

JACK D. CUMMINGS,

Plaintiff,

vs.

EDWARD GASTON STEINER and  
ERNEST G. CALVERT, jointly  
and severally,

Defendants.

¶

¶

¶

¶

¶

¶

¶

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

5315

ANSWERS TO INTERROGATORIES

Comes Ernest G. Calvert, one of the Defendants in the above styled cause, and for answer to the interrogatories propounded by the Plaintiff, says:

1. (a) Ernest G. Calvert, age 46, Route 1, Daphne, Alabama, business address: Scott Paper Company, Magazine Point, Alabama

(b) Yes

(c) See 1 (b)

2. (a) Person

(b) See 2 (a)

(c) See 2 (a)

3. (a) 1958 Ford, Two-Door, Customline

(b) Myself

(c) Myself

(d) The frame was bent, the right front end was damaged, the right rear end was damaged and the radiator was damaged.

(e) The car was a total loss

(f) No.

(g) Good

(h) I don't remember

4. (a) See 3 (b)

(b) See 3 (b)

(c) See 3 (b)

(d) Two hours

5. (a) One

(b) I was going home from work

(c) Scott Paper Company, Magazine Point, Alabama

(d) Spanish Fort and home

(e) No

(f) None

6. (a), (b), (c), (d), and (e) I can explain in words how this accident occurred but I am not good at drawing.

7. (a) No

8. (a) The automobile in which the Plaintiff was riding hit the right rear side of my car and I did not see it before it hit me.

(b) No

(c) See 8 (b)

(d) See 8 (b)

(e) Left hand side of two lane drive

(f) See 8 (e)

9. (a) I was driving Eastwardly in the South lane of travel when I approached a car that had a flat tire. I turned into the left lane of the Eastbound travel and the Plaintiff was following so closely that he ran into my car.

(b) The driver of the Plaintiff's vehicle failed to stay a proper distance behind me as we travelled East.

(c) See 9 (b)

(d) Nothing

(e) See 9 (b)

10. (a) None to my knowledge.

(b) See 10 (a)

(c) See 10 (a)

11. (a) through (i) I do not know.

12. (a) East on U. S. Highway 31-90

(b) I do not know

(c) See former answer

13. (a), (b) and (c). Answered above

14. (a) No

(b), (c) and (d) Answered above

15 (a) The Plaintiff's car hit me on my right rear and I hit the Steiner car with my right front.

(b) I do not know

16. (a) A short distance

(b) Eastwardly

(c) I cannot describe the skid marks

(d) and (e) Answered above

17. (a), (b), (c) and (d) Not over 50 miles per hour  
(e), (f) and (g) Approximately 35 to 40 miles  
(h) Not over 50 miles per hour, Steiner car.
18. (a), (b), (c) and (d) No
19. (a) Steiner automobile  
(b) Stopped in South lane of travel  
(c) To some extent  
(d) I was driving my vehicle. I was not acquainted with the other drivers prior to that time.
20. (a) No  
(b) No  
(c) No  
(d) I am unable to state who all was present  
(e) None

Ernest G. Calvert  
Ernest G. Calvert

STATE OF ALABAMA

BALDWIN COUNTY

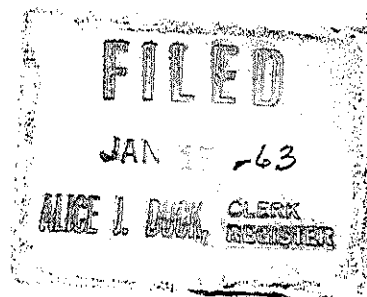
Before me, Blanche White a Notary Public in and for said County in said State, personally appeared Ernest G. Calvert, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Ernest G. Calvert; that he signed the foregoing answers to interrogatories and such answers are true and correct.

Ernest G. Calvert  
Ernest G. Calvert

Sworn to and subscribed before me  
on this the 11th day of January, 1963.

Blanche White  
Notary Public, Baldwin County, Alabama



5-315

JACK D. CUMMINGS,

Plaintiff

vs.

EDWARD GASTON STEINER ET AL.

Plaintiffs,

\* \* \* \* \*

IN THE CIRCUIT COURT OF

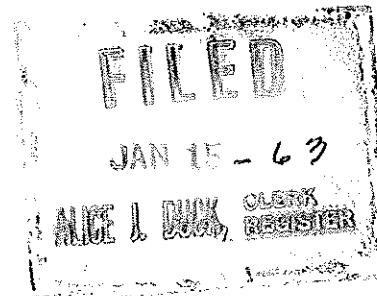
BALDWIN COUNTY, ALABAMA

AT LAW

\* \* \* \* \*

ANSWERS TO INTERROGATORIES

\* \* \* \* \*



CHASON & STONE

ATTORNEYS AT LAW  
BAY MINETTE, ALABAMA

JACK D. CUMMINGS,

Plaintiff,

VS.

EDWARD GASTON STEINER and  
ERNEST G. CALVERT, jointly and  
severally,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 5315

Comes the plaintiff in the above entitled cause and amends his complaint as heretofore filed so that, as amended, it reads as follows:

C O U N T O N E

Plaintiff claims of the defendants the sum of SEVENTY FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS as damages, for that, heretofore, on, to-wit: November 1, 1961, at about 10:30 o'clock, P. M., the plaintiff, JACK D. CUMMINGS, and both defendants, EDWARD GASTON STEINER AND ERNEST G. CALVERT, were each operating their respective automobiles on U. S. Highway 90, at a point, to-wit: 2.8 miles East of the Mobile, Alabama, City Limits, said Highway 90, at said point, being a public road in Baldwin County, Alabama; and plaintiff avers that, at said time and place, the defendants, EDWARD GASTON STEINER AND ERNEST G. CALVERT, so negligently operated the automobiles which were then and there being driven or operated by them as to cause<sup>permit, or allow</sup>/them to collide with each other and one of them, the automobile being then and there operated by the defendant, ERNEST G. CALVERT, to run into, upon or against plaintiff's automobile, and as a direct and proximate result of the combined or concurring negligence of the said defendants the plaintiff was injured and damaged as follows: His body was bruised and broken; he suffered contusions of the forehead; his right leg was lacerated and bruised; his back and spine were bruised, sprained and injured; he was permanently injured; his spine was permanently injured; he was made sick, sore, lame and disordered; he was caused to suffer mental and physical pain and anguish, still so suffers, and will so suffer in the future; he was caused to incur medical bills for his care and treatment and will incur further such bills in the future; the automobile which plaintiff was driving was bent, broken and damaged about the front fenders, grill, front bumper, hood, frame, and he lost the use of his said automobile, which was used in and about his business,

for a period of approximately thirty days; and plaintiff avers that all of her damages as aforesaid were proximately caused by, and resulted from, the said combined or concurring negligence of the said defendants at the time and place aforesaid; hence this suit.

CUNNINGHAM AND BOUNDS and  
TELFAIR J. MASHBURN

by Telfair J. Mashburn  
Attorneys for Plaintiff.

CERTIFICATE OF SERVICE

I hereby certify that I have on this the 27th day of February, 1963, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States Mail, properly addressed, and first class postage prepaid.

Telfair J. Mashburn  
Attorney for Plaintiff.

FILED

FEB 27 1963

ALICE I. DUCK, CLERK  
REGISTER

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW. NO. 5315

\*\*\*\*\*

JACK D. CUMMINGS,  
Plaintiff,

VS.

EDWARD GASTON STEINER, and  
EDWARD G. CALVERT,  
Defendants.

\*\*\*\*\*

AMENDED COMPLAINT.

FILED

FEB 27 1963

ALICE I. DICK  
CLERK  
REGISTER

JACK D. CUMMINGS,

Plaintiff,

vs.

EDWARD GASTON STEINER and  
ERNEST G. CALVERT, jointly  
and severally,

Defendants.

