

JOHNSTONE, ADAMS, MAY, HOWARD & HILL
ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING
PHONE 433-5561 AREA CODE 205 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. JEPHTA HILL
CHARLES B. BAILEY, JR.
BROCK B. GORDON

BEN H. HARRIS, JR.
WILLIAM H. HARDIE, JR.
DOUGLAS INGE JOHNSTONE
E. WATSON SMITH
DONALD K. SWITZER

June 27, 1969

GESSNER T. MCCORVEY (1882-1965)
BEN D. TURNER (1886-1968)

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

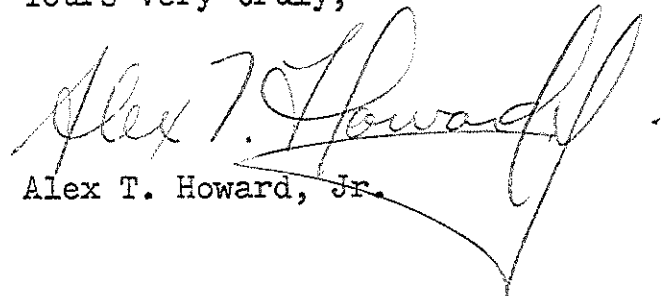
Re: Estate of Evelyn Hill vs. George Willis Trucking
Company, et al.
Circuit Court of Baldwin County Case No. 7974

Dear Mrs. Duck:

By Decree dated June 25, 1969 in your Court's Equity action No. 9715, Judge Mashburn ordered that Transport Indemnity Company was not obligated to furnish the Defendants with a defense in the above case. Therefore, I am requesting that you remove from your records our firm's appearance for the Defendant Bernard Eugene Phillips, Sr. in the above case.

Thank you for your kind attention to the above.

Yours very truly,


Alex T. Howard, Jr.

ATHjr:dk

cc: Mr. David S. Conrad

LILLY V. BALL, as
Administratrix of the
estate of EVELYN HILL,

Plaintiff,

VS.

BERNARD EUGENE PHILLIPS, SR.
and GEORGE WILLIS TRUCKING
COMPANY; JOHN DOE, d/b/a
GEORGE WILLIS TRUCKING
COMPANY; GEORGE WILLIS
TRUCKING COMPANY, a partner-
ship 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 individually,

Defendants.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
) AT LAW

)

)

)

)

)

)

)

)

)

)

CASE NO. 7974

Plaintiff claims of the Defendants jointly and individually
the sum of One Hundred and Fifty Thousand and 00/100 (\$150,000.00)
Dollars, for that heretofore on, to-wit, the 6th day of June, 1967,
while Evelyn Hill 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 east of the intersection
of the aforesaid highway and 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 Evelyn Hill was a passenger and as a direct and proximate
result of the negligence of the Defendants as aforesaid Evelyn Hill
was fatally injured, wherefore Plaintiff seeks punitive damages.

TYSON, MARR AND FRIEDLANDER

By David S. Conrad
David S. Conrad

FILED

JAN 29 1968

CE 432

ALICE J. DUCK CLERK
REGISTER

Plaintiff demands a trial by jury.

David A. Conrad

Defendant Bernard Eugene Phillips, Sr. may be served at 419 Tremont Street, Selma, Alabama.

All other Defendants may be served at 509 Telegraph Road, Mobile, Alabama.

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 7974

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ¹ Bernard Eugene Phillips, Sr., and ² George Willis
Trucking Company; ³ John Doe, d/b/a George Willis Trucking Company; ⁴ George Willis
Trucking Company, a partnership composed of John Doe and Richard Roe; George Willis
Trucking Company, a corp., whose true and correct name is otherwise unknown but will
be amended when ascertained, jointly & 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 Bernard Eugene
Phillips, Sr., and George Willis Trucking Company, et al Defendant.....

by Lilly V. Ball, as Administratrix of the estate of Evelyn Hill,.....
....., Plaintiff.....

Witness my hand this 28 29th day of January 1968.

Alice J. Hark Clerk

No. 7974

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

WILLIS V. BALL, as Administratrix of

the estate of EVELYN HILL,

Plaintiffs

vs.

