

MARY BERTIE MAYFIELD,  
Plaintiff,  
vs.  
J. B. CALLAHAN,  
Defendant.

) IN THE CIRCUIT COURT  
) OF BALDWIN COUNTY  
) ALABAMA  
) CIVIL DIVISION  
) NO. 4575

ORDER

This matter coming on to be heard on Motion of the Defendant, J. B. Callahan, for a physical examination of the Plaintiff by a disinterested physician to be appointed by the Court; and the Court being of the opinion that the Motion should be granted.

NOW, THEREFORE, IT IS ORDERED by the Court that Dr. Robert T. King, 1659 Government Street, Mobile, Alabama, is a disinterested physician and an orthopedic surgeon practicing in Mobile, Alabama and he is hereby appointed by the Court to make a physical examination of the Plaintiff to ascertain the nature, extent and kind of injuries allegedly suffered by her as claimed in the Complaint; and

It is further ORDERED that the Plaintiff submit to a physical examination by the said Dr. Robert T. King at his offices in Mobile, Alabama, or elsewhere as he may direct, or suffer the penalties as prescribed by law.

Done this the 15 day of December, 1961.

1 Robert M. Hester  
Circuit Judge

MARY BERTIE MAYFIELD,

Plaintiff,

vs.

J. B. CALLAHAN,

Defendant.

) IN THE CIRCUIT COURT

) OF BALDWIN COUNTY

) ALABAMA

) CIVIL DIVISION

) NO. 4575

PETITION

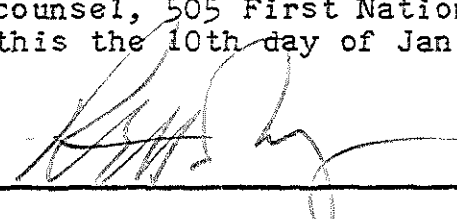
Comes now J. B. Callahan, the Defendant in the above entitled cause, and shows unto the Court that the Plaintiff has heretofore instituted a suit for personal injuries against this Defendant claiming \$25,000.00 damages and alleging that Plaintiff has lost her hearing in her left ear and partial hearing in her right ear and has suffered physical pain and mental anguish and has incurred expenses in and about the treatment of her injuries.

WHEREFORE, the premises considered, the Defendant prays that this Court will appoint a disinterested physician, who is a qualified eye, ear, nose and throat specialist, of its own choosing, to make a physical examination of the Plaintiff to ascertain the nature, extent and kind of injuries which she suffered in connection with the alleged loss of hearing.

HOLBERG, TULLY & HODNETTE  
Attorneys for Defendant

By 

I hereby certify that a copy of the above and foregoing Petition was served upon M. A. Marsal, Esq., counsel for the Plaintiff, in the above and foregoing cause, by mailing a copy thereof to the office of such counsel, 505 First National Bank Building, Mobile, Alabama, on this the 10th day of January, 1962.



FILED

JAN 15 1962

ALICE J. BURN, CLERK  
REGISTER

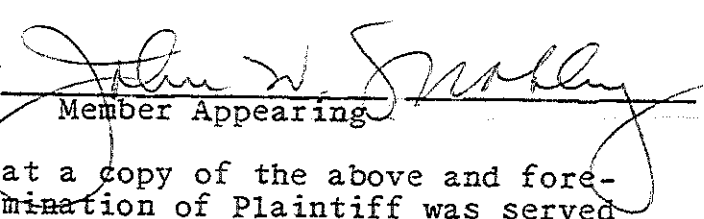
MARY BERTIE MAYFIELD,            ) IN THE CIRCUIT COURT OF  
                                  ) BALDWIN COUNTY, ALABAMA  
PLAINTIFF  
  
VS.                                 ) CIVIL DIVISION  
  
J. B. CALLAHAN,                    )  
                                  ) No. 4575  
DEFENDANT

Now comes J. B. CALLAHAN, the Defendant in the above-entitled cause, and shows unto this Honorable Court that the Plaintiff herein has heretofore instituted a suit for personal injuries against this Defendant, claiming TWENTY FIVE THOUSAND AND NO/100 (\$25,000.00) DOLLARS damages, and alleging that Plaintiff received a severe and permanent injury to her head, her neck and lumbar spine and that she has lost the hearing in her left ear and has lost partial hearing in her right ear and has suffered physical pain and mental anguish and has incurred expenses in and about the treatment of her injuries.

WHEREFORE, the premises considered, the Defendant prays that this Honorable Court will appoint a disinterested physician of its own choosing to make a physical examination of the Plaintiff to ascertain the nature, extent and kind of injuries which she suffered.