§

§

§

§

§

§

§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER:

Comes Ernest G. Calvert, one of the Defendants in the above styled cause, and demurs to the Amended Complaint filed in said cause and assigns the following separate and several grounds, viz:

1. That said Amended Complaint does not state a cause of action.
2. That the Plaintiff claims of the "Defendant" damages and does not allege which Defendant is designated.
3. That said Amended Complaint does not specifically claim any amount of the Defendant Ernest G. Calvert.
4. That said Amended Complaint is vague and indefinite as to how the accident occurred.
5. That said Amended Complaint does not allege what portion of the Plaintiff's body was bruised and broken.
6. That the injuries which the Plaintiff received are not sufficiently set out.
7. That it is not alleged in what manner the Plaintiff was permanently injured.
8. That it is not alleged that the Plaintiff had been using his automobile in his business and was therefore entitled to loss of its use.

  
Attorneys for Defendant Ernest G.  
Calvert



5315-

JACK D. CUMMINGS,

Plaintiff,

vs

EDWARD GASTON STEINER and  
Ernest G. Calvert, jointly  
and severally,

Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

FILED

FEB 4 1963

ALICE J. DUCK, CLERK  
REGISTER

JACK D. CUMMINGS,

Plaintiff,

-vs-

EDWARD GASTON STEINER and  
ERNEST G. CALVERT, jointly  
and severally,

Defendants.

IN THE CIRCUIT COURT OF

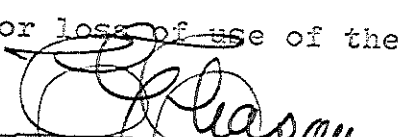
BALDWIN COUNTY, ALABAMA

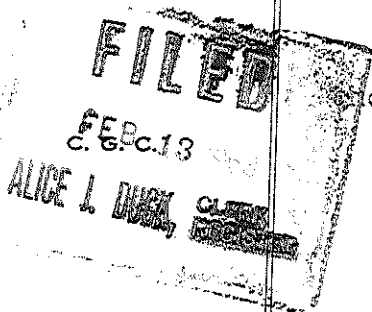
AT LAW

DEMURRER

Comes the defendant, Edward Gaston Steiner, and demurs to the amended complaint heretofore filed in this cause and as ground for demurrer shows separately and severally the following:

1. That the said amended complaint does not state a cause of action.
2. That the amended complaint is vague and indefinite.
3. That the amended complaint is vague and indefinite in that it is not alleged which defendant is referred to in the claim for damages.
4. That the amended complaint is vague and indefinite in that it does not sufficiently set out the manner in which the defendant is alleged to have been negligent.
5. The alleged negligence of the defendant is not described with sufficient certainty.
6. That the amended complaint does not allege that any negligence on the part of the defendant caused the automobile being operated by Ernest G. Calvert to collide with the plaintiff's automobile.
7. That the amended complaint does not set out with sufficient certainty the alleged personal injury to the plaintiff.
8. That the amended complaint does not set out in what manner the plaintiff was permanently injured.
9. That there are no allegations shown which would entitle the plaintiff to claim damages for loss of use of the automobile.

  
Attorney for Edward Gaston Steiner



Demurrer of Edward Gaston  
Steiner to Amended Complaint

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW Case 5315

2315

JACK D. CUMMINGS,

Plaintiff

vs

EDWARD GASTON STEINER and  
ERNEST G. CALVERT, jointly  
and severally,  
Defendants.

JACK D. CUMMINGS,	Y	IN THE CIRCUIT COURT OF
Plaintiff,	Y	BALDWIN COUNTY, ALABAMA
-vs-	Y	AT LAW
EDWARD GASTON STEINER and	Y	
ERNEST G. CALVERT, jointly	Y	CASE NO. _____
and severally,	Y	
Defendants.	Y	

Comes the plaintiff in the above cause and amends his complaint as heretofore filed to read as follows:

COUNT ONE

Plaintiff claims of the defendant the sum of SEVENTY FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS, damages, for that heretofore and on, to-wit, November 1, 1961, the plaintiff JACK D. CUMMINGS, and both defendants EDWARD GASTON STEINER and ERNEST G. CALVERT, were each operating their respective automobiles on U. S. Highway 90, at a point, to-wit, 2.8 miles East of the Mobile City Limits, said Highway 90 being a public road in Baldwin County, Alabama. Plaintiff alleges that at said time and place the defendants EDWARD GASTON STEINER and ERNEST G. CALVERT, each so negligently operated their respective automobiles on said Highway 90 so as to cause them to collide with each other, and the automobile being then and there operated by the defendant ERNEST G. CALVERT, to collide with the plaintiff's automobile, and as a direct and proximate result of the combined and concurring negligence of both defendants as aforesaid, the plaintiff was injured and damaged as follows: His body was bruised and broken; he was made sick, sore and lame; he was caused to incur medical bills for his care and treatment and will incur further such bills in the future; he was caused to suffer mental and physical pain and

anguish, still so suffers, and will so suffer in the future;  
he was permanently injured; the automobile he was driving was  
bent, broken and damaged about the front fenders, grill, front  
bumper, hood, frame, and he lost the use thereof for a period  
of approximately thirty days; hence this suit.

CUNNINGHAM & BOUNDS  
Attorneys for Plaintiff

Richard B. Bounds  
RICHARD BOUNDS

Jessie J. Mashburn  
JESSIE J. MASHBURN  
Attorney for Plaintiff

#### CERTIFICATE OF SERVICE

I do hereby certify that I have on this 3/20  
day of January, 1963, served a copy of the  
foregoing pleading on counsel for all parties to this  
proceeding by mailing the same by United States mail,  
properly addressed, and first class postage prepaid.

Jessie J. Mashburn

**FILED**  
JAN 31 1963  
ALICE L. DUCK, CLERK  
REGISTERED

JACK D. CUMMINGS,

Plaintiff,

vs.

EDWARD GASTON STEINER and  
ERNEST G. CALVERT, jointly  
and severally,

Defendants.

℥

℥

℥

℥

℥

℥

℥

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

Comes the Defendant, Ernest G. Calvert, and demurs to "COUNT ONE" of the complaint filed in the above styled cause, and assigns the following separate and several grounds, viz:

1. That said complaint does not sufficiently allege any negligence on the part of this Defendant.
2. That said complaint does not allege any duty owing by this Defendant to the Plaintiff.
3. That the injuries sustained by the Plaintiff are not sufficiently set out.
4. That said complaint does not allege in what particular the Plaintiff is permanently injured.
5. That said complaint does not sufficiently allege the damages to the Plaintiff's automobile.
6. That said complaint does not allege for what period of time the Plaintiff lost the use of his automobile.

*Charles Stone*  
Attorneys for Defendant Ernest G.  
Calvert

FILED

OCT 27 1966

ALICE J. DICK, CLERK  
REGISTER

5315

JACK D. CUMMINGS,  
Plaintiff,

vs.

EDWARD GASTON STEINER and  
ERNEST G. CALVERT, jointly  
and severally,

Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

FILED

OCT 25 1962

ALICE J. DUCK, CLERK  
REGISTER

JACK D. CUMMINGS,

Plaintiff,

-vs-

EDWARD GASTON STEINER and  
ERNEST G. CALVERT, jointly  
and severally,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

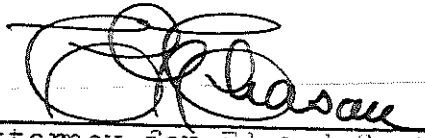
AT LAW

CASE NO. 5315

DEMURRER

Comes the Defendant Edward Gaston Steiner and demurres to the Bill of Complaint heretofore filed therein, and shows separately and severally the following:-

1. The Complaint is vague and indefinite.
2. The alleged negligence of the Defendant is not described with sufficient certainty.
3. The Complaint does not sufficiently set out the manner, in which the Defendant is alleged to have been negligent.
4. The Complaint does not allege that the injury complained of was the consequence of the negligence of this Defendant.
5. The Complaint does not sufficiently describe the alleged damage to the automobile of the Plaintiff.
6. The Complaint does not set out sufficiently the alleged personal injury to the Plaintiff.

