in Case No. 7880; (2) a demurrer to be filed in Case No. 7853; (3) a demurrer to be filed in Case No. 7854.

Please file these pleadings according to the above-stated plan.

Would you please advise me of the term in which these cases will be set for trial if you can do so at this time.

Thank you for your services in this matter.

Yours very truly,

For the Firm

LUS bac

Enc.

STATE OF ALABAMA	Circuit Court, Baldwin County
Baldwin County	No. 7.85 5
	TERM, 19
	TO ANY SHERIFF OF THE STATE OF ALABAMA:
You Are Hereby Commanded to Summ	on
Fee M. Quinn	VI Pabent Hay
to appear and plead, answer or dem	ur, within thirty days from the service hereof, to the complaint
filed in the Circuit Court of Baldwin Cou	miv State of Alabama . D M.
Wearn dunn	To had sold
oy Lelen Darley	J. Sefendant
	ma.
Vitness my hand this	day of 19.67.  description of Clerk
	lesse Sullak Clerk

No1922	Page	Ota M. Samere
	ALABAMA n County	Defendant lives at
CIRCUIT	r court	Received In Office
MACA / MICHAEL TO THE TOTAL TOT		NOV 20 1967
LELA DAILEY		Wish which was Sheriff
***************************************	Plaintiffs	I have executed this summons
v	rs,	this 19
		by leaving a copy with
ORA M. QUINN	and ROBERT HAY	
	Defendants	
SUMMONS AN	ID COMPLAINT	
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Alice J. Du	ck Clerk	V 3335 3
Robert Ha	. •/	
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211 W. Bay/ Pensacola-1	= /a_	
Ph, 438-843		
	***************************************	Service Servic
		and the second
	•	
Tyson, Marr &	& Friedlander	
	Plaintiff's Attorney	, Sheriff
	Defendant's Attorney	Deputy Sheriff

LELA DAILEY,

IN THE CIRCUIT COURT OF

BALDWIN

MANA COUNTY, ALABAMA

Plaintiff

AT LAW

v.

.

ORA M. QUINN and ROBERT

HAY, jointly and individually,

.

:

Defendant

CASE NO. 7853

### <u>D E M U R R E R</u>

Comes now each of the following defendants,
Ora M. Quinn,

separately and severally, and demurs to the plaintiff's complaint filed herein and each count thereof, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

- 1. That it does not state facts sufficient to constitute a cause of action against this defendant.
- 2. For that negligence is therein alleged merely as a conclusion of the pleader.
- 3. For that it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence defendant is called on to defend.
- 4. For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.
- 5. For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by defendant to the plaintiff.

- 5) For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.
- 7) For that the averments set up, if true, do not show any liability on the part of the defendant.
- 8) For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.
- 9) For that there does not appear sufficient causal connection between this defendant's said breach of duty and plaintiff's injuries and damages.
- 10) No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of this defendant.
- 11) It is not alleged with sufficient certainty where said accident occurred.
- 12) For aught that appears, plaintiff had no right to be where plaintiff was at the time and place of said accident.
- 13) It is not alleged that the negligence complained of proximately caused the accident and the injuries and damages complained of

14) It does not appear in what country said accident occurred.

Trial Attorney for Defendant

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

FILED

ALGE A DARK CLERK

### CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing Demurrer to David S. Conrad, Esq., attorney for plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to Mr. Conrad at his office in Mobile, Alabama, on this the Ada day of January, 1968.

