

HORTENCIA MEDRANO, A MINOR
SUING BY HER FATHER AND NEXT
FRIEND, ISIDRO MEDRANO,

PLAINTIFF

VS

SISTER ROSE PHILLIPS AND THE
CATHOLIC CHARITIES BUREAU OF
THE DIOCESE OF MOBILE, ALABAMA

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: 9846

COUNT ONE:

THE PLAINTIFF, A MINOR CHILD, EIGHT YEARS OF AGE, WHO SUES BY HER FATHER AND NEXT FRIEND, ISIDRO MEDRANO, CLAIMS OF THE DEFENDANTS THE SUM OF TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS, AS DAMAGES FOR THAT ON, TO-WIT, MAY 23, 1970, THE PLAINTIFF WAS A PASSENGER IN AN AUTOMOBILE OWNED BY THE DEFENDANT OR DEFENDANTS AND BEING OPERATED BY THE DEFENDANT SISTER ROSE PHILLIPS, ALONG AND UPON A PUBLIC HIGHWAY IN BALDWIN COUNTY, ALABAMA, ON, TO-WIT, GREENO ROAD (HIGHWAY 98, TRUCK ROUTE) AT THE INTERSECTION WITH REGULAR U. S. HIGHWAY 98, AT WHICH POINT THE DEFENDANT SO NEGLIGENTLY OPERATED THE AUTOMOBILE IN WHICH THE PLAINTIFF WAS A PASSENGER THAT AN ACCIDENT WAS CAUSED WHICH INFLICTED GREAT DAMAGES AND INJURIES TO THE PLAINTIFF IN THAT SHE RECEIVED CUTS AND BRUISES ON AND ABOUT HER FACE AND HEAD, CAUSING SCARS ON HER FACE, AND CAUSING PLAINTIFF TO SUFFER GREAT MENTAL PAIN AND ANGUISH, AND STILL SUFFERS. THE PLAINTIFF ALLEGES THAT HER SAID DAMAGES WERE PROXIMATELY CAUSED BY THE NEGLIGENCE OF THE DEFENDANT IN THAT SHE NEGLIGENTLY CAUSED, ALLOWED OR PERMITTED SAID AUTOMOBILE TO RUN UPON, OVER OR AGAINST ANOTHER AUTOMOBILE AND AS A PROXIMATE CONSEQUENCE THEREOF, THE PLAINTIFF WAS DAMAGED AND INJURED AS AFORESAID.

COUNT TWO:

THE PLAINTIFF, A MINOR CHILD, EIGHT YEARS OF AGE, WHO SUES BY HER NEXT FRIEND AND FATHER, ISIDRO MEDRANO, CLAIMS OF THE DEFENDANTS TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS, FOR THAT ON, TO-WIT, MAY 23, 1970, THE DEFENDANT SISTER ROSE PHILLIPS, THEN AND THERE ACTING WITHIN THE LINE AND SCOPE OF HER EMPLOYMENT AS AN AGENT OR

SERVANT OF THE DEFENDANT, THE CATHOLIC CHARITIES BUREAU OF THE DIOCESE OF MOBILE, ALABAMA, NEGLIGENTLY CAUSED OR ALLOWED A VEHICLE TO-WIT, A FOUR DOOR PONTIAC, WHICH SHE WAS THEN AND THERE OPERATING TO RUN UPON OR AGAINST ANOTHER VEHICLE ON GREENO ROAD, A PUBLIC HIGHWAY, AT THE INTERSECTION OF GREENO ROAD AND U. S. HIGHWAY 98, IN BALDWIN COUNTY, ALABAMA, AS A PROXIMATE RESULT OF WHICH NEGLIGENCE THE PLAINTIFF, WHO WAS A PASSENGER IN THE AUTOMOBILE THEN AND THERE BEING OPERATED BY THE DEFENDANTS, WAS GREATLY DAMAGED AND INJURED IN THAT SHE RECEIVED SEVERE CUTS AND BLOWS UPON AND ABOUT HER FACE AND HEAD, RESULTING IN SEVERE CUTS AND BRUISES CAUSING SCARS AND GREAT TENDERNESS UPON AND ABOUT HER FACE. AS A RESULT OF THE INJURIES RECEIVED AS AFORESAID, SHE SUFFERED GREAT MENTAL PAIN AND ANGUISH, AND STILL SUFFERS.

PLAINTIFF FURTHER AVERS THAT ALL OF THE SAID DAMAGES AND INJURIES WERE AS A PROXIMATE RESULT OF THE NEGLIGENCE OF THE DEFENDANTS FOR ALL OF WHICH SHE SUES.