  
Attorney for Edward Gaston Steiner

**FILED**

NOV 15 1962

ALICE I. DUCK, CLERK  
REGISTER



JACK D. CUMMINGS,

Plaintiff,

vs.

EDWARD GASTON STEINER and  
ERNEST G. CALVERT, jointly  
and severally,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

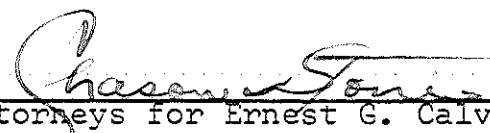
AT LAW

NO. 5315

DEMURRER

Comes the Defendant, Ernest G. Calvert, and demurs to the Amended Complaint filed in said cause and assigns the following separate and several grounds, viz:

1. That said Amended Complaint does not allege any duty owing by said Defendant to the Plaintiff.
2. That said Amended Complaint does not sufficiently allege where the accident occurred.
3. The allegation that the automobiles were driven or operated by the Defendants is vague and indefinite.
4. Said Amended Complaint does not allege that said Defendant negligently caused, permitted or allowed his automobile to collide with the automobile of the other Defendant.
5. That said Amended Complaint does not allege that said Defendant negligently caused or allowed his automobile to run into upon or against the Plaintiff's automobile.

  
Attorneys for Ernest G. Calvert

JACK D. CUMMINGS,  
Plaintiff,

vs

EDWARD GASTON STEINER and  
ERNEST G. CALVERT, jointly  
and severally,  
Defendants.

\*\*\*\*\*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 5315

\*\*\*\*\*

DEMURRER

\*\*\*\*\*

FILED

MAR 5

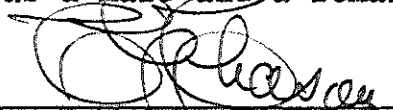
ALICE L. DAVIS, CLERK

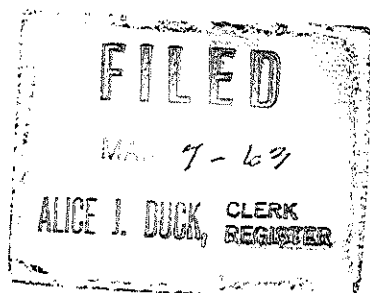
JACK D. CUMMINGS,	)	
	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
	)	
VS	)	BALDWIN COUNTY, ALABAMA.
	)	
EDWARD GASTON STEINER and	)	AT LAW. NO. 5315
ERNEST G. CALVERT, jointly and	)	
severally,	)	
	)	
Defendants.	)	

DEMURRER

Comes the Defendant, Edward Gaston Steiner, and demurs to the amended Bill of Complaint last filed in said cause, and as grounds thereof, shows separately and severally the following:

1. The amended complaint does not state a cause of action.
2. That the amended complaint is vague, indefinite, and uncertain.
3. That the negligence charged to the Defendant, Edward Gaston Steiner, is not alleged with sufficient certainty.
4. That it is not alleged with sufficient certainty whether the vehicle of the Defendant, Edward Gaston Steiner, was being driven or operated, the same being alleged in the alternative.
5. That the allegation of the amended Bill of Complaint that the vehicle of the Defendant, Edward Gaston Steiner, was being driven or operated negligently, is ambiguous, and therefore, vague, indefinite and uncertain.
6. There is not sufficient allegation in the amended Bill of Complaint that any negligence on the part of the Defendant, Edward Gaston Steiner, was the proximate result of the alleged injury to the Plaintiff.
7. That the amended complaint is vague, indefinite and uncertain as the Plaintiff is referred to both as a male and a female therein.
8. That there is a variance in the amended Complaint in that the Plaintiff is referred to both as a male and a female.

  
 Attorney for Defendant,  
 Edward Gaston Steiner



JACK D. CUMMINGS,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA,
-vs-	X	AT LAW
EDWARD GASTON STEINER and	X	
ERNEST G. CALVERT, jointly	X	
and severally,	X	CASE NO. <u>5315</u>
Defendants.	X	

COUNT ONE

Plaintiff claims of the Defendants the sum of SEVENTY FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS, damages, for that heretofore and on, to-wit, November 1, 1961, while Plaintiff was driving his automobile on a public highway in Baldwin County, Alabama, known as U. S. Highway 90 at a point approximately 2.8 miles East of the Mobile City limits, the defendants each operated an automobile on said Highway 90 so negligently as to cause the vehicle driven by ERNEST G. CALVERT to collide with the Plaintiff's automobile and as a proximate result of the negligence of the Defendants as aforesaid, the Plaintiff was injured and damaged as follows: His body was bruised and broken; he was made sick, sore and lame; he was caused to incur medical bills for his care and treatment and will incur further such bills in the future; he was caused to suffer mental and physical pain and anguish, still so suffers, and will so suffer in the future; he was permanently injured; the automobile he was driving was bent, broken and damaged, and he lost the use thereof over a period of time; hence this suit.

**FILED**

001 1962

ALICE J. DUCK, CLERK

Plaintiff demands a trial by jury.

CUNNINGHAM & BOUNDS  
Attorneys for Plaintiff

*Robert T. Cunningham*  
ROBERT T. CUNNINGHAM

*Robert T. Cunningham*  
ROBERT T. CUNNINGHAM

Address of Edward Gaston Steiner:  
311 Kirkman Lane; Fairhope, Alabama

Address of Ernest G. Calvert: Route 1, Box 397; Daphne, Alabama

JACK D. CUMMINGS,	:	IN THE CIRCUIT COURT OF
	:	
	:	MOBILE COUNTY, ALABAMA
PLAINTIFF,	:	
	:	
VS.	:	No. <u>5315</u>
EDWARD GASTON STEINER and	:	
ERNEST G. CALVERT, jointly	:	
and severally,	:	
DEFENDANT	:	

**INTERROGATORIES TO DEFENDANT - EDWARD GASTON STEINER**

Comes the plaintiff in the above styled cause, and desiring the testimony of the defendants, propounds the following interrogatories to be answered separately and severally in the manner and form provided by law, viz:

1. (a) State your correct name, age, residence address and business address.
- (b) Is your name correctly stated in the complaint on file in this cause?
- (c) If you state that your name is not correctly stated, then state the correct way that you could be designated as a party plaintiff or a party defendant in an action at law:
  - (1) At the time that the accident which is made the basis of this suit occurred;
  - (2) At the time that you answer these interrogatories.
2. (a) State whether you are a person, firm, or corporation.
- (b) If you state that you are a partnership, then state the name of each and every partner composing said partnership, and the name under which the partnership does business.
- (c) If you state that you are a corporation, state on what date you were incorporated and at what place.
3. (a) Describe completely and in detail the vehicle occupied or owned by you on the occasion of the accident made the basis of this suit, stating in your answer the make, model, year, and body style of same.
- (b) State the name and address of the owner of said motor vehicle on the date of said accident.
- (c) State the name and address of the driver of said vehicle on said occasion.
- (d) Describe completely and in detail every item of damage sustained by said vehicle.
- (e) Give the amount of each repair estimate obtained on said damage and give the name and address of the person making said repair estimate.
- (f) State whether or not any of said damage was repaired, and, if so, give the amount of the repair bill and the name and address of the person, firm, or corporation who made said repairs.
- (g) Describe the condition of the brakes, signal device, steering apparatus, tires, and lighting equipment on said motor vehicle at the time of the accident made the basis of this suit.
- (h) When had the brakes, signal device, steering apparatus, lights and tires on said motor vehicle last been inspected prior to said accident and by whom?
4. (a) If you have stated that the owner of the vehicle which collided with the vehicle in which plaintiff was riding was not the driver on the occasion of said accident, explain fully and in detail the presence of the driver in said vehicle.
- (b) State who was the employer of the driver of the vehicle which collided with the vehicle in which plaintiff was riding at the time that said accident occurred.