HOLBERG, TULLY, HODNETTE & MOBLEY  
and CHASON AND STONE  
Attorneys for Defendant

BY

  
Member Appearing

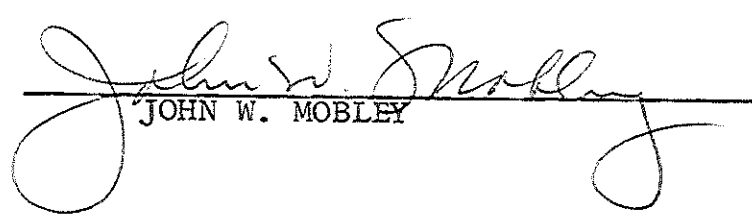
I hereby certify that a copy of the above and foregoing Motion for Physical Examination of Plaintiff was served upon M. A. Marsal, Esq. counsel for the Plaintiff in the above and foregoing cause, by delivering a copy thereof to the office of such counsel, 505 First National Bank Building, Mobile, Alabama, on this 30<sup>th</sup> day of August, 1961.

FILED

AUG 31 1961

ALICE J. DUCK, CLERK  
REGISTERED

299

  
JOHN W. MOBLEY

MARY BERTIE MAYFIELD	)	IN THE CIRCUIT COURT OF
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA
	)	
VS	)	CIVIL DIVISION
	)	
J. B. CALLAHAN	)	NO. 4575
DEFENDANT	)	

Comes now Defendant, J. B. Callahan, and for answer to Complaint heretofore filed says, separately and severally, as follows:

PLEA I

The allegations of the Complaint are untrue.

PLEA II

Not guilty.

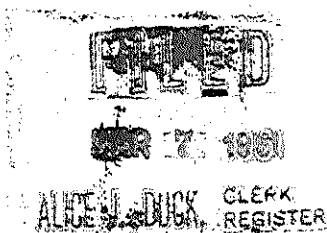
HOLBERG, TULLY, HODNETTE & MOBLEY  
Attorneys for Defendant

BY

*Herbert P. Feibelman, Jr.*  
Of Counsel

I hereby certify that I have served a copy of the above and foregoing pleadings on the Honorable M. A. Marsal, attorney for Plaintiff by lodging a copy thereof in his office in the First National Bank Building, Mobile, Alabama, this the 7<sup>th</sup> day of March, 1961.

*Herbert P. Feibelman, Jr.*  
HERBERT P. FEIBELMAN, JR.



MARY BERTIE MAYFIELD,	)	IN THE CIRCUIT COURT
Plaintiff,	)	OF BALDWIN COUNTY
vs.	)	ALABAMA
J. B. CALLAHAN,	)	CIVIL DIVISION
Defendant.	)	NO. 4575


ORDER

This matter coming on to be heard on Motion of Defendant, J. B. Callahan, for a physical examination of the Plaintiff by a disinterested physician specializing in eye, ear, nose and throat, to be appointed by the Court; the Court being of the opinion that the Motion should be granted;

NOW, THEREFORE, it is ORDERED by the Court that Dr. Philip P. Gilchrist, 1357 Spring Hill Avenue, Mobile, Alabama, is a disinterested physician and an eye, ear, nose and throat specialist practicing in Mobile, Alabama, and he is hereby appointed by the Court to make a physical examination of the Plaintiff to ascertain the nature, extent and kind of injuries allegedly suffered by her as complained in the Complaint for and on account of loss of hearing.

It is further ORDERED that the Plaintiff submit to a physical examination by the said Dr. Philip P. Gilchrist at his offices in Mobile, Alabama, or elsewhere as he may direct or suffer the penalties as prescribed by law.

Done this 12 day of January, 1962.

  
\_\_\_\_\_  
Circuit Judge

LAW OFFICES  
HOLBERG, TULLY, HODNETTE AND MOBLEY

1107 MILNER BUILDING  
P.O. BOX 47

MOBILE, ALABAMA

May 2, 1961

TELEPHONE  
HEMLOCK 2-8863

RALPH G. HOLBERG, JR.  
ALBERT J. TULLY  
ROBERT E. HODNETTE, JR.  
JOHN W. MOBLEY  
HERBERT P. FEIBELMAN, JR.

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

Re: Mary Bertie Mayfield vs. J. B. Callahan  
Circuit Court, Case No. 4575

Dear Mrs. Duck:

Enclosed please find two copies of Notice of the taking of the testimony of Mary Bertie Mayfield, whose address is 2351 Hart Avenue, Mobile, Alabama, upon oral examination, at 2:00 P.M. on the 18th day of May, 1961, in the office of Holberg, Tully, Hodnette & Mobley, 1107 Milner Building, 118 North Royal Street, Mobile, Alabama.