COUNT THREE:

PLAINTIFF CLAIMS OF THE DEFENDANTS THE SUM OF TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS AS DAMAGES, FOR THAT PLAINTIFF AVERS THAT ON, TO-WIT: MAY 23, 1970 SHE WAS A PASSENGER IN AN AUTOMOBILE BEING OPERATED UPON A PUBLIC HIGHWAY BY THE DEFENDANT ON, U. S. HIGHWAY 98 IN BALDWIN COUNTY, STATE OF ALABAMA, MORE PARTICULARLY DESCRIBED AS, THE INTERSECTION OF GREENO ROAD AND U. S. HIGHWAY 98, AND ON, SAID DATE AND PLACE, THE DEFENDANT, SISTER ROSE PHILLIPS THEN AND THERE ACTING WITHIN THE LINE AND SCOPE OF HER EMPLOYMENT AS AN AGENT OR SERVANT OF THE DEFENDANT, THE CATHOLIC CHARITIES BUREAU OF THE DIOCESE OF MOBILE, ALABAMA, WITH RECKLESS INDIFFERENCE TO CONSEQUENCES, WILLFULLY OR WANTONLY RAN OR CAUSED TO BE RUN SAID AUTOMOBILE IN WHICH THE PLAINTIFF WAS A PASSENGER, INTO, UPON OR AGAINST ANOTHER AUTOMOBILE. BEING CONSCIOUS AT THE TIME THAT HER CONDUCT IN SO DOING WOULD PROBABLY RESULT IN DISASTER TO PLAINTIFF AND BY REASON THEREOF AND AS THE PROXIMATE RESULT AND CONSEQUENCE

-5-
THEREOF, PLAINTIFF RECEIVED PERSONAL INJURIES IN THIS, TO-WIT: SHE
WAS CUT AND BRUISED ON AND ABOUT HER FACE AND HEAD: SHE WAS PERMANEN-
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TREAT HER SAID INJURIES; SHE WAS PUT TO GREAT EXPENSE IN BUYING
MEDICINE TO TREAT HER SAID INJURIES AND CONTINUES TO BE PUT TO SUCH
EXPENSE IN THE TREATMENT OF HER SAID INJURIES; SHE SUFFERED AND
CONTINUES TO SUFFER GREAT MENTAL ANGUISH AND PHYSICAL PAIN; ALL TO
HER GREAT DAMAGES ASAFORESAID; HENCE THIS SUIT.

BAILEY & TAYLOR

By: *Edward M. Bailey*
ATTORNEYS FOR PLAINTIFF

FOR THE TRIAL OF THIS CAUSE

~~THE PLAINTIFF DEMANDS A TRIAL BY JURY.~~

Edward M. Bailey

FILED

MAY 21 1971

EUNICE B. BLACKMON CLERK

Wdr
CASE NO: _____

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

HORTENCIA MEDRANO, A MINOR
SUING BY HER FATHER AND NEXT
FRIEND, ISIDRO MEDRANO

PLAINTIFF

VS.

SISTER ROSE PHILLIPS AND THE
CATHOLIC CHARITIES BUREAU OF
THE DIOCESE OF MOBILE, ALABAMA

DEFENDANTS MAY BE SERVED AT:

434 GOVERNMENT STREET
MOBILE, ALABAMA 36602

in New York, N.Y.
Father Weiss.

Ryo, M. G.

SUMMONS AND COMPLAINT

Moore Printing Co. - 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 ~~SISTER ROSE PHILLIPS AND THE CATHOLIC~~
~~CHARITIES BUREAU OF THE DIOCESE OF MOBILE, ALABAMA.~~

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.....*SISTER ROSE*

~~PHILLIPS AND THE CATHOLIC CHARITIES BUREAU OF THE DIOCESE~~ Defendant.....
~~OF MOBILE, ALABAMA~~

by*HORTENCIA MEDRANO, A MINOR SUIING BY HER FATHER AND NEXT FRIEND*

~~ISIDRO MEDRANO~~....., Plaintiff.....

Witness my hand this.....*21*.....day of.....*May*.....19.....*71*

Eunice B. Blackmon, clerk

No.....

Page.....

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

SUMMONS AND COMPLAINT

MOORE PRINTING CO., 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 SISTER ROSE PHILLIPS AND THE CATHOLIC
CHARITIES BUREAU OF THE DIOCESE OF MOBILE, ALABAMA.