- (c) State on whose business or behalf said driver was acting at the time that said accident occurred.
  - (d) State the hours of work which said driver had at the time of said accident.
5. (a) State the number of persons occupying the motor vehicle which collided with the vehicle in which plaintiff was riding and state specifically how and in what manner each of said occupants were located in said vehicle on said occasion.
- (b) State fully the purpose of the trip you were making at the time of the accident made the basis of this suit.
- (c) From what point had you departed?
- (d) What was your destination?
- (e) Were you performing a mission, errand, or duty for anybody whatsoever? If so, state the nature of same and the name and address of the person for whom you were performing it.
- (f) Give the name and address of each and every person or firm who had any interest whatsoever in the trip that was being made by the driver of the vehicle which collided with the plaintiff on the occasion of said accident, and state the nature of said interest and the connection of said person or firm with the trip.
6. Prepare and attach to your answers to these interrogatories a map portraying the scene of the accident and the physical objects involved in the accident made the basis of this suit and designate on said map the following:
- (a) The point of impact and skid marks leading up to and from same;
  - (b) The resting place of the vehicles after the accident;
  - (c) Where you were located when you first saw the plaintiff's vehicle;
  - (d) Where the plaintiff's vehicle was located when first seen by you;
  - (e) The placement of any other vehicles or physical objects which had anything to do with said accident.
7. State whether or not the accident made the basis of this suit occurred at an intersection of streets or avenues, and if so, then state:
- (a) At what intersection of streets or avenues said accident occurred;
  - (b) Whether any buildings or objects were located within any of the four corners of the intersection which would obscure the vision of any person approaching the intersection;
  - (c) State how far you, in your judgment, could see to the left and right on each of the streets entering the intersection and down each of the intersecting streets when you approached from a point fifty feet from said intersection.
  - (d) Describe the locus of said accident with reference to the contour of the land, the grade or curve of the road, highway or intersection, and any physical structures located within two hundred feet of the place of the accident;
  - (e) Describe any traffic controls located at the scene of the accident and the operation of same, stating the directions in which said traffic signals or controls faced.
8. (a) State where the motor vehicle in which plaintiff was riding was located with reference to the point of the impact in the accident made the basis of this suit when you first observed same immediately prior to said accident.
- (b) Did you see the motor vehicle in which plaintiff was riding before the actual collision?
- (c) How many feet was the motor vehicle in which plaintiff was riding from the place of the impact when you first observed same?
- (d) How many feet were you from the point of impact when you first observed the vehicle in which plaintiff was riding?
- (e) Where did the impact occur with reference to the center line of the street on which the vehicle in which plaintiff was traveling?

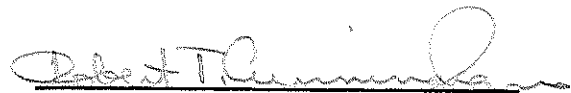
- (f) Where did the impact occur with reference to the right edge of the street on which your vehicle was traveling?
9. (a) State specifically and in detail exactly how the accident made the basis of this suit occurred and describe chronologically the events that occurred leading up to same as seen by you.
- (b) Describe each and everything which the driver of the vehicle in which plaintiff was riding failed to do to avoid said accident.
- (c) Describe each and everything done by the driver of the vehicle in which plaintiff was riding which contributed to the cause of said accident.
- (d) State each and everything done by you or which you omitted to do, which contributed proximately to cause the accident.
- (e) Describe each negligent act or omission of the driver of the vehicle in which plaintiff was riding on said occasion.
10. (a) State whether or not any of the occupants in any of the vehicles involved in the accident made the basis of this suit were intoxicated or drinking intoxicating beverages at the time of the said accident.
- (b) Give the name and address of each of said persons who was drinking or who was intoxicated.
- (c) State what each of said persons was drinking, where he or she had obtained same, the quantity or amount consumed, and the time and place where same was drunk.
11. State, according to your best judgment the speed of the vehicle in which plaintiff was riding at the following points:
- (a) When you first observed same prior to the accident made the basis of this suit;
- (b) At a point 300 feet from the place where the impact occurred;
- (c) At a point 200 feet from the place where the impact occurred;
- (d) At a point 100 feet from the place where the impact occurred;
- (e) At a point 50 feet from the place where the impact occurred;
- (f) At a point 25 feet from the place where the impact occurred;
- (g) At a point 10 feet from the place where the impact occurred;
- (h) At the time of the impact;
- (i) Immediately after the impact.
12. (a) State in what direction and along what street or avenue each of the motor vehicles involved in the accident made the basis of this suit was traveling on the occasion of said accident.
- (b) State in your best judgment, in number of feet, the width of each of said streets or avenues or highways.
- (c) If either of the vehicles involved in the accident made the basis of this suit was engaged in making a turn from a direct line of travel, describe same, and the course followed with reference to the center of the intersection and also the four corners of same, and with reference to the center line of the street, avenue or highway on which said motor vehicle had been traveling prior to said turn.
13. (a) State fully, specifically and in detail each and every act or thing done by the operator of the vehicle owned or occupied by you at the time of the accident made the basis of this suit during the last 100 feet of said vehicle's approach to the point of said collision, stating in your answer the chronological order in which said operator did each of said acts or things.
- (b) Describe each change in the course of travel made by the vehicle in which plaintiff was riding immediately prior to said accident.
- (c) Describe each change in the course of travel made by the vehicle in which you were riding immediately prior to the accident herein sued on.
14. (a) State whether or not the brakes on the vehicle occupied by you or owned by you at the time of the accident sued on were applied prior to the collision.

- (b) If so, state in your best judgment the speed in miles per hour said vehicle was traveling at the moment the brakes were applied.
  - (c) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until said collision occurred
  - (d) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until it came to a stop after the occurrence of the accident made the basis of this suit.
15. (a) State specifically what portion of the vehicles involved in the accident made the basis of this suit first came in contact with each other.
- (b) Describe the portions which next came in contact after the initial impact.
16. (a) State in your best judgment the distance each of the vehicles involved in the accident made the basis of this suit traveled on said occasion from the moment of the collision to the point where each of said vehicles first came to a stop immediately thereafter.
- (b) In what direction did each of said motor vehicles move from the point of said collision until they came to a complete stop?
- (c) Describe each and every skid mark which led up to the point of collision.
- (d) Describe each and every skid mark which extended from the point of collision toward the place where either of the motor vehicles involved in the accident came to rest.
- (e) Locate the point where each motor vehicle came to rest with reference to the point of impact, the center of the intersection, the four corners of same and the right edge of the street on which it had been traveling.
17. State the speed of the motor vehicle which you owned or occupied, according to your best judgment, at the following points:
- (a) When you were within a distance of 300 feet from the point of impact in the accident made the basis of this suit;
  - (b) When you were 200 feet from the point of impact;
  - (c) When you were 100 feet from the point of impact;
  - (d) When you were 50 feet from the point of impact;
  - (e) When you were 25 feet from the point of impact;
  - (f) When you were 10 feet from the point of impact;
  - (g) At the time of said impact;
  - (h) When you first observed the other vehicle involved in said accident.
18. (a) State whether any horn or other signal was given as a warning by the operator of the vehicles involved in the accident made the basis of this suit prior to the time of the collision.
- (b) If so, describe each of said signals given by each respective driver specifically and in detail.
- (c) State how far distant from the point of collision each vehicle was located at the time said signal was given.
- (d) If any signals for stopping or turning were given by each driver immediately prior to said collision, describe same, and state how far distant from the point of impact said signal was given by each driver respectively.
19. (a) State whether or not there were any other vehicles at or near the scene of the accident at the time of and immediately prior to the occurrence of same
- (b) If so, state the number of such other vehicles and where they were located with reference to the point of the accident at the moment same occurred.
- (c) State whether or not any of the other vehicles located at or near the scene of the accident played any part, or contributed in any manner, to cause the collision made the basis of this suit.