We would very much appreciate your issuing a subpoena to Mary Bertie Mayfield and request that one of the enclosed copies of such notice be attached to such subpoena. We endeavored to take Mrs. Mayfield's testimony on April 25, 1961, but she did not appear in our office for this purpose. We believe, however, that when this subpoena is forwarded to the Sheriff of Mobile County, Alabama and is served upon her, she will appear for the taking of her testimony at the above-said time and place. The remaining copy of such notice is for the Court file.

Thanking you and with highest personal regards, we remain,

Very truly yours,

HOLBERG, TULLY, HODNETTE & MOBLEY

  
John W. Mobley

pt

Encls.

HARRY SEALE

LAWYER

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

HARRY SEALE  
M. A. MARSAL  
A. J. SEALE  
LEON G. DUKE

MAILING ADDRESS  
POST OFFICE BOX  
HEWLECK 2-6686

January 30, 1961

Mrs. Alice Duck  
Baldwin County Courthouse  
Bay Minette, Alabama

Dear Mrs. Duck:

Please accept the two suits that you find enclosed herein and docket them as filed in the Circuit Court of Baldwin County and I would appreciate very much if a complaint and summons in each case be served on the Defendant, J. B. Callahan at Daphne, Alabama.

Your kindness is much appreciated and I always remember your fine son.

Yours truly,



M. A. MARSAL

MAM:m11

MARY BERTIE MAYFIELD, ) IN THE CIRCUIT COURT  
Plaintiff, ) OF BALDWIN COUNTY,  
vs. ) ALABAMA  
J. B. CALLAHAN, ) CIVIL DIVISION  
Defendant. ) NO. 4575

NOTICE OF TAKING PRE-TRIAL TESTIMONY

TO: MARY BERTIE MAYFIELD  
2351 Hart Avenue  
Mobile, Alabama

Please take notice that at 2:00 P.M. on Thursday, the 18th day of May, 1961, in the office of Holberg, Tully, Hodnette & Mobley, situate in 1107 Milner Building, 118 North Royal Street, Mobile, Alabama, the Defendant, J. B. Callahan, will take the deposition of Mary Bertie Mayfield, whose address is 2351 Hart Avenue, Mobile, Alabama, upon the oral examination and pursuant to an Act of Legislature of the State of Alabama, designated as Act 375, Regular Session, 1955, through September 8, 1955, before William J. Kern, Jr., who is authorized to administer oath in the County of Mobile, State of Alabama, and duly authorized to take depositions and swear witnesses in said County and said State. The oral examination will continue from day to day until completed and you are invited to attend and cross-examine.

HOLBERG, TULLY, HODNETTE & MOBLEY  
Attorneys for J. B. Callahan, Defendant

By John W. Mobley  
Member Appearing

CERTIFICATE

I, John W. Mobley, of Holberg, Tully, Hodnette & Mobley, Attorneys for the Defendant, J. B. Callahan, in the above-styled cause, do hereby certify that I have served the foregoing notice to take the deposition upon oral examination of Mary Bertie Mayfield upon the said Mary Bertie Mayfield, by mailing a copy of same to her address and upon her Attorney of Record, M. A. Marsal, Esq., by mailing a copy of same to his address, same being 505 First National Bank Building, Mobile, Alabama, postage pre-paid, all on this 18th day of May, 1961.

FILED

MAY 31 1961

ALICE J. DUCK, CLERK  
REGISTER

John W. Mobley  
John W. Mobley



MARY BERTIE MAYFIELD,

Plaintiff,

vs.

J. B. CALLAHAN,

Defendant.

) IN THE CIRCUIT COURT

) OF BALDWIN COUNTY,

) ALABAMA

) CIVIL DIVISION

) NO. 4575

NOTICE OF TAKING PRE-TRIAL TESTIMONY

TO: MARY BERTIE MAYFIELD  
2351 Hart Avenue  
Mobile, Alabama

Please take notice that at 2:30 P.M. on Tuesday, the 11th day of April, 1961, in the office of Holberg, Tully, Hodnette & Mobley, situate in 1107 Milner Building, 118 North Royal Street, Mobile, Alabama, the Defendant, J. B. Callahan, will take the deposition of Mary Bertie Mayfield, whose address is 2351 Hart Avenue, Mobile, Alabama, upon the oral examination and pursuant to an Act of Legislature of the State of Alabama, designated as Act 375, Regular Session, 1955, through September 8, 1955, before William J. Kern, Jr., who is authorized to administer oath in the County of Mobile, State of Alabama, and duly authorized to take depositions and swear witnesses in said County and said State. The oral examination will continue from day to day until completed and you are invited to attend and cross-examine.

