

LYONS, PIPES & COOK
ATTORNEYS AT LAW
517 FIRST NATIONAL BANK BUILDING
MOBILE 8, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK

December 16th, 1954.

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

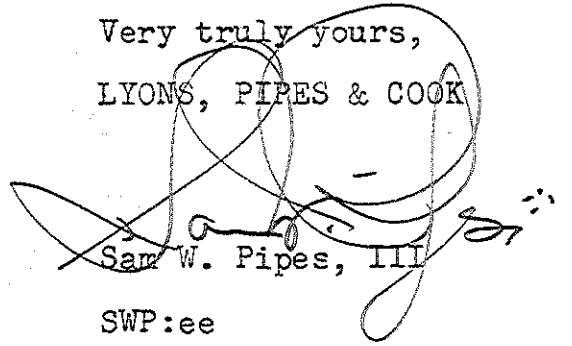
Re: At Law #2450 Reichler v. Hilburn, et al.

Dear Mrs. Duck:

We enclose herewith original and one copy of demurrer in the above case. We ask that you mark this demurrer filed, advising us by copy of this letter that the demurrer has been received and filed. We call your attention to the fact that the demurrer is filed on behalf of Pat George only.

We do not represent Orrie Hilburn.

Very truly yours,
LYONS, PIPES & COOK


Sam W. Pipes, III

SWP:ee

*Returned
for
signature
1-17-54*

HAZEL PAYNE REICHLER
Plaintiff

VS

ORRIE HILLBURN AND PAT
GEORGE and PAT GEORGE, doing
business as PAT GEORGE AND
COMPANY,

Defendants

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

Comes now the plaintiff and the defendants by and through their attorneys of record and move the court to dismiss the suit filed by the plaintiff in said cause, same being settled between the parties, with cost on the defendants.

C. LeNoir Thompson
C. LeNoir Thompson, Attorney for Hazel
Payne Reichler.

Pat George & Pat George
Attorney for the Defendants.
W/for Pat George Co

FILED

APR 7 1955

ALICE I. DUCK, Register

HAZEL PAYNE REICHLER,)	IN THE CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY, ALABAMA.
-vs-)	
ORRIE HILBURN AND PAT GEORGE)	AT LAW NO. 2450.
and PAT GEORGE, d/b/a PAT)	
GEORGE AND COMPANY,)	
Defendants.)	

Comes now Pat George, individually and doing business as Pat George and Company, and demurs to plaintiff's complaint, and to each and every count thereof separately and severally, and as grounds therefor sets down and assigns the following separate and several grounds:

1. Said count fails to allege the violation of any duty owed by this defendant to the plaintiff.
2. The willful or wanton act described in said count characterizes the act and not the injury.
3. For aught that appears from said count the defendant did not willfully or wantonly injure the plaintiff.


 ATTORNEYS FOR THE DEFENDANT PAT
 GEORGE AND PAT GEORGE D/B/A
 PAT GEORGE AND COMPANY.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ORRIS 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 Hazel Payne Reichler.

Witness my hand this 18 day of November, 1954.

Hazel Payne Reichler

PLAINTIFF

HAZEL PAYNE REICHLER,
PLAINTIFF,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

VS

AT LAW

ORRIS HILBURN AND PAT
GEORGE and PAT GEORGE, doing
business as PAT GEORGE AND
COMPANY,
DEFENDANTS.

C O U N T O N E .

The Plaintiff claims of the Defendants the sum of Twenty Thousand (\$20,000) Dollars, as damages for that heretofore, on, to-wit, Saturday, February 13, 1954, at about 12:35 A. M. on U. S. Highway 31, a public highway in Baldwin County, Alabama, about 1.7 miles South of Bay Minette, Alabama; the defendant, Orris Hilburn, who was then and there an agent, servant or employee of the defendant, Pat George d/o/a 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 run said automobile truck into, over or against an automobile operated by the Plaintiff herein, Hazel Payne Reichler; and Plaintiff avers that as a proximate consequence thereof she was injured about the face, limbs and body, with permanent damage and disfiguration to her face and mouth, and with great pain and suffering on her part, all to her damage in the sum aforesaid. And Plaintiff avers that all of her said injures were proximate caused by the said Orris Hilburn, an agent, servant, or employee of the Defendant Pat George d/o/a Pat George And Company while acting within the line and scope of his employment as such agent, servant, or employee, hence this suit.