- (d) Give the name and address of each driver or owner of each of said vehicles.
20. (a) Did you make any statements in the presence of the operator of any of the vehicles involved in the collision made the basis of this suit following the occurrence of same?
- (b) If so, state when, where and what was said by you.
- (c) Did the operator of the vehicle in which plaintiff was riding make any statement in your presence following the occurrence of the accident, and if so, state when, where and what was said by said driver.
- (d) Give the name and address of each and every person who was present when the accident made the basis of this suit occurred.
- (e) Give the name and address of each and every person who was present when any statements were made either by you or the driver of the vehicle in which plaintiff was riding following the occurrence of the accident made the basis of this suit.

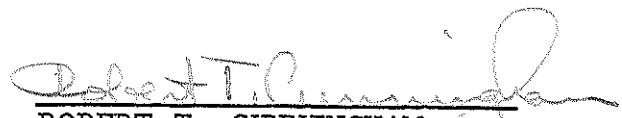
CUNNINGHAM & BOUNDS  
Attorneys for Plaintiff

  
By: ROBERT T. CUNNINGHAM

STATE OF ALABAMA)

COUNTY OF MOBILE)

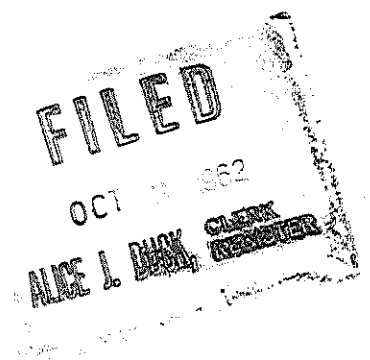
Before me, the undersigned Notary Public, in and for said County in said State, personally appeared Robert T. Cunningham, who having been first duly sworn, deposes and says that he is attorney for the Plaintiff in the above styled cause and that if the foregoing interrogatories are truthfully answered, the answers will be material evidence for the Plaintiff on a trial of said cause.

  
ROBERT T. CUNNINGHAM

Sworn to and subscribed before me  
on this 2nd day of October, 1962.

  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

*State at Large*



JACK D. CUMMINGS,

PLAINTIFF,

VS.

EDWARD GASTON STEINER and  
ERNEST G. CALVERT, jointly  
and severally,  
DEFENDANT

IN THE CIRCUIT COURT OF  
MOBILE COUNTY, ALABAMA

No. 5315

INTERROGATORIES TO DEFENDANT - ERNEST G. CALVERT

Comes the plaintiff in the above styled cause, and desiring the testimony of the defendants, propounds the following interrogatories to be answered separately and severally in the manner and form provided by law, viz:

1. (a) State your correct name, age, residence address and business address.  
(b) Is your name correctly stated in the complaint on file in this cause?  
(c) If you state that your name is not correctly stated, then state the correct way that you could be designated as a party plaintiff or a party defendant in an action at law:
  - (1) At the time that the accident which is made the basis of this suit occurred;
  - (2) At the time that you answer these interrogatories.
2. (a) State whether you are a person, firm, or corporation.  
(b) If you state that you are a partnership, then state the name of each and every partner composing said partnership, and the name under which the partnership does business.  
(c) If you state that you are a corporation, state on what date you were incorporated and at what place.
3. (a) Describe completely and in detail the vehicle occupied or owned by you on the occasion of the accident made the basis of this suit, stating in your answer the make, model, year, and body style of same.  
(b) State the name and address of the owner of said motor vehicle on the date of said accident.  
(c) State the name and address of the driver of said vehicle on said occasion.  
(d) Describe completely and in detail every item of damage sustained by said vehicle.  
(e) Give the amount of each repair estimate obtained on said damage and give the name and address of the person making said repair estimate.  
(f) State whether or not any of said damage was repaired, and, if so, give the amount of the repair bill and the name and address of the person, firm, or corporation who made said repairs.  
(g) Describe the condition of the brakes, signal device, steering apparatus, tires, and lighting equipment on said motor vehicle at the time of the accident made the basis of this suit.  
(h) When had the brakes, signal device, steering apparatus, lights and tires on said motor vehicle last been inspected prior to said accident and by whom?
4. (a) If you have stated that the owner of the vehicle which collided with the vehicle in which plaintiff was riding was not the driver on the occasion of said accident, explain fully and in detail the presence of the driver in said vehicle.  
(b) State who was the employer of the driver of the vehicle which collided with the vehicle in which plaintiff was riding at the time that said accident occurred.

- (c) State on whose business or behalf said driver was acting at the time that said accident occurred.
  - (d) State the hours of work which said driver had at the time of said accident.
5. (a) State the number of persons occupying the motor vehicle which collided with the vehicle in which plaintiff was riding and state specifically how and in what manner each of said occupants were located in said vehicle on said occasion.
- (b) State fully the purpose of the trip you were making at the time of the accident made the basis of this suit.
- (c) From what point had you departed?
- (d) What was your destination?
- (e) Were you performing a mission, errand, or duty for anybody whatsoever? If so, state the nature of same and the name and address of the person for whom you were performing it.
- (f) Give the name and address of each and every person or firm who had any interest whatsoever in the trip that was being made by the driver of the vehicle which collided with the plaintiff on the occasion of said accident, and state the nature of said interest and the connection of said person or firm with the trip.
6. Prepare and attach to your answers to these interrogatories a map portraying the scene of the accident and the physical objects involved in the accident made the basis of this suit and designate on said map the following:
- (a) The point of impact and skid marks leading up to and from same;
  - (b) The resting place of the vehicles after the accident;
  - (c) Where you were located when you first saw the plaintiff's vehicle;
  - (d) Where the plaintiff's vehicle was located when first seen by you;
  - (e) The placement of any other vehicles or physical objects which had anything to do with said accident.
7. State whether or not the accident made the basis of this suit occurred at an intersection of streets or avenues, and if so, then state:
- (a) At what intersection of streets or avenues said accident occurred;
  - (b) Whether any buildings or objects were located within any of the four corners of the intersection which would obscure the vision of any person approaching the intersection;
  - (c) State how far you, in your judgment, could see to the left and right on each of the streets entering the intersection and down each of the intersecting streets when you approached from a point fifty feet from said intersection.
  - (d) Describe the locus of said accident with reference to the contour of the land, the grade or curve of the road, highway or intersection, and any physical structures located within two hundred feet of the place of the accident;
  - (e) Describe any traffic controls located at the scene of the accident and the operation of same, stating the directions in which said traffic signals or controls faced.
8. (a) State where the motor vehicle in which plaintiff was riding was located with reference to the point of the impact in the accident made the basis of this suit when you first observed same immediately prior to said accident.
- (b) Did you see the motor vehicle in which plaintiff was riding before the actual collision?
- (c) How many feet was the motor vehicle in which plaintiff was riding from the place of the impact when you first observed same?
- (d) How many feet were you from the point of impact when you first observed the vehicle in which plaintiff was riding?
- (e) Where did the impact occur with reference to the center line of the street on which the vehicle in which plaintiff was traveling?