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 SISTER ROSE
PHILLIPS AND THE CATHOLIC CHARITIES BUREAU OF THE DIOCESE, Defendant.....
OF MOBILE, ALABAMA

by HORTENCIA MEDRANO, A MINOR, SING BY HER FATHER AND NEXT FRIEND
ISIDRO MEDRANO....., Plaintiff.....

Witness my hand this 21 day of May 19 41.

Emmie B. Blackmon Clerk

70-405

No.

Page.

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS AND COMPLAINT

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Plaintiff's Attorney

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HORTENCIA MEDRANO, A MINOR
SUING BY HER FATHER AND NEXT
FRIEND, ISIDRO MEDRANO,

PLAINTIFF

VS

SISTER ROSE PHILLIPS AND THE
CATHOLIC CHARITIES BUREAU OF
THE DIOCESE OF MOBILE, ALABAMA

DEFENDANTS

IN THE CIRCUIT COURT OF
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THEREOF, PLAINTIFF RECEIVED PERSONAL INJURIES IN THIS, TO-WIT: SHE WAS CUT AND BRUISED ON AND ABOUT HER FACE AND HEAD; SHE WAS PERMANENTLY INJURED; SHE WAS PUT TO GREAT EXPENSE IN EMPLOYING DOCTORS TO TREAT HER SAID INJURIES; SHE WAS PUT TO GREAT EXPENSE IN BUYING MEDICINE TO TREAT HER SAID INJURIES AND CONTINUES TO BE PUT TO SUCH EXPENSE IN THE TREATMENT OF HER SAID INJURIES; SHE SUFFERED AND CONTINUES TO SUFFER GREAT MENTAL ANGUISH AND PHYSICAL PAIN; ALL TO HER GREAT DAMAGES ASAFORESAID; HENCE THIS SUIT.

BAILEY & TAYLOR

By: *Samuel B. Bailey*

ATTORNEYS FOR PLAINTIFF

FOR THE TRIAL OF THIS CAUSE
THE PLAINTIFF DEMANDS A TRIAL BY JURY.

Samuel B. Bailey

FILED

MAY 21 1971

EUNICE B. BLACKMON CIRCUIT CLERK

Ex 5-24-71

70-408

War
CASE NO: 9846 8727

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

HORTENCIA MEDRANO, A MINOR
SUING BY HER FATHER AND NEXT
FRIEND, ISIDRO MEDRANO

PLAINTIFF

VS

NF

SISTER ROSE PHILLIPS AND THE
CATHOLIC CHARITIES BUREAU OF
THE DIOCESE OF MOBILE, ALABAMA

6/14^x
Father Weiss, Nd.

DEFENDANTS MAY BE SERVED AT
404 GOVERNMENT STREET
MOBILE, ALABAMA 36602

MAY 21 1971

JAY L. SHERRIFF

FILED

MAY 21 1971

EUNICE B. BLACKMON CIRCUIT CLERK

RETURNED 6/16/71
Not found in my County after dili-
gent search and inquiry.
RAY D. BRIDGES, Sheriff
By M. Wainwright D.S.

EXECUTED
This day of , 19
by serving a copy of the within on
RAY D. BRIDGES, Sheriff
By D.S.

157
1971
Per of May
D. of June
I served a copy of the within to the
Catholic Charities Bureau of the
Diocese of Mobile
by service on Father Weiss, Nd.
RAY D. BRIDGES, Sheriff
M. Wainwright D.S.

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW

958 DAUPHIN STREET

MOBILE, ALABAMA 36604

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
ROBERT H. SMITH
WILSON M. HAWKINS, JR.

July 22, 1971

P. O. Box 4492
TELEPHONE
432-0568
AREA CODE 205

Mrs. Eunice Blackmon
Clerk, Circuit Court
Baldwin County Court House
Bay Minette, Alabama

Re: Hortencia Medrano, etc.
vs: Sister Rose Phillips, et al
Case No. 9846

Dear Mrs. Blackmon:

We enclose herewith original of demurrers to be
filed in the referenced case. Will you please see that the
same are filed.

Thank you.

Sincerely yours,

COLLINS, GALLOWAY & MURPHY

BY:

Fred G. Collins
Fred G. Collins *B*

FGC/brm

Encl.

