

HOWARD M. MICKELSEN,

Plaintiff,

v.

BLUE CROSS-BLUE SHIELD
OF ALABAMA, a corporation,

Defendant.

) IN THE CIRCUIT COURT OF
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(

BALDWIN COUNTY

ALABAMA

NO. 4593

D E M U R R E R

Comes the defendant, Blue Cross-Blue Shield of Alabama, and demurs to the complaint filed in said cause, and to each and every count thereof, separately and severally, and for grounds of said demurrer assigns, separately and severally, the following:

1. For that the averments thereof are mere conclusions of the pleader.
2. For aught appearing, the plaintiff has not complied with the conditions precedent contained in said contract.
3. For aught appearing, the plaintiff has not paid the premium due on such policy.
4. For that the averment that said policy was in full force and effect is a mere conclusion of the pleader.
5. For that it does not appear what duty, if any, defendant owed to plaintiff on the occasion complained of.
6. For that it does not appear what duty, if any, defendant has breached.

Lange, Simpson, Robinson & Somerville
LANGE, SIMPSON, ROBINSON & SOMERVILLE
Attorneys for Defendant
Blue Cross-Blue Shield of Alabama

Filed 2-23-61

IN THE CIRCUIT COURT OF
BALDWIN COUNTY
ALABAMA

HOWARD M. MICKELSEN,

Plaintiff,

v.

BLUE CROSS-BLUE SHIELD OF
ALABAMA, a corporation,

Defendant.

DEMURRER

FILED
FEB 28 1961
ALICE J. DUCK, CLERK
REGISTER

LAW OFFICES OF
LANGE, SIMPSON, ROBINSON & SOMERVILLE
EXCHANGE SECURITY BANK BUILDING
BIRMINGHAM, ALA.

HOWARD M. MICKELSEN,
Plaintiff,
vs.
BLUE CROSS-BLUE SHIELD,
a Corporation,
Defendant.

X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

4593

PLEAS:

Comes the Defendant in the above styled cause and files the following separate and several pleas to the Plaintiffs amended complaint, viz:

1. That the allegations of the amended complaint are untrue.
2. That the policy sued on in the Plaintiff's amended complaint became effective on October 15, 1960, and provided in paragraph 3 of Section VIII thereof as follows:

PRE-EXISTING CONDITIONS--Hospital service hereunder shall not be available to any member for any condition, disease or ailment, congenital or otherwise (known or unknown), which existed on the effective date of his coverage hereunder, or for which medical or surgical treatment or advice has been rendered within one (1) year prior to the effective date of his said coverage, until the member shall have been covered by a Blue Cross hospital service contract for a period of nine (9) consecutive months immediately preceding the date of his hospital admission.

That the Plaintiff claims hospital service benefits under such policy for an operation on his spine which was performed on December 10, 1960 for a condition which existed prior to October 15, 1960, the effective date of such policy, hence the Plaintiff cannot recover in this suit.

LANGE, SIMPSON, ROBINSON & SOMERVILLE
and

CHASON & STONE

By: 
Attorneys for Defendant

FILED

FEB 18 1961

ALICE J. BUCK, CLERK
REGISTER

HOWARD M. MICKELSEN,

Plaintiff,

vs.

BLUE CROSS-BLUE SHIELD,
a Corporation,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

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PLEAS

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FILED
FEB 13 1964
ALICE L. DUCK, RECLERK

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

LAW OFFICES OF
LANGE, SIMPSON, ROBINSON & SOMERVILLE

EXCHANGE SECURITY BANK BUILDING
BIRMINGHAM 3, ALABAMA

FAIRFAX 3-1661

RAY L. LANGE
JAMES A. SIMPSON
MEMORY L. ROBINSON
ORMOND SOMERVILLE
REID B. BARNES
JAMES O. HALEY
WILLIAM L. CLARK
WHITE E. GIBSON, JR.
ROBERT MCD. SMITH
CHARLES B. ROBINSON
ROY W. SCHOLL, JR.
ALLEN D. RUSHTON
JAMES E. SIMPSON
JAMES L. CLARK
HENRY E. SIMPSON

22 February 1961

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

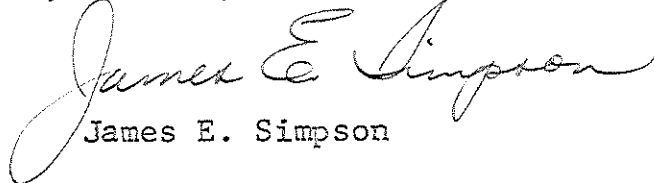
Re: Howard M. Mickelsen v. Blue Cross-Blue Shield of
Alabama, a corporation
No. 4593 Baldwin County Circuit Court

Dear Mrs. Duck:

We are enclosing demurrer for filing in the above
styled case together with a blue receipt which we would
appreciate your signing and returning to us.

