

COUNT ONE

**DELLA**

jury.  
  
RICHARD BOUNDS

JOSHUA H. POOLE,

PLAINTIFF,

VS.

DANA JUNE FRYE,

DEFENDANT

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

No. ....

### INTERROGATORIES TO DEFENDANT

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

  
RICHARD BOUNDS

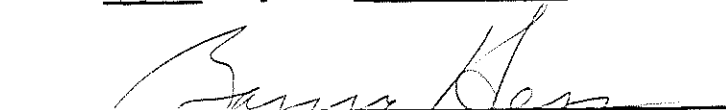
STATE OF ALABAMA )

COUNTY OF MOBILE )

Before me, the undersigned Notary Public, in and for said County in said State, personally appeared Richard Bounds, 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.

  
RICHARD BOUNDS

Sworn to and subscribed before me on  
this 5 day of Feb, 1963.

  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 5544

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon Dana June Frye

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

Dana June Frye, Defendant

by Joshua H. Poole

Plaintiff

Witness my hand this 16 day of April 1963

Ex-4-23-63

Alvin J. Luck, Clerk

STATE of ALABAMA  
Baldwin County  
CIRCUIT COURT

JOSHUA H. POOLE

Plaintiffs

vs.

DANA JUNE FRYE

Defendants

Summons and Complaint

Filed April 16, 1963

Alice J. Duck

Clerk

Eunningham & Bounds

P.O. Box 4483 Plaintiff's Attorney  
Mobile, Alabama

Defendant's Attorney

Defendant lives at

Received In Office

April 16, 1963

Sheriff.

I have executed this summons

this 23<sup>rd</sup> day of April 1963  
by leaving a copy with

Dana June Frye

Sheriff claims

54 miles at  
5.40

Ten Cents per mile Total \$  
TAYLOR WILKINS, Sheriff

BY

Deputy Sheriff

Taylor Wilkins

Sheriff.

Fred Seibert

Deputy Sheriff.



JOSHUA H. POOLE,  
Plaintiff,  
-Vs-  
DANA JUNE FRYE,  
Defendant.

\* IN THE CIRCUIT COURT OF  
{  
\* BALDWIN COUNTY, ALABAMA  
{  
\* AT LAW  
{  
\* CASE NO. 5544

MOTION TO STRIKE

Comes now the Defendant in the above styled cause and respectfully moves the Court to strike the Interrogatories to Defendant heretofore filed by the Plaintiff.

And Defendant assigns the following separate and several grounds in support of said Motion:

1. Defendant has not been served with said Interrogatories.
2. Defendant's attorney has not been served with said Interrogatories.
3. Said Interrogatories carry the style of The Circuit Court of Mobile County, Alabama and this cause was commenced in the Circuit Court of Baldwin County, Alabama.
4. Said Interrogatories were filed prematurely.
5. Said Interrogatories were sworn to and subscribed by the attorney for the Plaintiff before this action was commenced.

ARMBRECHT, JACKSON, McCONNELL  
& DeMOUY

By Brook G. Holmes

BROOK G. HOLMES

FILED

MAY 16 1963

ALICE J. DUCK, CLERK  
REGISTER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 3rd day  
of May, 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.

Brook G. Holmes

JOSHUA H. POOLE,  
Plaintiff,

-Vs-

DANA JUNE FRYE,  
Defendant.

\* IN THE CIRCUIT COURT OF  
{ BALDWIN COUNTY, ALABAMA  
\*  
{ AT LAW  
\*  
{ CASE NO. 5544

D E M U R R E R

Comes now the Defendant in the above styled cause and demurs to Plaintiff's Complaint as a whole and to each and every count thereof, separately and severally, upon the following separate and several grounds:

1. Said count failsto state a cause of action.
2. The allegations contained in said count are vague, uncertain and indefinite and do not apprise the Defendant of what she is called upon to defend.
3. The allegations contained in said count are vague, misleading and confusing and do not apprise the Defendant of what she is called upon to defend.
4. For aught that appears from the allegations of said count, there was no legal duty owing from this Defendant to the Plaintiff.
5. For aught that appears from the allegations of said count, there was no breach of any legal duty owing from the Defendant to the Plaintiff.
6. Said count seeks to set out the quo-modo constituting the negligence without alleging sufficient facts in support thereof.
7. Said count wholly fails to set forth sufficient facts as to how this Defendant was negligent.
8. For aught appearing from the allegations of said count there was no proximate cause between the alleged negligence of this Defendant and the alleged damage and injuries of the Plaintiff.