- (f) Where did the impact occur with reference to the right edge of the street on which your vehicle was traveling?
9. (a) State specifically and in detail exactly how the accident made the basis of this suit occurred and describe chronologically the events that occurred leading up to same as seen by you.
- (b) Describe each and everything which the driver of the vehicle in which plaintiff was riding failed to do to avoid said accident.
- (c) Describe each and everything done by the driver of the vehicle in which plaintiff was riding which contributed to the cause of said accident.
- (d) State each and everything done by you or which you omitted to do, which contributed proximately to cause the accident.
- (e) Describe each negligent act or omission of the driver of the vehicle in which plaintiff was riding on said occasion.
10. (a) State whether or not any of the occupants in any of the vehicles involved in the accident made the basis of this suit were intoxicated or drinking intoxicating beverages at the time of the said accident.
- (b) Give the name and address of each of said persons who was drinking or who was intoxicated.
- (c) State what each of said persons was drinking, where he or she had obtained same, the quantity or amount consumed, and the time and place where same was drunk.
11. State, according to your best judgment the speed of the vehicle in which plaintiff was riding at the following points:
- (a) When you first observed same prior to the accident made the basis of this suit;
- (b) At a point 300 feet from the place where the impact occurred;
- (c) At a point 200 feet from the place where the impact occurred;
- (d) At a point 100 feet from the place where the impact occurred;
- (e) At a point 50 feet from the place where the impact occurred;
- (f) At a point 25 feet from the place where the impact occurred;
- (g) At a point 10 feet from the place where the impact occurred;
- (h) At the time of the impact;
- (i) Immediately after the impact.
12. (a) State in what direction and along what street or avenue each of the motor vehicles involved in the accident made the basis of this suit was traveling on the occasion of said accident.
- (b) State in your best judgment, in number of feet, the width of each of said streets or avenues or highways.
- (c) If either of the vehicles involved in the accident made the basis of this suit was engaged in making a turn from a direct line of travel, describe same, and the course followed with reference to the center of the intersection and also the four corners of same, and with reference to the center line of the street, avenue or highway on which said motor vehicle had been traveling prior to said turn.
13. (a) State fully, specifically and in detail each and every act or thing done by the operator of the vehicle owned or occupied by you at the time of the accident made the basis of this suit during the last 100 feet of said vehicle's approach to the point of said collision, stating in your answer the chronological order in which said operator did each of said acts or things.
- (b) Describe each change in the course of travel made by the vehicle in which plaintiff was riding immediately prior to said accident.
- (c) Describe each change in the course of travel made by the vehicle in which you were riding immediately prior to the accident herein sued on.
14. (a) State whether or not the brakes on the vehicle occupied by you or owned by you at the time of the accident sued on were applied prior to the collision.

- (b) If so, state in your best judgment the speed in miles per hour said vehicle was traveling at the moment the brakes were applied.
  - (c) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until said collision occurred
  - (d) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until it came to a stop after the occurrence of the accident made the basis of this suit.
15. (a) State specifically what portion of the vehicles involved in the accident made the basis of this suit first came in contact with each other.
- (b) Describe the portions which next came in contact after the initial impact.
16. (a) State in your best judgment the distance each of the vehicles involved in the accident made the basis of this suit traveled on said occasion from the moment of the collision to the point where each of said vehicles first came to a stop immediately thereafter.
- (b) In what direction did each of said motor vehicles move from the point of said collision until they came to a complete stop?
- (c) Describe each and every skid mark which led up to the point of collision.
- (d) Describe each and every skid mark which extended from the point of collision toward the place where either of the motor vehicles involved in the accident came to rest.
- (e) Locate the point where each motor vehicle came to rest with reference to the point of impact, the center of the intersection, the four corners of same and the right edge of the street on which it had been traveling.
17. State the speed of the motor vehicle which you owned or occupied, according to your best judgment, at the following points:
- (a) When you were within a distance of 300 feet from the point of impact in the accident made the basis of this suit;
  - (b) When you were 200 feet from the point of impact;
  - (c) When you were 100 feet from the point of impact;
  - (d) When you were 50 feet from the point of impact;
  - (e) When you were 25 feet from the point of impact;
  - (f) When you were 10 feet from the point of impact;
  - (g) At the time of said impact;
  - (h) When you first observed the other vehicle involved in said accident.
18. (a) State whether any horn or other signal was given as a warning by the operator of the vehicles involved in the accident made the basis of this suit prior to the time of the collision.
- (b) If so, describe each of said signals given by each respective driver specifically and in detail.
- (c) State how far distant from the point of collision each vehicle was located at the time said signal was given.
- (d) If any signals for stopping or turning were given by each driver immediately prior to said collision, describe same, and state how far distant from the point of impact said signal was given by each driver respectively.
19. (a) State whether or not there were any other vehicles at or near the scene of the accident at the time of and immediately prior to the occurrence of same
- (b) If so, state the number of such other vehicles and where they were located with reference to the point of the accident at the moment same occurred.
- (c) State whether or not any of the other vehicles located at or near the scene of the accident played any part, or contributed in any manner, to cause the collision made the basis of this suit.

- (d) Give the name and address of each driver or owner of each of said vehicles.
20. (a) Did you make any statements in the presence of the operator of any of the vehicles involved in the collision made the basis of this suit following the occurrence of same?
- (b) If so, state when, where and what was said by you.
- (c) Did the operator of the vehicle in which plaintiff was riding make any statement in your presence following the occurrence of the accident, and if so, state when, where and what was said by said driver.
- (d) Give the name and address of each and every person who was present when the accident made the basis of this suit occurred.
- (e) Give the name and address of each and every person who was present when any statements were made either by you or the driver of the vehicle in which plaintiff was riding following the occurrence of the accident made the basis of this suit.

CUNNINGHAM & BOUNDS  
Attorneys for Plaintiff

  
ROBERT T. CUNNINGHAM

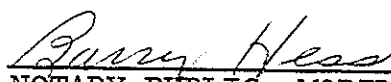
STATE OF ALABAMA )

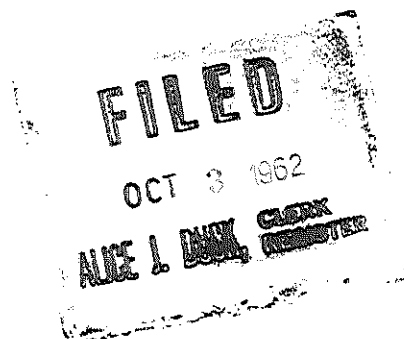
COUNTY OF MOBILE )

Before me, the undersigned Notary Public, in and for said County in said State, personally appeared Robert T. Cunningham, who having been first duly sworn, deposes and says that he is attorney for the Plaintiff in the above styled cause and that if the foregoing interrogatories are truthfully answered, the answers will be material evidence for the Plaintiff on a trial of said cause.

  
ROBERT T. CUNNINGHAM

Sworn to and subscribed before me  
on this 2nd day of October, 1962.

  
NOTARY PUBLIC, ~~MOBILE~~ COUNTY, ALABAMA *Atk at Large*



SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 5315

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Edward Gaston Steiner and Ernest G. Calvert  
Jointly and Severally

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  
Edward Gaston Steiner and Ernest G. Calvert Jointly and Severally, Defendant

by Jack D. Cummings

Plaintiff

Witness my hand this 3rd day of October 19 62

Alise J. [Signature] Clerk

No. 5315

Page

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

JACK D. CUMMINGS

vs.

Plaintiffs

EDWARD GASTON STEINER AND

ERNEST G. CALVERT

Jointly and severally

Defendants

SUMMONS and COMPLAINT

and Interrogatories

Filed

10-3

, 19 62

Alice J. Duck

, Clerk

RECEIVED

OCT 22 1962

SHERIFF'S OFFICE

Plaintiff's Attorney

Defendant's Attorney

EXECUTED

This 25 day of Oct 1962

by serving a copy of the within on

Edward Gaston Steiner

RECEIVED IN OFFICE

RAYMOND J. WILKINS, Sheriff

By W. G. Fischer, 1962

, Sheriff

I have executed this summons

this 4th day of Oct, 1962

by leaving a copy with

Edward Gaston Steiner  
& Ernest G. Calvert

Remained 3 day of Oct 1962

Not found in my county after diligent search and in  
quity

Edward Gaston Steiner

By

Deputy Sheriff

Sheriff claims 44 miles at

Ten Cents per mile Total \$

TAYLOR WILKINS, Sheriff

BY

DEPUTY SHERIFF

Taylor Wilkins Sheriff

Fred Seibert Deputy Sheriff

Sp. Fort.