Yours very truly,

LANGE, SIMPSON, ROBINSON & SOMERVILLE


James E. Simpson

JES:jdn

Enclosures

HOWARD M. MUCKLESEN	§	
Plaintiff	§	IN THE CIRCUIT COURT OF
VS	§	BALDWIN COUNTY, ALABAMA
BLUE CROSS - BLUE SHIELD OF ALABAMA, a corporation	§	AT LAW
Defendant	§	NO. _____
	§	

AMENDED COMPLAINT

Comes now the Plaintiff in the above styled cause and amends his complaint to read as follows:

HOWARD M. MICKLESEN
Plaintiff
VS
BLUE CROSS -BLUE SHIELD OF ALABAMA, a corporation
Defendant

1.

The Plaintiff claims of the Defendant the sum of ONE THOUSAND TWO HUNDRED FORTY-TWO DOLLARS (\$1,242.00), with interest due on a policy of insurance whereby the Defendant, on to-wit: the 15th day of October, 1960, agreed to indemnify the Plaintiff against hospital, medical and surgical expenses resulting from the sickness or injuries of the Plaintiff, and the Plaintiff avers that on the 28th day of November, 1960, he entered the Thomas Hospital in Fairhope, Alabama, on the advice of his physician and on the 9th day of December, 1960, he was transferred to the Providance Hospital, Mobile, Alabama, and on the 10th day of December, 1960, an operation was performed on his spine by a qualified surgeon. The Plaintiff remained in the later hospital until he was discharged on the 18th day of December, 1960. That during this period the said policy was in full force and effect and while the Plaintiff has made due and legal proof of his expenses to the Defendant, the said Defendant has failed and refused to pay said sum claimed.

WILTERS, BRANDLEY & NESBIT

BY: 

Attorneys for the Plaintiff

FILED

DEC 4 1961

ALICE J. DUCK, CLERK
REGISTER

244

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4593

HOWARD M. MICKLESEN

Plaintiff

VS

BLUE CROSS - BLUE SHIELD
OF ALABAMA, a corporation

AMENDED COMPLAINT

FILED

DEC 4 1961

ALICE J. DUCKY
CLERK
REGISTER

WILTERS, BRANTLEY & NESBIT
Attorneys at Law
Robertsdale, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Blue Cross - Blue Shield, to appear and plead, answer or demur within thirty days from the service hereto to the Bill of complaint filed in the Circuit Court of Baldwin County, Alabama, by Howard M. Mickelsen.

Witness my hand this the 8 day of Feb, 1961.

64-2-13-61

Alice J. Duck
Alice J. Duck, Clerk

HOWARD M. MICKELSEN

Plaintiff

VS

BLUE CROSS - BLUE SHIELD
OF ALABAMA, a corporation

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4593

1.

The Plaintiff claims of the Defendant the sum of ONE THOUSAND TWO HUNDRED FORTY-TWO DOLLARS (\$1,242.00), with interest due on a policy of insurance whereby the Defendant, on to-wit: the 15th day of October, 1960, agreed to indemnify the Plaintiff against hospital, medical and surgical expenses resulting from the sickness or injuries of the Plaintiff, and the Plaintiff avers that on the 28th day of November, 1960, he entered the Thomas Hospital in Fairhope, Alabama on the advise of his physician and on the 9th day of December, 1960, he was transferred to the Providance Hospital, Mobile, Alabama, and on the 10th day of December, 1960, an operation was performed by a qualified surgeon on his back. The Plaintiff remained in the later hospital until he was discharged on the 18th day of December, 1960. That during this period the said policy was in full force and effect and while the Plaintiff has made due and legal proof of his expenses to the Defendant, the said Defendant has failed and refused to pay said sum claimed.

WILTERS, BRANTLEY & NESBIT

BY: Tom Wilters, Jr.
Attorneys for the Plaintiff

The Defendants address is:
930 South 20th Street
Birmingham, Alabama

242

FILED

FEB 8 1961

ALICE J. DUCK, CLERK
REGISTER

Yates

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FEB 13 1961

received into the

Blue Cross of Ala
a corp.

by leaving a copy of within with

Mr Yates
of said co
HOLT A. McDOWELL, Sheriff
Jefferson County, Alabama

Adam

TRAVELING EXPENSE \$1.00

Adam

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4592

HOWARD M. MICKELSEN

Plaintiff

VS

✓ BLUE CROSS - BLUE SHIELD
OF ALABAMA, a corporation

Defendant

FILED

FEB 8 1961

ALICE J. DUCK, CLERK
REGISTER

WILTERS, BRANTLEY & NESBIT
Attorneys at Law
Robertsdale, Alabama

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FILED FEB 9 AM 10:02