BERNARD EUGENE PHILLIPS, SR., &

GEORGE WILLIS TRUCKING CO. ET AL

Defendants

SUMMONS AND COMPLAINT

Filed January 29, 1968

Alice J. Duck, Clerk

BY

FEB 5 10 48 AM

REC'D SHERIFF DEPT
MOBILE COUNTY, ALA

Tyson, Marr & Friedlander

158 St. Louis St. Plaintiff's Attorney
Mobile, Ala.

Defendant's Attorney

VOL 63
PAGE 434

RAY D. BRIDGES, SHERIFF

BY

[Signature] S.S.

Received on the 5th day of February, 1968 and on the 16th day of February, 1968 I executed the within writ by serving a copy of Summons and Complaint on 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, by service on George Willis, owner, and this writ is herewith returned for further action by the court.

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

February 23, 1968

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

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

Re: Estate of Evelyn Hill v. George
Willis Trucking Co., et al,
Circuit Court, Baldwin County,
Case No. 7974

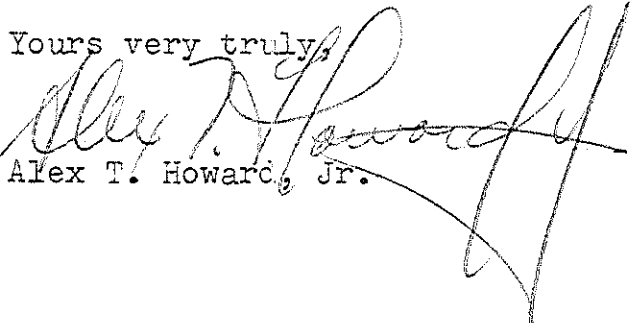
Dear Mrs. Duck:

Enclosed is a demurrer to the complaint in the above case which I am requesting that you file in such case for the Defendant Bernard Eugene Phillips, Sr.

Please advise when such demurrer has been filed.

Thank you for your kind attention to the above.

Yours very truly,


Alex T. Howard, Jr.

ATHjr/kr
enc

LILLY V. BALL, as
Administratrix of the
estate of EVELYN HILL,

Plaintiff,

vs.

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

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA

AT LAW

CASE NO. 7974

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 the 23rd day of February, 1968.

FILED

FEB 26 1968

ALICE J. DUCK CLERK
REGISTER

Alex T. Howard, Jr.

LILLY V. BALL, as Administratrix)
of the estate of Evelyn Hill,)
Plaintiff,)
VS.)
BERNARD EUGENE PHILLIPS, ET AL,)
Defendants.)

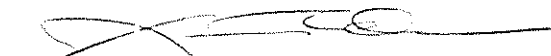
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

7974

PLEA

Now comes the defendant, George Willis, and for plea to the complaint heretofore filed in said cause and to each and every count thereof, separately and severally, and says, separately and severally:

1. Not guilty.


Attorney for Defendant, George Willis

FILED

AUG 1 1969

ALICE J. DUCK

CLERK
REGISTER

LAW OFFICES

TYSON, MARR AND FRIEDLANDER

158 ST. LOUIS STREET

MOBILE, ALABAMA 36601

TELEPHONE 432-4534

JOHN M. TYSON
THOMAS M. MARR
MAURY FRIEDLANDER

CHARLES S. STREET
DAVID S. CONRAD

January 25, 1968

no. 1924

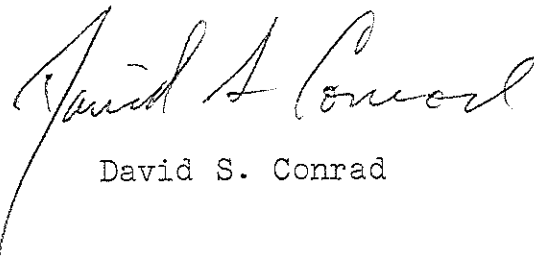
Mrs. Alice V. Duck
Clerk of the Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama

Dear Mrs. Duck:

Please be kind enough to file these suits and have the parties served at their addresses as indicated.

Thank you very much for your cooperation in this matter.

Yours very truly,



David S. Conrad

DSC:mah
Encs