

the negligence of the defendant ORRIE HILBURN, an agent, servant or employee of the defendant PAT GEORGE AND PAT GEORGE, doing business as PAT GEORGE AND COMPANY, while acting within the line and scope of his employment as such, in and about the negligent operation of the automobile truck which he was then and there driving; all to her damage as aforesaid; hence this suit.

Julius A. Masliburn, Jr.  
Attorney for plaintiff.

Plaintiff respectfully requests that this cause be tried by jury.

Julius A. Masliburn, Jr.  
Attorney for Plaintiff.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 2333

ILEAN LEE,  
Plaintiff,

VS.

ORRIE HILBURN AND PAT GEORGE,  
AND PAT GEORGE, doing business  
as PAT GEORGE AND COMPANY,

Defendants.

SUMMONS AND COMPLAINT.

TELFAIR J. MASHBURN, JR.  
ATTORNEY-AT-LAW  
BAY MINETTE, ALABAMA

FILED  
JUL 130 1954  
ALICE J. DUCK, Clerk

Received 31 day of July 1954  
and on 13 day of August  
I served a copy of the within Writ  
on Pat George  
By service on W. H. Holcombe  
TAYLOR WILKINS, Sheriff  
By John

RETURNED.....  
Not found in my County after diligent search  
and inquiry. Orrie Hilburn  
W. H. HOLCOMBE, Sheriff  
By John D. S.  
MOBILE COUNTY, ALA.

ILEAN LEE, Plaintiff

-vs-


ORRIE HILBURN AND PAT GEORGE,  
AND PAT GEORGE d/b/a PAT  
GEORGE AND COMPANY,  
Defendants.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA.  
)  
) AT LAW NO. 2333.  
)

DEMURRER

Comes now Pat George and Pat George doing business as Pat George and Company, one of the defendants in the above entitled cause, and demurs to plaintiff's complaint and to each and every count thereof separately and severally, and as grounds for said demurrer sets down and assigns the following separately and severally.

1. Said count fails to allege the violation of any duty owed by this defendant to the plaintiff.
2. For aught that appears from said count the accident complained of did not occur on a public highway.
3. For aught that appears from said count the plaintiff's automobile was not at a point where it had a legal right to be at the time and place complained of.
4. For aught that appears from said count the damage to the plaintiff's automobile was not the proximate result of the violation of any duty owed by this defendant to the plaintiff.

  
ATTORNEYS FOR PAT GEORGE AND PAT  
GEORGE DOING BUSINESS AS PAT  
GEORGE AND COMPANY, DEFENDANT.

STATE OF ALABAMA,       0  
                              0       TO ANY SHERIFF OF THE STATE OF ALABAMA:  
 COUNTY OF BALDWIN.     0

You are hereby commanded to summon ORRIE HILBURN AND PAT GEORGE AND PAT GEORGE, doing business as PAT GEORGE AND COMPANY, to appear within thirty days from the service of this writ in the circuit court, to be held for said County, at the place of holding the same, then and there to answer the complaint of ILEAN LEE.

Witness my hand this 30<sup>th</sup> day of July, 1954.

*Reese J. Smith*  
 \_\_\_\_\_  
 C L E R K.

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C O M P L A I N T.

ILEAN LEE

Plaintiff,

Vs:

ORRIE HILBURN AND PAT  
 GEORGE AND PAT GEORGE,  
 doing business as PAT  
 GEORGE AND COMPANY,

Defendants.

IN THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. \_\_\_\_\_

C O U N T O N E.

The plaintiff claims of the defendants the sum of ONE THOUSAND (\$1,000.00) DOLLARS as damages, for that, heretofore, on to-wit: Saturday, February 13, 1954 at about 12:35 A. M., on U. S. Highway 31, about 1.7 miles south of Bay Minette, Alabama, the defendant, ORRIE HILBURN, who was then and there an agent, servant or employee of the defendant, PAT GEORGE, and defendant PAT GEORGE, doing business as PAT GEORGE AND COMPANY, acting within the line and scope of his employment as such, so negligently operated an automobile truck which he was then and there driving as to cause an automobile driven by Hazel Payne Reichler to swerve into the path of plaintiff's automobile, a 1949 Pontiac, which was then and there being operated by her son DANIEL E. LEE, and as a proximate consequence thereof, plaintiff's car was bent and broken, the bumper was bent, the frame was bent, the radiator was crushed, both front fenders were bent and broken, the headlights were broken, radiator was bent and broken, she was deprived of the use of her automobile for a long period of time.

Plaintiff avers that all of her damages proximately caused by

STATE OF ALABAMA,     0  
                              0     TO ANY SHERIFF OF THE STATE OF ALABAMA:  
COUNTY OF BALDWIN.    0

You are hereby commanded to summon ORRIE HILBURN AND PAT GEORGE AND PAT GEORGE. doing business as PAT GEORGE AND COMPANY, to appear within thirty days from the service of this writ in the circuit court, to be held for said County, at the place of holding the same, then and there to answer the complaint of ILEAN LEE.

Witness my hand this 30<sup>th</sup> day of July, 1954.

*David J. Muck*  
C L E R K.

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C O M P L A I N T.