JAN 24 1988

ALCE J. DESPY CLERK REGISTER

January 15, 1968

4586

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

LELA DAILEY, Plaintiff

ORA M. QUINN, et al, Defendants

 $S\Lambda$ 

CASE NO. 7,853

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALBBAMA AT LAW

I, Mabel Amos, Secretary of State, hereby certify that on January 4, 1968 I sent by certified mail in an envelope addressed as follows:

"Certified Mail— Return Receipt Requested Deliver to Addressee Only" " Ora M. Quinn 6805 Larchmont Drive North Highlands, California 95660"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

Ora M. Quinn 6805 Larchmont Drive North Highlands, California 95660

You will take notice that on December 29, 1967

County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: LELA DAILEY, Plaintiff VS ORA M. QUINN, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

comÆ lədsM (bəngi2)

Secretary of State"

Enclosure (1)

day of Januar, 1968

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

WITNESS MY HAND and the Great Seal of the State of Alabama this the

I further certify that on January 15, 1968 I received the return card, showing receipt by the designated addressee of the aforementioned matter at North Highlands, Ga.

qsλ

477

WITNESS MY HAND and the Great Seal of the State of Alabama this the 15ti

f January, 1968

Mabel Amos Secretary of State

Enclosures: Return Beceipt Card and copy of Summons and Complaint.

: Honorable David S. Conrad Tyson, Marr and Friedlander

158 St. Louis Street Mobile, Alabama 36601 Witness my hand this 27th day of December

## STATE OF ALABAMA Baldwin County

Circuit Court, Baldwin County

Baldwin County	( No	7&53	•••		
	,		Т	ERM, I	9
	TO ANY SHER	UFF OF THE S	TATE OF ALABA	MA:	
You Are Hereby Commanded to Sumn	non dro M.	Quinz			•••••
	***************************************	•••••		•••••	
to appear and plead, answer or den	uur, within thirty	days from th	ne service hereof, to	the com	plaint
filed in the Circuit Court of Baldwin Co	unty, State of Al	abama, at Bay	Minette, against?	ra H. Q	uina 6
lobert.Ray,Jointly.&Individua				Defendan	it
by xR Lela Dailey			••••••		**********
				D1 4 14	

LELA DAILEY,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
VS.	)	AT LAW
ORA M. QUINN and ROBERT HAY, jointly and	)	
individually,	)	
Defendant.	)	CASE NO. 1959

Plaintiff claims of the Defendants the sum of Twenty Thousand and 00/100 (\$20,000.00) Dollars for that heretofore and on, to-wit, the 19th day of August, 1967, while the Plaintiff was a passenger in a car being driven in a northerly direction on and along Milwaukee Street at or near its intersection with Ohio Street, both public streets in the City of Robertsdale, Alabama, Defendant Ora M. Quinn, the agent, servant or employee of Defendant Robert Hay, while acting within the line and scope of her authority as such, so negligently operated a vehicle on Ohio Street at the time and place mentioned that it collided with the vehicle in which Plaintiff was a passenger and as a direct and proximate result of the negligence of the Defendant as aforesaid Plaintiff suffered the Mollowing injuries: she was made sick and sore; she suffered injuries in and about her legs; she suffered injury to her chest; she suffered a whiplash injury; the muscles in and about her back were badly strained; she was caused to incur great medical expense in and about the care of her injuries and will so incur such expense in the future; she was caused to loose time from her employment and will so loose such time in the future; all as a direct and proximate result of the negligence of the Defendant as aforesaid, wherefore, Plaintiff sues.

TYSON, MARR AND FRIEDLANDER Attorneys for Plaintiff

By

David S. Conrad

NOV 2 0 1967

Plaintiff respectfully demands a trial by struck jury.

David S. Conrad

Defendants may be served:

Ora M. Quinn Robertsdale, Alabama

Robert Hay 211 West Bayliss Street Pensacola, Florida

Please serve Defendant Robert Hay through the Secretary of State, Montgomery, Alabama.

NOV 2 0 1987

LUI & BOOK COMY RECUSTER LELA DAILEY,

Plaintiff,

BALDWIN COUNTY, ALABAMA

v.

ORA M. QUINN and ROBERT
HAY, jointly and individually,

Defendants.)

CASE NO. 7853

Defendant Robert Hay, for answer to the complaint, sayeth:

1. He is not guilty of the matters alleged therein.

Lawrence H. Hipsh, Sr. 314 South Baylen Street

Pensacola, Florida 32501

Attorney for Defendant Robert Hay

I HEREBY CERTIFY that a copy hereof has been furnished to

David S. Conrad, Esq., Tyson, Marr & Friedlander, 158 St. Louis Street,

Mobile, Alabama, Attorneys for Plaintiff, by mail this 29th day of December,

1967.