CECIL G. CHASON  
ATTORNEY-AT-LAW  
FOLEY, ALABAMA

March 5, 1963

Mrs. Alice J. Duck  
Clerk of Court  
Bay Minette, Alabama

Dear Mrs. Duck:      Re: Cummings vs Steiner and Calvert

I am enclosing demurrer to the last amended bill of complaint in the above styled cause, a copy of which I have this day sent to the attorneys for the plaintiff.

Yours very truly,



C. G. Chason

CGCdc

Encl. 1

cc: Honorable Telfair J. Mashburn  
Attorney at Law  
Bay Minette, Alabama

Honorable Robert T. Cunningham  
Cunningham & Bounds  
Attorneys at Law  
1350 Dauphin  
Mobile, Alabama

CUNNINGHAM AND BOUNDS

ATTORNEYS AT LAW  
1350 DAUPHIN STREET  
P. O. BOX 4483

MOBILE, ALABAMA

ROBERT T. CUNNINGHAM  
RICHARD BOUNDS  
BARRY HESS

HEMLOCK S-6188

October 2, 1962

Miss Alice Duck  
Clerk of the Circuit Court  
Baldwin County  
Bay Minette, Alabama

Re: Cummings vs. Steiner and Calvert

Dear Miss Duck:

Will you please file the enclosed bill of complaint  
and interrogatories.

Very truly yours,

CUNNINGHAM & BOUNDS

*Robert T. Cunningham*  
ROBERT T. CUNNINGHAM

RTC: sm

Enclosure

CECIL G. CHASON

ATTORNEY-AT-LAW  
FOLEY, ALABAMA

November 14, 1962

Mrs. Alice J. Duck  
Clerk of Court  
Bay Minette, Alabama

Re: Cummings -vs- Steiner

Dear Mrs. Duck:

I am enclosing herewith original and copy of a  
demurrer of Edward Gaston Steiner, one of the  
Defendants in the above styled cause.

Yours very truly,



C. G. Chason

CGC/rc

Enclosure



CUNNINGHAM AND BOUNDS

ATTORNEYS AT LAW  
1350 DAUPHIN STREET  
P. O. BOX 4483

MOBILE, ALABAMA

ROBERT T. CUNNINGHAM  
RICHARD BOUNDS  
BARRY HESS

HEMLOCK 8-6188

October 17, 1962

Miss Alice Duck  
Clerk of the Circuit Court  
Baldwin County  
Bay Minette, Alabama

Re: Cummings vs. Steiner and Calvert  
Case No. 5315

Dear Miss Duck:

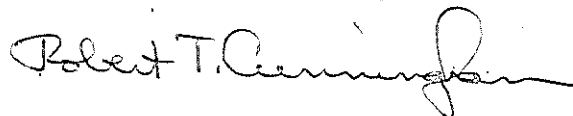
Thank you very much for your card advising me that the Defendant Calvert has been served but that the defendant Steiner is not found. Mr. Steiner is employed at Brookley Air Force Base and I feel sure he can be served there.

Enclosed herewith is another copy of the bill of complaint in the event you need it in order to effect service.

Also enclosed are interrogatories which I would appreciate your filing.

Very truly yours,

CUNNINGHAM & BOUNDS



ROBERT T. CUNNINGHAM

RTC: sm

Enclosures

CECIL G. CHASON

ATTORNEY-AT-LAW  
FOLEY, ALABAMA

February 12, 1963

Mrs. Alice J. Duck  
Clerk of Court  
Bay Minette, Alabama

Dear Mrs. Duck:

I am enclosing demurrer of the defendant,  
Edward Gaston Steiner, to the amended complaint  
in the case of Cummings vs Steiner and Calvert,  
at Law, case number 5315.

I am this day sending a copy to Mr. Bounds  
and Mr. Mashburn, attorneys for the plaintiff.

Yours very truly,



C. G. Chason

CGC:dc

cc: Mr. Telfair Mashburn  
Attorney at Law  
Bay Minette, Alabama

Mr. Richard Bounds  
Cunningham & Bounds  
1350 Dauphin  
Mobile, Alabama

COPY

JACK D. CUMMINGS,

PLAINTIFF,

VS.

EDWARD GASTON STEINER and :  
ERNEST G. CALVERT, jointly :  
and severally, :

DEFENDANTS

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

No. 5315

INTERROGATORIES TO DEFENDANT

EDWARD GASTON STEINER

EDWARD GASTON STEINER

Comes the plaintiff in the above styled cause, and desiring the testimony of the defendants, propounds the following interrogatories to be answered separately and severally in the manner and form provided by law, viz:

1. (a) State your correct name, age, residence address and business address.
- (b) Is your name correctly stated in the complaint on file in this cause?
- (c) If you state that your name is not correctly stated, then state the correct way that you could be designated as a party plaintiff or a party defendant in an action at law:
  - (1) At the time that the accident which is made the basis of this suit occurred;
  - (2) At the time that you answer these interrogatories.
2. (a) State whether you are a person, firm, or corporation.
- (b) If you state that you are a partnership, then state the name of each and every partner composing said partnership, and the name under which the partnership does business.
- (c) If you state that you are a corporation, state on what date you were incorporated and at what place.
3. (a) Describe completely and in detail the vehicle occupied or owned by you on the occasion of the accident made the basis of this suit, stating in your answer the make, model, year, and body style of same.
- (b) State the name and address of the owner of said motor vehicle on the date of said accident.
- (c) State the name and address of the driver of said vehicle on said occasion.
- (d) Describe completely and in detail every item of damage sustained by said vehicle.
- (e) Give the amount of each repair estimate obtained on said damage and give the name and address of the person making said repair estimate.
- (f) State whether or not any of said damage was repaired, and, if so, give the amount of the repair bill and the name and address of the person, firm, or corporation who made said repairs.
- (g) Describe the condition of the brakes, signal device, steering apparatus, tires, and lighting equipment on said motor vehicle at the time of the accident made the basis of this suit.
- (h) When had the brakes, signal device, steering apparatus, lights and tires on said motor vehicle last been inspected prior to said accident and by whom?
4. (a) If you have stated that the owner of the vehicle which collided with the vehicle in which plaintiff was riding was not the driver on the occasion of said accident, explain fully and in detail the presence of the driver in said vehicle.
- (b) State who was the employer of the driver of the vehicle which collided with the vehicle in which plaintiff was riding at the time that said accident occurred.

- (c) State on whose business or behalf said driver was acting at the time that said accident occurred.
  - (d) State the hours of work which said driver had at the time of said accident.
5. (a) State the number of persons occupying the motor vehicle which collided with the vehicle in which plaintiff was riding and state specifically how and in what manner each of said occupants were located in said vehicle on said occasion.
- (b) State fully the purpose of the trip you were making at the time of the accident made the basis of this suit.
- (c) From what point had you departed?
- (d) What was your destination?
- (e) Were you performing a mission, errand, or duty for anybody whatsoever? If so, state the nature of same and the name and address of the person for whom you were performing it.
- (f) Give the name and address of each and every person or firm who had any interest whatsoever in the trip that was being made by the driver of the vehicle which collided with the plaintiff on the occasion of said accident, and state the nature of said interest and the connection of said person or firm with the trip.
6. Prepare and attach to your answers to these interrogatories a map portraying the scene of the accident and the physical objects involved in the accident made the basis of this suit and designate on said map the following:
- (a) The point of impact and skid marks leading up to and from same;
  - (b) The resting place of the vehicles after the accident;
  - (c) Where you were located when you first saw the plaintiff's vehicle;
  - (d) Where the plaintiff's vehicle was located when first seen by you;
  - (e) The placement of any other vehicles or physical objects which had anything to do with said accident.
7. State whether or not the accident made the basis of this suit occurred at an intersection of streets or avenues, and if so, then state:
- (a) At what intersection of streets or avenues said accident occurred;
  - (b) Whether any buildings or objects were located within any of the four corners of the intersection which would obscure the vision of any person approaching the intersection;
  - (c) State how far you, in your judgment, could see to the left and right on each of the streets entering the intersection and down each of the intersecting streets when you approached from a point fifty feet from said intersection.
  - (d) Describe the locus of said accident with reference to the contour of the land, the grade or curve of the road, highway or intersection, and any physical structures located within two hundred feet of the place of the accident;
  - (e) Describe any traffic controls located at the scene of the accident and the operation of same, stating the directions in which said traffic signals or controls faced.
8. (a) State where the motor vehicle in which plaintiff was riding was located with reference to the point of the impact in the accident made the basis of this suit when you first observed same immediately prior to said accident.
- (b) Did you see the motor vehicle in which plaintiff was riding before the actual collision?
- (c) How many feet was the motor vehicle in which plaintiff was riding from the place of the impact when you first observed same?
- (d) How many feet were you from the point of impact when you first observed the vehicle in which plaintiff was riding?
- (e) Where did the impact occur with reference to the center line of the street on which the vehicle in which plaintiff was traveling?