HOLBERG, TULLY, HODNETTE & MOBLEY  
Attorneys for J. B. Callahan, Defendant

By John W. Mobley  
Member Appearing

CERTIFICATE

I, John W. Mobley, of Holberg, Tully, Hodnette & Mobley, Attorneys for the Defendant, J. B. Callahan, in the above-styled cause, do hereby certify that I have served the foregoing notice to take the deposition upon oral examination of Mary Bertie Mayfield upon the said Mary Bertie Mayfield, by mailing a copy of same to her address and upon her Attorney of Record, M. A. Marsal, Esq., by mailing a copy of same to his address, same being 505 First National Bank Building, Mobile, Alabama, postage pre-paid, all on this 29th day of March, 1961.

John W. Mobley  
John W. Mobley

MARY BERTIE MAYFIELD	X	IN THE CIRCUIT COURT
Plaintiff	X	OF BALDWIN COUNTY,
VS	X	ALABAMA
J. B. CALLAHAN	X	CIVIL DIVISION
Defendant	X	NO. <u>45751</u>

The Plaintiff claims of the Defendant the sum of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS for that heretofore and on, to-wit the 25th day of October, 1960, the Defendant did negligently operate an automotive vehicle on and along U. S. 90 at a point approximately 100 yards east of the Tensaw River span as to run upon, over or against an automobile in which the Plaintiff was a passenger while the automobile which she occupied was being operated on and along U. S. 90 at the time or place aforesaid, in Baldwin County, Alabama and as a direct and proximate result of the negligence of the Defendant, the Plaintiff received a severe and permanent injury to her head, her neck and lumbar spine and that she has lost the hearing in her left ear and has lost partial hearing in her right ear and has suffered physical pain and mental anguish and has incurred expense in and about the treatment of her injuries, all for which the Plaintiff sues.

M. A. Marsal  
M. A. MARSAL

The Plaintiff demands that this cause be tried by Jury.

M. A. Marsal  
M. A. MARSAL

Defendant may be served at:  
Daphne, Alabama

**FILED**  
JAN 31 1961  
ALICE I. DUCK, CLERK  
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 4575

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon J. B. CALLAHAN

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

J. B. CALLAHAN

Defendant

by MARY BERTIE MAYFIELD

Plaintiff

Witness my hand this 31 day of January 1961

64-2-10-61

Alice J. [Signature], Clerk

No. 4575 Page

**STATE of ALABAMA**  
Baldwin County  
**CIRCUIT COURT**

MARY BERTIE MAYFIELD

Plaintiffs

vs.

J. B. CALLAHAN

Defendants

**Summons and Complaint**

Filed January 31, 1961

Alice J. Duck Clerk

Mk. M.A. Marsal

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

Jan. 31, 1961

Sheriff.

I have executed this summons

this 10 Feb 1961  
by leaving a copy with

J. B. Callahan

Sheriff claims 34 miles at  
Ten Cents per mile Total \$ 5.40  
TAYLOR WILKINS, Sheriff  
BY *Barnes*  
DEPUTY SHERIFF

Taylor Wilkins

Sheriff.

W. O. Barnes

Deputy Sheriff.

Daphne

LAW OFFICES  
HOLBERG, TULLY, HODNETTE AND MOBLEY

1107 MILNER BUILDING

P. O. BOX 47

MOBILE, ALABAMA

December 14, 1961

RALPH G. HOLBERG, JR.  
ALBERT J. TULLY  
ROBERT E. HODNETTE, JR.  
JOHN W. MOBLEY  
HERBERT P. FEIBELMAN, JR.

TELEPHONE  
HEMLOCK 2-8863

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

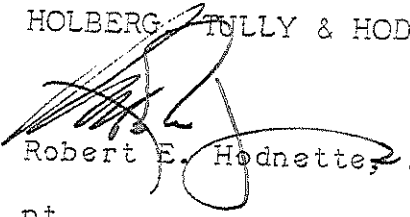
Dear Mrs. Duck:

We enclose the original and one copy of a proposed Order appointing Dr. Robert T. King of Mobile as a disinterested orthopedic surgeon to examine the Plaintiff. We have no connection with Dr. King and suggest him as a very competent physician.

I shall appreciate your presenting this Order to Judge Hall and in advising us and Mr. Marsal, and as well Dr. King, of the appointment. In matters of this kind, the Plaintiff's attorney generally makes the appointment with the appointed doctor for his client to undergo the examination.

Sincerely yours,

HOLBERG, TULLY & HODNETTE

  
Robert E. Hodnette, Jr.

pt

Encls.

CC: Mr. M. A. Marsal  
Mr. Norborne C. Stone