Lawrence H. Hipsh, Sr.

Attorney for Defendant Robert Hay

FILED

DEC 30 1967

ALCE I DERY CLERK REGISTER

November 27, 1967

LELA DAILEY, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

VS

ROBERT HAY, et al, Defendants

CASE NO. 7853

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

I, Mabel Amos, Secretary of State, hereby certify that on November 22, 1967 I sent by certified mail in an envelope addressed as follows:

"Robert Hay 211 West Bayliss Street Pensacola, Florida 32505"

"Certified Mail— Return Receipt Requested Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

"Robert Hay 211 West Bayliss Street Pensacola, Florida 32505

You will take notice that on November 22, 1967 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: LELA DAILEY, Plaintiff VS ROBERT HAY, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

Case No. 7853 a true copy of which summons and complaint is attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the day of November, 1967

Enclosure (1)

(Signed) Mabel Amos Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

I further certify that on November 27, 1967 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Pensacola, Fla. on November 24, 1967

WITNESS MY HAND and the Great Seal of the State of Alabama this the

27

day

of November, 1967

Mabel Amos Secretary of State

Enclosures: Return Receipt Card and copy of Summons and Complaint.

cc: Hon. David S. Conrad Tyson, Marr & Friedlander 158 St. Louis Street Mobile, Alabama 36602

Makel S.

IELA DAILEY,	)	IN THE C	IRCUIT C	OURT OF	
Plaintiff,	) ·	BALDWIN	COUNTY, A	ALABAMA	
VS.	•	AT LAW			
ORA M. QUINN and R	OBERT )			ing the second of the second o	
HAY, jointly and individually,	)				
Defendant.	)	CASE NO.			

Plaintiff claims of the Defendants the sum of Twenty Thousand and 00/100 (\$20,000.00) Dollars for that heretofore and on, to-wit, the 19th day of August, 1967, while the Plaintiff was a passenger in a car being driven in a northerly direction on and along Milwaukee Street at or near its intersection with Ohio Street, both public streets in the City of Robertsdale, Alabama, Defendant Ora M. Quinn, the agent, servant or employee of Defendant Robert Hay, while acting within the line and scope of her authority as such, so negligently operated a vehicle on Ohio Street at the time and place mentioned that it collided with the vehicle in which Plaintiff was a passenger and as a direct and proximate result of the negligence of the Defendant as aforesaid Plaintiff suffered the following injuries: she was made sick and sore; she suffered injuries in and about her legs; she suffered injury to her chest; she suffered a whiplash injury; the muscles in and about her back were badly strained; she was caused to incur great medical expense in and about the care of her injuries and will so incur such expense in the future; she was caused to loose time from her employment and will so loose such time in the future; all as a direct and proximate result of the negligence of the Defendant as aforesaid, wherefore, Plaintiff sues.

TYSON, MARR AND FRIEDLANDER Attorneys for Plaintiff

David S. Comrad

# STATE OF ALABAMA Baldwin County

Circuit	Court,	Baldwin	County
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.....TERM, 19......

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon	
ton I. mine and Robert Roy	
to appear and plead, answer or demur, within thirty days filed in the Circuit Court of Baldwin County, State of Alabama	a, at Bay Minette, against
by	Defendant
	Plaintiff
Witness my hand this day of day of	19.50 Club

Plaintiff respectfully demands a trial by struck jury.

David S. Conrad

Defendants may be served:

Ora M. Quinn Robertsdale, Alabama

Robert Hay
211 West Bayliss Street
Pensacols Florida

Pensagola, Florida Rlease serve defendant Robert Hay through the Secretary of State, Montgomery, Alabama.

