

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons The South Baldwin Hospital, a Corporation, 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 Frona Etta McMaster.

Witness my hand this the 31 day of May, 1962.


Alice J. Duck, Clerk

FRONA ETTA McMASTER

Plaintiff

VS

THE SOUTH BALDWIN HOSPITAL,
A Corporation

Defendant

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1.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW
NO. 5158

The Plaintiff claims of the Defendant the sum of TEN THOUSAND DOLLARS (\$10,000.00), as damages for that heretofore on, to-wit: December 27, 1961, the Defendant was engaged in the business of conducting a hospital for the treatment of patients requiring medical care, and for a reasonable compensation the Defendant undertook, promised and agreed to nurse and care for the Plaintiff as a patient who was there for observation for undetermined ailments.

The Plaintiff further avers that on, to-wit: December 29, 1961, while still a patient in the Defendants hospital and under their care, the Defendant acting by and through its agent, servant or employee negligently left the Plaintiff unattended with a bed rail down. As a direct, proximate consequence and result of said negligence, the Plaintiff fell or rolled from her bed and suffered the following injuries: Her right thigh bone was broken, she received such a shock that her mind has become unbalanced and dearranged. She has suffered much mental and physical anguish and pain and caused to spend much money for treatment of her injuries all to the loss

of the Plaintiff in the aforesaid amount. The Plaintiff further avers that on the date of the alleged injury, that she was 90 years of age, was unable to control her legs and ankles and was and had been bed-ridden for sometime all of which was known to the Defendant and because of this the Defendant was duly bound to exercise a greater degree of diligence in the care of the Plaintiff than is required for the average patient treated in the Defendant's hospital.

WILTERS, BRANTLEY & NESBIT

BY:

Phyllis S. Nesbit
Attorneys for the Plaintiff

Plaintiff demands a trial by jury.

WILTERS, BRANTLEY & NESBIT

BY:

Phyllis S. Nesbit
Attorneys for the Plaintiff

FILED

MAY 31 1962

ALISE J. DUCK, CLERK
REGISTER

Ex-6-11-62

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5158

Received 31 day of May 1962
on 11 day of June 1962
received a copy of the within State
The South Baldwin
Hospital
service on George C. Anderson

TAYLOR WILKINS, Sheriff

By [Signature] D. S.

FROM ETNA McMASTER

Plaintiff

VS

THE SOUTH BALDWIN HOSPITAL,
A Corporation

Sheriff claims 7.2 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY [Signature]
DEPUTY SHERIFF

FILED

MAY 31 1962

ALICE J. DUCK, CLERK
REGISTER

Walters, Brantley & Nesbitt
Box 555
Robertsdale, Alabama

FRONA ETTA McMASTER,

Plaintiff,

VS.

THE SOUTH BALDWIN HOSPITAL,
a Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5158

DEMURRER

Now comes the Defendant in the above styled cause and demurs to the amended complaint heretofore filed in said cause and as grounds for said demurrer assign the following separately and severally:

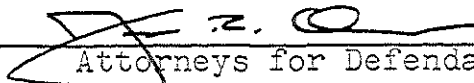
1. The complaint does not state a cause of action.
2. It does not allege a duty owing on the part of the Defendant to the Plaintiff.
3. It does not allege any negligence on the part of the Defendant.
4. It does not allege any negligence on the part of the Defendant which was the proximate cause of the Plaintiff's alleged injuries.
5. There is a misjoinder of parties defendant.
6. From aught that appears this court has no jurisdiction over the subject matter of this case.
7. From aught that appears the court lacks venue to try this case.
8. From aught that appears the accident complained of did not occur within the state of Alabama.
9. There are no facts alleged which show that the Defendant has omitted any duty owing to the Plaintiff.
10. No facts are alleged to show a duty which the defendant owed the Plaintiff which has been breached by the Defendant.
11. It does not appear from the complaint that the Defendant had a duty to keep a bed rail up on the Plaintiff's bed at the time of the alleged accident.
12. It affirmatively appears from the complaint that leaving Plaintiff unattended with a bed rail down is a medical act as distinguished from an administrative act and no facts are

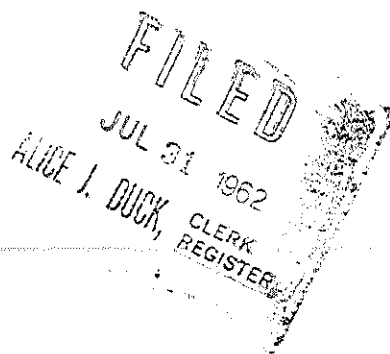
alleged to show that the Defendant owed any duty to the Plaintiff to have her attended with the bed rail up at all times.

13. It does not allege any fact showing any special duty owed the Plaintiff by the Defendant.

14. No facts alleged to show any duty of the Defendant to place the bed rails on the bed occupied by the Plaintiff at or immediately before the time of the alleged accident.

J. B. BLACKBURN and JAMES R. OWEN

By 
Attorneys for Defendant



DEMURRER

FRONA ETTA McMASTER,

Plaintiff,

VS.

THE SOUTH BALDWIN HOSPITAL,
a Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5158

FRONA ETTA McMASTER,

Plaintiff,

VS.

THE SOUTH BALDWIN HOSPITAL,
a Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5158

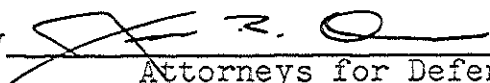
DEMURRER

Now comes the Defendant in the above styled cause and demurs to the complaint heretofore filed in said cause and as grounds for said demurrer assign the following separately and severally:

1. The complaint does not state a cause of action.
2. It does not allege a duty owing on the part of the Defendant to the Plaintiff.
3. It does not allege any negligence on the part of the Defendant.
4. It does not allege any negligence on the part of the Defendant which was the proximate cause of the Plaintiff's alleged injuries.
5. From aught that appears the agent, servant or employee of the Defendant was not acting within the line and scope of his or her authority as such agent, servant or employee.
6. There is a misjoinder of parties defendant.

J. B. BLACKBURN and JAMES R. OWEN

By


Attorneys for Defendant

FILED

JUL 10 1962

ALICE J. DUCK, CLERK
REGISTER

FRONA ETTA McMASTER,

Plaintiff,

Vs.

THE SOUTH BALDWIN HOSPITAL,
A Corporation,

Defendant.

Amended Complaint

Case No. 5158

FILED

MAY 22 1962

CLERK

REGISTER