9. It affirmatively appears that there was no causal connection between the alleged negligence of this Defendant and the alleged injuries and damages of the Plaintiff.

10. For that negligence is averred is a mere conclusion of the pleader.

11. For that it is not alleged that Plaintiff's damages were caused by the Defendant's negligence.

12. For that it is impossible to tell from the allegations of the Complaint the location of said accident.

13. For that Plaintiff fails to allege the whereabouts of said collision.

14. For aught that appears said accident occurred on private property, to-wit: The Parker House.

ARMBRECHT, JACKSON, McCONNELL  
& DeMOUY

By

Brook G. Holmes

BROOK G. HOLMES

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 3rd day  
of May, 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.

Brook G. Holmes

FILED

MAY 6 1963

MAILED 1 DUNN, 7/2/63

260

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

April 15, 1963

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

Dear Miss Duck:

Enclosed herewith are suit papers and interrogatories to be filed in the Circuit Court of Baldwin County, Alabama. Will you please file same and acknowledge receipt of these papers?

Please let us know when service has been obtained on the Defendant.

Very truly yours,

CUNNINGHAM & BOUNDS

  
RICHARD BOUNDS

RB: sm

Enclosure

ARMBRECHT, JACKSON, McCONNELL & DEMOUY  
LAWYERS

MERCHANTS NATIONAL BANK BUILDING

P. O. BOX 290

MOBILE, ALABAMA

WM. H. ARMBRECHT  
THEODORE K. JACKSON  
JOHN W. McCONNELL, JR.  
MARSHALL J. DEMOUY  
WM. H. ARMBRECHT, III  
RAE M. CROWE  
BROOK G. HOLMES  
W. BOYD REEVES

HEMLOCK 3-1891

CABLE ADDRESS  
SEALAW

May 3, 1963

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

Re: Joshua H. Poole vs  
Dana June Frye;  
Case No. \_\_\_\_\_

Dear Mrs. Duck:

Enclosed please find a Demurrer and Motion To Strike which  
we wish filed on behalf of the Defendant in the above captioned case.

Very truly yours,

ARMBRECHT, JACKSON, McCONNELL  
& DEMOUY

By Brook G. Holmes

BROOK G. HOLMES

BGH/gg

Enclosures

CUNNINGHAM AND BOUNDS

ATTORNEYS AT LAW

1350 DAUPHIN STREET

P. O. BOX 4486

MOBILE, ALABAMA

ROBERT T. CUNNINGHAM  
RICHARD BOUNDS

HEMLOCK 8-6188

September 16, 1963

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

Re: Poole vs. Frye  
Case no. 5544

Dear Miss Duck:

Will you please dismiss the above case on motion of the plaintiff as it has been settled. Kindly assess the costs to the defendant and mail your costs bill to Broox Holmes, Attorney at Law, P. O. Box 290, Mobile, Alabama.

Very truly yours,

CUNNINGHAM & BOUNDS

  
RICHARD BOUNDS

RB:pg

cc: Mr. Broox Holmes

CUNNINGHAM AND BOUNDS

ATTORNEYS AT LAW

1350 DAUPHIN STREET

P. O. BOX 4486

MOBILE, ALABAMA

ROBERT T. CUNNINGHAM  
RICHARD BOUNDS

HEMLOCK 8-6188

September 5, 1963

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

Re: Poole vs. Frye  
No. 5544

Dear Miss Duck:

Will you please dismiss the above case when it comes up for trial on September 13, 1963. We are in the process of settling this case and it should be completed within the next few weeks.

Very truly yours,

CUNNINGHAM & BOUNDS

*Richard Bounds*  
RICHARD BOUNDS

RB: sm

MAILED  
SEP 6 1963  
CLERK  
REGISTER