HORTENCIA MEDRANO, a minor	:	IN THE CIRCUIT COURT OF
suing by her father and	:	
next friend, ISIDRO MEDRANO,	:	BALDWIN COUNTY, ALABAMA
Plaintiff,	:	
VS:	:	AT LAW
SISTER ROSE PHILLIPS and	:	
the CATHOLIC CHARITIES	:	
BUREAU of the Diocese of	:	
Mobile, Alabama,	:	
Defendants	:	CASE NO. 9 8 4 6

Comes now the defendants in the above entitled cause and demurs to the complaint heretofore filed, and each and every count thereof, separately and severally, and as grounds for said demurrer sets down and assigns the following separate and several grounds to the complaint and to each and every count thereof separately and severally, viz:

1. Said count fails to state a cause of action.
2. The allegations of said count do not set forth any legal duty owed from the defendants to the plaintiff which was breached to the plaintiff's injury.
3. It affirmatively appears from the allegations of said count that the plaintiff was a passenger in an automobile being operated by the defendants, and as a matter of law the defendants would not be legally liable to the plaintiff for simple negligence as is charged in said count.
4. The allegations of said count that the defendant negligently operated an automobile does not create a legal liability to the plaintiff, it affirmatively appearing in said count that the plaintiff was a passenger in the defendant's automobile at the time of the accident described in said complaint.
5. For that as a matter of law the defendants cannot be held legally liable to the plaintiff for simple negligence as is charged in said count, it affirmatively appearing that the

plaintiff was a passenger in the defendant's automobile at the time and place complained of.

6. It affirmatively appearing from the allegations of fact in said count that the plaintiff was a passenger in an automobile owned by the defendant at the time and place described in said complaint then there can be no legal liability imposed upon the defendants for the negligent operation of the automobile in which the plaintiff was riding as a passenger.

7. For that the allegations in said count establish that the plaintiff was a guest in the automobile being operated by the defendant Sister Rose Phillips, and the allegations in said count charging a negligent operation of the automobile being operated by the defendant Sister Rose Phillips does not create any legal duty to the plaintiff which it is alleged was breached to the plaintiff's injury.

8. Count one of said complaint does not contain any allegations of fact imposing any duty upon the defendant the Catholic Charities Bureau of the Diocese of Mobile, Alabama, in that it does not charge this defendant with operating said automobile, nor does it allege that the defendant Sister Rose Phillips was operating the automobile as an agent, servant or employee of the defendant Catholic Charities Bureau.

9. Said count does not contain any allegations of fact establishing any legal duty upon the defendant Catholic Charities Bureau of the Diocese of Mobile, Alabama, which it alleged was breached to the plaintiff's injuries.

10. It does not appear from any allegation of fact in count one of said complaint that the defendant Sister Rose Phillips, allegedly operating an automobile occupied by the plaintiff as a passenger, was acting as an agent, servant or employee of the defendant Catholic Charities Bureau at the time and place described in said count.

11. It does not appear from any allegations of fact

in said count that the defendants are charged with inflicting any willful or wanton injury upon the plaintiff.

12. For that the allegations of fact in count three of said complaint do not charge the defendants with inflicting any willful or wanton injury upon the plaintiff as a proximate result of any willful or wanton act.

13. For that the allegations of fact in count three of said complaint attempt to charge the defendants with willful or wanton negligence, but do not contain any allegations charging the defendants with inflicting a willful or wanton injury upon the plaintiff as a proximate result of the alleged willful or wanton act.

14. For that said count seeks to recover damages for alleged expense incurred by the plaintiff in connection with the treatment of her alleged injuries, and as a matter of law this plaintiff is not legally entitled to recover for such alleged expenses.

15. For that the plaintiff being a minor is not legally entitled to recover for the alleged medical expenses for the purchase of medications.

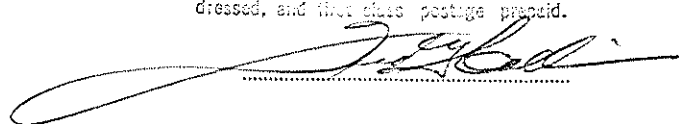
COLLINS, GALLOWAY & MURPHY

BY: 

Fred G. Collins
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 22
day of July, 1971, served a copy of
the complaint on the defendant for all
persons to be served by mailing the
same by United States Mail, properly ad-
dressed, and first class postage prepaid.



FILED

JUL 26 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW

958 DAUPHIN STREET

MOBILE, ALABAMA 36604

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
ROBERT H. SMITH
WILSON M. HAWKINS, JR.

June 26, 1973

P. O. BOX 4492
TELEPHONE
432-0568
AREA CODE 205

Mrs. Eunice Blackman
Circuit Court Clerk
Baldwin County Court House
Bay Minette, Alabama

Re: Hortencia Medrano, a minor, etc.
vs: Sister Rose Phillips and the
Catholic Charities Bureau of
the diocese of Mobile, Alabama.
Case No. 9846

Dear Mrs. Blackmon:

Enclosed please find Southern Guaranty Insurance Company draft in the amount of \$26.00 in payment of costs in the referenced case. This case is the one in which the insurance company erroneously sent you \$1500.00, instead of having it sent to our offices, and I understand Mr. Lloyd Taylor is going to get Judge Mashburn to enter a judgment for the plaintiff in the amount of \$1500.00. If there are any additional costs due, please notify our office. I also would appreciate knowing when the judgment is entered and that it has been marked satisfied.