- (f) Where did the impact occur with reference to the right edge of the street on which your vehicle was traveling?
9. (a) State specifically and in detail exactly how the accident made the basis of this suit occurred and describe chronologically the events that occurred leading up to same as seen by you.
- (b) Describe each and everything which the driver of the vehicle in which plaintiff was riding failed to do to avoid said accident.
- (c) Describe each and everything done by the driver of the vehicle in which plaintiff was riding which contributed to the cause of said accident.
- (d) State each and everything done by you or which you omitted to do, which contributed proximately to cause the accident.
- (e) Describe each negligent act or omission of the driver of the vehicle in which plaintiff was riding on said occasion.
10. (a) State whether or not any of the occupants in any of the vehicles involved in the accident made the basis of this suit were intoxicated or drinking intoxicating beverages at the time of the said accident.
- (b) Give the name and address of each of said persons who was drinking or who was intoxicated.
- (c) State what each of said persons was drinking, where he or she had obtained same, the quantity or amount consumed, and the time and place where same was drunk.
11. State, according to your best judgment the speed of the vehicle in which plaintiff was riding at the following points:
- (a) When you first observed same prior to the accident made the basis of this suit;
- (b) At a point 300 feet from the place where the impact occurred;
- (c) At a point 200 feet from the place where the impact occurred;
- (d) At a point 100 feet from the place where the impact occurred;
- (e) At a point 50 feet from the place where the impact occurred;
- (f) At a point 25 feet from the place where the impact occurred;
- (g) At a point 10 feet from the place where the impact occurred;
- (h) At the time of the impact;
- (i) Immediately after the impact.
12. (a) State in what direction and along what street or avenue each of the motor vehicles involved in the accident made the basis of this suit was traveling on the occasion of said accident.
- (b) State in your best judgment, in number of feet, the width of each of said streets or avenues or highways.
- (c) If either of the vehicles involved in the accident made the basis of this suit was engaged in making a turn from a direct line of travel, describe same, and the course followed with reference to the center of the intersection and also the four corners of same, and with reference to the center line of the street, avenue or highway on which said motor vehicle had been traveling prior to said turn.
13. (a) State fully, specifically and in detail each and every act or thing done by the operator of the vehicle owned or occupied by you at the time of the accident made the basis of this suit during the last 100 feet of said vehicle's approach to the point of said collision, stating in your answer the chronological order in which said operator did each of said acts or things.
- (b) Describe each change in the course of travel made by the vehicle in which plaintiff was riding immediately prior to said accident.
- (c) Describe each change in the course of travel made by the vehicle in which you were riding immediately prior to the accident herein sued on.
14. (a) State whether or not the brakes on the vehicle occupied by you or owned by you at the time of the accident sued on were applied prior to the collision.

- (b) If so, state in your best judgment the speed in miles per hour said vehicle was traveling at the moment the brakes were applied.
  - (c) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until said collision occurred
  - (d) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until it came to a stop after the occurrence of the accident made the basis of this suit.
15. (a) State specifically what portion of the vehicles involved in the accident made the basis of this suit first came in contact with each other.
- (b) Describe the portions which next came in contact after the initial impact.
16. (a) State in your best judgment the distance each of the vehicles involved in the accident made the basis of this suit traveled on said occasion from the moment of the collision to the point where each of said vehicles first came to a stop immediately thereafter.
- (b) In what direction did each of said motor vehicles move from the point of said collision until they came to a complete stop?
- (c) Describe each and every skid mark which led up to the point of collision.
- (d) Describe each and every skid mark which extended from the point of collision toward the place where either of the motor vehicles involved in the accident came to rest.
- (e) Locate the point where each motor vehicle came to rest with reference to the point of impact, the center of the intersection, the four corners of same and the right edge of the street on which it had been traveling.
17. State the speed of the motor vehicle which you owned or occupied, according to your best judgment, at the following points:
- (a) When you were within a distance of 300 feet from the point of impact in the accident made the basis of this suit;
  - (b) When you were 200 feet from the point of impact;
  - (c) When you were 100 feet from the point of impact;
  - (d) When you were 50 feet from the point of impact;
  - (e) When you were 25 feet from the point of impact;
  - (f) When you were 10 feet from the point of impact;
  - (g) At the time of said impact;
  - (h) When you first observed the other vehicle involved in said accident.
18. (a) State whether any horn or other signal was given as a warning by the operator of the vehicles involved in the accident made the basis of this suit prior to the time of the collision.
- (b) If so, describe each of said signals given by each respective driver specifically and in detail.
- (c) State how far distant from the point of collision each vehicle was located at the time said signal was given.
- (d) If any signals for stopping or turning were given by each driver immediately prior to said collision, describe same, and state how far distant from the point of impact said signal was given by each driver respectively.
19. (a) State whether or not there were any other vehicles at or near the scene of the accident at the time of and immediately prior to the occurrence of same
- (b) If so, state the number of such other vehicles and where they were located with reference to the point of the accident at the moment same occurred.
- (c) State whether or not any of the other vehicles located at or near the scene of the accident played any part, or contributed in any manner, to cause the collision made the basis of this suit.

- (d) Give the name and address of each driver or owner of each of said vehicles.
20. (a) Did you make any statements in the presence of the operator of any of the vehicles involved in the collision made the basis of this suit following the occurrence of same?
- (b) If so, state when, where and what was said by you.
- (c) Did the operator of the vehicle in which plaintiff was riding make any statement in your presence following the occurrence of the accident, and if so, state when, where and what was said by said driver.
- (d) Give the name and address of each and every person who was present when the accident made the basis of this suit occurred.
- (e) Give the name and address of each and every person who was present when any statements were made either by you or the driver of the vehicle in which plaintiff was riding following the occurrence of the accident made the basis of this suit.

CUNNINGHAM & BOUNDS  
ATTORNEYS FOR PLAINTIFF

BY: \_\_\_\_\_  
ROBERT T. CUNNINGHAM

STATE OF ALABAMA )

COUNTY OF MOBILE )

Before me, the undersigned Notary Public, in and for said County and State, hereby personally appeared ROBERT T. CUNNINGHAM, who having been first duly sworn, deposes and says that he is attorney for the Plaintiff in the above styled cause and that if the foregoing interrogatories are truthfully answered, the answers will be material evidence for the Plaintiff on a trial of said cause.

\_\_\_\_\_  
ROBERT T. CUNNINGHAM

Sworn to and subscribed before me on  
this the \_\_\_\_\_ day of \_\_\_\_\_, 1962.

\_\_\_\_\_  
NOTARY PUBLIC, MOBILE, COUNTY, ALABAMA