WOV 22 1967 A A TOOLET ANY OF STATE OF

NOV 2 0 1967

ALOL J. DUCK CLERK REGISTER

DELA DAILEY,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
VS.	)	AT LAW
ORA M. QUINN and ROBERT	)	
HAY, jointly and individually,	)	
Defendant.	)	CASE NO. 1853

Plaintiff claims of the Defendants the sum of Twenty Thousand and 00/100 (\$20,000.00) Dollars for that heretofore and on, to-wit, the 19th day of August, 1967, while the Plaintiff was a passenger in a car being driven in a northerly direction on and along Milwaukee Street at or near its intersection with Ohio Street, both public streets in the City of Robertsdale, Alabama, Defendant Ora M. Quinn, the agent, servant or employee of Defendant Robert Hay, while acting within the line and scope of her authority as such, so negligently operated a vehicle on Ohio Street at the time and place mentioned that it collided with the vehicle in which Plaintiff was a passenger and as a direct and proximate result of the negligence of the Defendant as aforesaid Plaintiff suffered the following injuries: she was made sick and sore; she suffered injuries in and about her legs; she suffered injury to her chest; she suffered a whiplash injury; the muscles in and about her back were badly strained; she was caused to incur great medical expense in and about the care of her injuries and will so incur such expense in the future; she was caused to loose time from her employment and will so loose such time in the future; all as a direct and proximate result of the negligence of the Defendant as aforesaid, wherefore, Plaintiff sues.

TYSON, MARR AND FRIEDLANDER Attorneys for Plaintiff

David S. Conrad

NOV 2 0 1967

Plaintiff respectfully demands a trial by struck jury.

David S. Conrad

Defendants may be served:

Ora M. Quinn Robertsdale, Alabama

Robert Hay 211 West Bayliss Street Pensacola, Florida

Please serve Defendant Robert Hay through the Secretary of State, Montgomery, Alabama.

NOV 2 0 1967

## STATE OF ALABAMA Baldwin County

Circuit	Court,	Baldwin	County
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TERM 19

#### TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comm	anded to Summon	Ora M. Quinn	*********************	**********************
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••••••	····	./ Pt	***************************************	***************************************
	•••••		***************************************	******************
to appear and plead, a	inswer or demur, wit	hin thirty days from	the service hereof	, to the complaint
filed in the Circuit Court	of Baldwin County, St	ate of Alabama, at B	ay Minette, against	Ora M. Quinn &
obert Hay,Jointly	-			
by XX Lela I	ailey		••••••	
				Plaintiff
Witness my hand this	27thday o	f December	1967	
		11/1/10	$ \times A \cap V \vee A$	at Cla

84-12-29-67

. W. L. Moon Deputy Sheriff

STATE OF ALABAMA Baldwin County	Circuit Court, Baldwin County  No7853TERM, 19
You Are Hereby Commanded to Sun	TO ANY SHERIFF OF THE STATE OF ALABAMA:
Ora M. Quinn and Robe	rt Hay
	· ·
filed in the Circuit Court of Baldwin C Ora M.Quinn and Robert	Derendant
byLela Dailey	
	, Plaintiff
	day of November 19.67.

No7853 Page	788
STATE OF ALABAMA  Baldwin County	RECEI Defendant lives at  NOV 21 1967
CIRCUIT COURT	M. S. Received Theoffice
LELA DAILEY	NUV-2U-1967 19 Sheriff
Plaintiffs	I have executed this summons
vs.  ORA M. QUINN and ROBERT HAY  Defendants	by leaving a copy with
SUMMONS AND COMPLAINT	Executed by serving 3 copies of the within on Mall Invov Secretary of State of The State of
Filed	Alubanus  This the 27-day of 100, 1967  Sheriff of Montromery County  M. S. Butler,  By U. L. Mosa 7. D. S.
Tyson, Marr. & Friedlander Plaintiff's Attorney	M. S. Butler, Shoriff of Montgomory  County, Alabama, Claim \$1.50 each for  serving
Defendant's Attorney	process test or a total of Deputy Sheriff  We L. Mosty Deputy Sheriff