Sincerely yours,

COLLINS, GALLOWAY & MURPHY

BY: 

Fred G. Collins

FGC/brm

Enclosure

cc: Hon. Lloyd Taylor

*Do not write Judgt
CR - yet say
Taylor*

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW

956 DAUPHIN STREET

MOBILE, ALABAMA 36604

January 11, 1973

P. O. Box 4492
TELEPHONE
432-0568
AREA CODE 205

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
ROBERT M. SMITH
WILSON M. HAWKINS, JR.

Hon. Lloyd E. Taylor
Bailey & Taylor
Attorneys at Law
61 North Section Street
Post Office Box 361
Bairhope, Alabama 36532

Re: Hortencia Medrano
vs: Sister Rose Phillips, et al
Case No. 9846

Dear Lloyd:

Sometime in the past couple of months my demurrers to the bill of complaint were on the pleadings docket, and Tom Galloway from our office was in the courtroom at the time. When the case was called he argued the demurrers and my understanding is that the demurrers to both counts of the complaint were sustained.

For that reason the case will have to be continued. The defendant, Sister Rose Phillips, is not in this area at the time, having been transferred to the New York area, but I am writing to her this date requesting that she try to make arrangements to be available for a trial in April of this year.

Sincerely yours,

COLLINS, GALLOWAY & MURPHY

BY: 

Fred G. Collins

FCC/bjm

cc: Judge Telfair J. Mashburn
Mrs. Eunice Blackmon, Circuit Clerk

BAILEY & TAYLOR
ATTORNEYS AT LAW
61 NORTH SECTION STREET
P. O. BOX 361
FAIRHOPE, ALABAMA 36532

ERNEST M. BAILEY
LLOYD E. TAYLOR

PHONE
FAIRHOPE 928-2393

JANUARY
8TH
1973

MR. FRED G. COLLINS
P.O. Box 4492
MOBILE, ALABAMA, 36604

RE: HORTENCIA MEDRANO
VS. SISTER ROSE PHILLIPS, ET AL
CASE # 9846

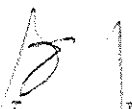
DEAR FRED:

THE ABOVE CASE IS SET ON THE TRIAL DOCKET IN BALDWIN COUNTY ON MONDAY, JANUARY 15, 1973. IN REVIEWING MY FILE, IT APPEARS THAT YOUR DEMURRERS TO THE BILL OF COMPLAINT HAVE NOT BEEN RULED UPON.

SINCE MY CLIENT LIVES IN TEXAS AND WILL HAVE TO MAKE A TRIP HERE FOR THE TRIAL, I WOULD PREFER TO HAVE ALL PLEADINGS SETTLED BEFORE REQUESTING HER TO RETURN TO ALABAMA. THEREFORE, I AM ASKING JUDGE MASHBURN, BY COPY OF THIS LETTER, TO PASS THIS CASE ON THE PRESENT DOCKET WITH THE UNDERSTANDING THAT IT WILL BE SET READY FOR TRIAL IN APRIL.

I AM ALSO REQUESTING THE CLERK TO SET YOUR DEMURRER FOR ARGUMENT ON THE NEXT MOTION DOCKET IN ORDER THAT THIS PLEADING CAN BE SETTLED AT THE EARLIEST POSSIBLE TIME.

VERY TRULY YOURS,


LLOYD E. TAYLOR

LET/W

CC: JUDGE TELFAIR J. MASHBURN
MRS. EUNICE BLACKMON, CIRCUIT CLERK ✓

C O P Y

11-1-72 - 11e 1/2 to ct 1 + 2 - 3ccs to ct 3.

**A CHECK
IN SETTLEMENT OF YOUR CLAIM**

Date: 5-31-73
Kind of Claim: BI
Claim Date: 5-24-70
Check Enclosed: \$1,500

assured: Catholic Charities

Enclosed find check in settlement of your claim.

We are pleased to have been of service in this matter.

For peace of mind, Insurance stands between you and loss.

TO Circuit Court of Baldwin County

THE AL JORDAN AGENCY

P. O. BOX 3096 — 1569 HIGHLAND AVE.
MONTGOMERY, ALABAMA 36109
Phone: 265-8254