ILEAN LEE

Plaintiff,

Vs:

ORRIE HILBURN AND PAT  
GEORGE AND PAT GEORGE,  
doing business as PAT  
GEORGE AND COMPANY,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO.

2333

C O U N T   O N E.

The plaintiff claims of the defendants the sum of ONE THOUSAND (\$1,000.00) DOLLARS as damages, for that, heretofore, on to-wit: Saturday, February 13, 1954 at about 12:35 A. M., on U. S. Highway 31, about 1.7 miles south of Bay Minette, Alabama, the defendant, ORRIE HILBURN, who was then and there an agent, servant or employee of the defendant, PAT GEORGE, and defendant PAT GEORGE, doing business as PAT GEORGE AND COMPANY, acting within the line and scope of his employment as such, so negligently operated an automobile truck which he was then and there driving as to cause an automobile driven by Hazel Payne Reichler to swerve into the path of plaintiff's automobile, a 1949 Pontiac, which was then and there being operated by her son DANIEL E. LEE, and as a proximate consequence thereof, plaintiff's car was bent and broken, the bumper was bent, the frame was bent, the radiator was crushed, both front fenders were bent and broken, the headlights were broken, radiator was bent and broken, she was deprived of the use of her automobile for a long period of time.

Plaintiff avers that all of her damages proximately caused by

All the parties hereto agree that this agreement shall be filed in the United States District Court for the Southern District of Alabama, Southern Division, and in the Inferior Criminal Court of Mobile County, Alabama, and in the Circuit Court of Baldwin County, Alabama, in each of the several suits in which the parties are involved;

AND the parties further agree that this agreement may be cancelled upon fifteen (15) days' notice in writing to the other parties hereto by registered mail;

And the parties do further agree to proceed with the trial of the suit for the declaratory judgment at the earliest possible time.

IN WITNESS WHEREOF, the parties by and through their attorneys of record have hereunto set their hands and seals this 2<sup>nd</sup> day of January, 1955.

COMMERCIAL STANDARD INSURANCE CO.,  
A Corporation

By: Raymond J. Cord  
Attorneys of Record.

ALVIN COLLINSWORTH

By: Gordon Yarden  
Attorneys of Record.

ILAN LEE

By: Julian A. Madhubury  
Attorney of Record.

HAZEL PAINE REICHLER

By: Philip H. Thompson  
Attorney of Record.

WHEREAS the Commercial Standard Insurance Company, a corporation, by and through its attorneys, Lyons, Pipes & Cook, have filed in the United States District Court for the Southern District of Alabama, a bill seeking a declaratory judgment as to whether that company is bound to defend certain law suits pending against one Orrie Hilburn, and as part of said petition for declaratory judgment have prayed for a temporary restraining order restraining the plaintiffs in said suits from taking any judgment against or further proceeding against said Orrie Hilburn pending the hearing of the suit for declaratory judgment; and,

WHEREAS the plaintiffs in said suit, to-wit Alvin Collingsworth, by his attorneys, Gordon & Jansen, Ilean Lee, by her attorney, Telfair J. Mashburn, and Hazel Payne Reichler, by her attorney, Lenoir Thompson, have agreed that they will take no further proceeding in their said several suits against Orrie Hilburn pending the hearing upon the declaratory judgment;

NOW THEREFORE, the parties do mutually agree as follows: Alvin Collingsworth agreed not to proceed further or to take any judgment against Orrie Hilburn in Case #7977, Civil Division, Inferior Criminal Court of Mobile County, Alabama, until judgment has been rendered in the suit by Commercial Standard Insurance Company for a declaratory judgment in the Federal Court for the Southern District of Alabama, Southern Division; and Ilean Lee agrees not to proceed further or to take any judgment against Orrie Hilburn in Case #3333 At Law, Circuit Court of Baldwin County, Alabama, until judgment has been rendered in the suit by Commercial Standard Insurance Company for a declaratory judgment in the Federal Court for the Southern District of Alabama, Southern Division; and Hazel Payne Reichler agrees not to proceed further or to take any judgment against Orrie Hilburn in Case #2450, At Law, Circuit Court of Baldwin County, Alabama, until judgment has been rendered in the suit by Commercial Standard Insurance Company for a declaratory judgment in the Federal Court for the Southern District of Alabama, Southern Division.

the negligence of the defendant ORRIE HILBERN, an agent, servant or employee of the defendant PAT GEORGE AND PAT GEORGE, doing business as PAT GEORGE AND COMPANY, while acting within the line and scope of his employment as such, in and about the negligent operation of the automobile truck which he was then and there driving; all to her damage as aforesaid; hence this suit.

John A. Maschbauer Jr.  
Attorney for plaintiff.

Plaintiff respectfully requests that this cause be tried by

jury.

John A. Maschbauer Jr.  
Attorney for Plaintiff.

NO. 5332  
AT LAW.  
BUTLER COUNTY, VIRGINIA.  
IN THE CIRCUIT COURT OF

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ORRIE HILBERN  
PAT GEORGE AND PAT GEORGE  
AND COMPANY  
DOING BUSINESS AS  
PAT GEORGE AND COMPANY

ORRIE HILBERN  
PAT GEORGE AND PAT GEORGE  
AND COMPANY  
DOING BUSINESS AS  
PAT GEORGE AND COMPANY

Handwritten signatures and initials, including "Ab" and "Cly".