C O U N T T W O

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, a public highway in Baldwin County, Alabama, 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 d/b/a 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 run said automobile truck into, over or against an automobile operated by the Plaintiff, Hazel Payne Reichler, and as a proximate consequence thereof Plaintiff's car was bent and broken and completely demolished constituting a total loss of said automobile to said Plaintiff, and said Plaintiff was deprived of the use of an automobile since ^{said} date. Plaintiff avers that all of her damages proximate caused by the negligence of the defendant, Orrie Hilburn, an agent, servant or employee of the Defendant, Pat George and Pat George d/b/a Pat George and Company, and 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 the Plaintiff's damage in the amount of One Thousand (\$1,000.00) Dollars; hence this suit.

C O U N T T H R E E

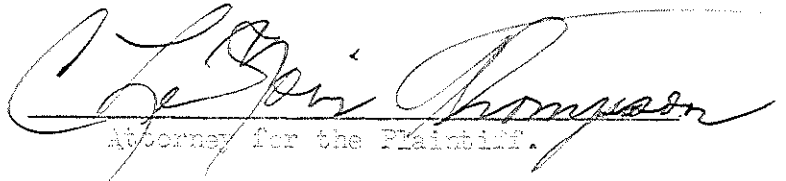
The Plaintiff claims of the Defendants the sum of Twenty Thousand (\$20,000) Dollars, as damages for that heretofore, on, to-wit, Saturday, February 13, 1954, at about 12:35 A. M. on U. S. Highway 31, a public highway in Baldwin County, Alabama, about 1.7 miles South of Bay Minette, Alabama; the defendant, Orrie Hilburn, who was then and there an agent, servant or employee of the defendant, Pat George d/b/a Pat George and Company, acting within the line and scope of his employment as such, so willfully and wantonly operated an automobile truck which he was then and there driving as to run said automobile truck into, over or against an automobile operated by the Plaintiff herein, Hazel Payne Reichler, and Plaintiff avers as a proximate consequence thereof she was injured about the face, limbs and body with permanent damage and disfiguration to her face and mouth and with great pain and suffering on her part; and Plaintiff avers that she was caused to incur considerable expense for medicine, surgery, and hospital treatment, taking of X-rays, doctor's services, etc., all to her damage in the sum aforesaid. And Plaintiff avers that all of her said injuries

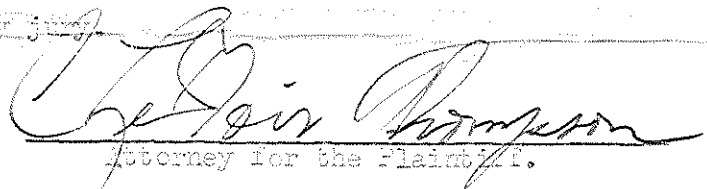
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were proximate caused by the said Orrie Hilburn, an agent, servant, or employee of the Defendant, Pat George d/b/a Pat George and Company, while acting within the line and scope of his employment as such agent, servant or employee, hence this suit.

C O U N T F O U R

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, a public highway in Baldwin County, Alabama, 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 d/b/a Pat George and Company, acting within the line and scope of his employment as such, so willfully and wantonly operated an automobile truck which he was then and there driving as to run said automobile truck into, over or against an automobile operated by the Plaintiff, Hazel Payne Reichler, and as a proximate consequence thereof Plaintiff's car was bent and broken and completely demolished constituting a total loss of said automobile to said Plaintiff, and said Plaintiff was deprived of the use of an automobile since said date. Plaintiff avers that all of her damages proximate caused by the willful and wanton of the defendant, Orrie Hilburn, an agent, servant or employee of the Defendant, Pat George and Pat George d/b/a Pat George and Company, and while acting within the line and scope of his employment as such in and about the willfully and wantonly operation of the automobile truck, which he was then and there driving; all to the Plaintiff's damage in the amount of One Thousand (\$1,000.00) Dollars; hence this suit.


Attorney for the Plaintiff.


Attorney for the Plaintiff.

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