

|   |   |                         |
|---|---|-------------------------|
| VIOLA H. PRICE,                                   | ⌘ | IN THE CIRCUIT COURT OF |
| Plaintiff,  | ⌘ | BALDWIN COUNTY,         |
| vs.   | ⌘ | ALABAMA.                |
| GRADY BUICK COMPANY, INCORPORATED, A Corporation, | ⌘ | AT LAW.                 |
| Defendant.  | ⌘ | CASE NO. <u>7301</u>    |

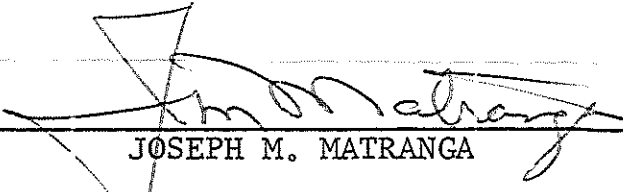
Plaintiff claims of the Defendant the sum of ONE HUNDRED THOUS- AND and No/100 (\$100,000.00) DOLLARS, as damages, for that, hereto- fore, and on, to-wit: April 23, 1966, the Defendant was in the busi- ness of buying and selling automobiles in Mobile, Mobile County, Alabama, and in the course of that business, and for a consideration, placed an automobile in the hands of prospective purchasers, one Earnest Price and his wife, Opal Price, with the knowledge that the said automobile was to be operated on a public highway. Plaintiff further avers that the said automobile was placed in the hands of the prospective purchasers with the brakes in a defective and dangerous condition, and therefore while the said automobile was being driven by Opal Price on Elmira Street, a public street in the City of Bay Minette, Baldwin County, Alabama, the said Opal Price applied the de- fective brakes which failed to stop the automobile because of the de- fective condition of the brakes causing the automobile to run off the public street into a ditch. Plaintiff avers that she was a passenger in the said automobile at the time it ran off the public road into the ditch at the end of Elmira Street and as a proximate result the Plain- tiff was injured and damaged as follows: Plaintiff suffered a broken back, the four vertebra of her spine were fractured, her nose was broken, her face and head were bruised extensively, Plaintiff was per- manently injured, she was caused to spend great sums of money on doctor bills, hospital bills, drug bills and nursing fees in and about

the treatment of her injuries, Plaintiff suffered severe physical pain and mental anguish, she suffered loss of wages, she has been rendered less able to perform her work and will suffer loss of wages in the future, and Plaintiff has been rendered permanently less able to go about her customary duties.

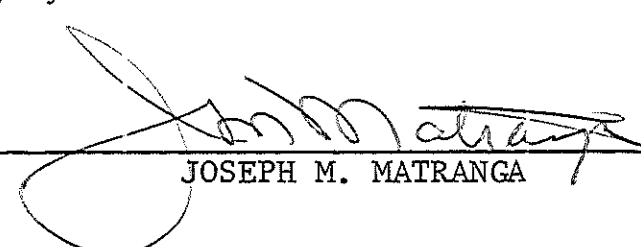
And, Plaintiff avers that all of her said injuries and damages were caused as a proximate result of the negligence of the Defendant in negligently placing in the hands of a prospective purchaser an automobile with the brakes thereon in a defective and dangerous condition and in the Defendant's failure to see that the brakes on said automobile were in a reasonable safe condition for operation of said automobile on a public street.

MATRANGA, HESS & SULLIVAN  
Attorneys for Plaintiff

BY:

  
JOSEPH M. MATRANGA

Plaintiff demands trial by jury.

  
JOSEPH M. MATRANGA

Defendant may be served:

Ross Grady, President  
Grady Buick Company, Incorporated  
308 St. Louis Street  
Mobile, Alabama.

FILED

DEC 2 1906

CLERK & DEPT. REGISTER

We the jury, find the Verdict in favor  
of the Plaintiff and assess the amount  
of damages at \$15,000 00

G. M. Dine  
foreman

253

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA  
Baldwin County

Circuit Court, Baldwin County

No. 7301

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Grady Buick Company, Inc., a corp

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.....

Grady Buick Company, Inc., a corp  
....., Defendant.....

by Viola H. Price  
.....

....., Plaintiff.....

Witness my hand this.....2nd.....day of.....December..... 1966.....

.....*Alvin J. Smith*..... Clerk

5778

STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

VIOLA H. PRICE

Plaintiffs

vs Mr Crowe

GRADY BUICK COMPANY, INC., a corp

Defendants

SUMMONS AND COMPLAINT

Filed 12-2-1966

Alice J. Duck Clerk

Matranga, Hess & Sullivan

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED

Received In Office

DEC 2 1966

19.....

TAYLOR WILKINS  
SHERIFF

Sheriff

I have executed this summons

this Dec 8 1966

by leaving a copy with

Mr Crowe, Vice-Pres  
of Grady Buick Co Inc

Rayse Bridges Sheriff

cg [Signature] Deputy Sheriff

|                             |   |                         |
|-----------------------------|---|-------------------------|
| VIOLA H. PRICE,             | ) | IN THE CIRCUIT COURT OF |
| Plaintiff,                  | ) | BALDWIN COUNTY, ALABAMA |
| vs.                         | ) | AT LAW                  |
| GRADY BUICK COMPANY, INCOR- | ) |                         |
| PORATED, A Corporation,     | ) |                         |
| Defendant.                  | ) | CASE NO. 7301           |

DEMURRER

Comes now the defendant in the above styled cause, and demurs to the complaint heretofore filed against it in said cause, and to each count thereof, separately and severally, and for grounds of demurrer sets down and assigns the following, separately and severally, to-wit:

1. That it does not state facts sufficient to constitute a cause of action.
2. For that negligence is therein alleged merely as a conclusion of the pleader.
3. For that it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence defendant is called on to defend.
4. For that it does not appear with sufficient certainty what duty, if any, defendant may have owed to the plaintiff.
5. For that it does not appear with sufficient certainty wherein defendant violated any duty he may have owed to the plaintiff.
6. For that it does not sufficiently appear that the defendant owed any duty to the plaintiff which defendant negligently failed to perform.
7. For that there does not appear sufficient causal connection between defendant's said breach of duty and plaintiff's injuries and damages.
8. No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of the defendant.

9. It is not alleged with sufficient certainty where said accident occurred.

10. It is not alleged that the negligence complained of proximately caused the accident, the injuries and damages complained of.

11. The averments thereof are conflicting and repugnant.

12. For that no causal connection appears between the defendant's alleged negligence and the injuries and damages complained of by the plaintiff.

13. For that there is a misjoinder of causes of action in the same count.

14. From aught that appears from the allegations contained in said complaint, the matters and things complained of were caused solely by the negligence of Opal Price.

15. For that the allegation therein contained the automobile "... was placed in the hands of the prospective purchasers with the brakes in a defective and dangerous condition..." is but the conclusion of the pleader with insufficient averment of fact in support thereof.

16. For that it is not alleged therein that the injuries complained of by the plaintiff are the proximate result or consequence of any negligence on the part of this defendant.

INGE, TWITTY, DUFFY & PRINCE

By: James J. Duffy, Jr.  
James J. Duffy, Jr. - Designated  
Trial Attorney

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 21<sup>st</sup> day of Dec., 1966.

James J. Duffy, Jr.  
Attorney for

FILED

DEC 23 1966

CLEARING HOUSE

|                          |   |                         |
|--------------------------|---|-------------------------|
| VIOLA H. PRICE,          | ) | IN THE CIRCUIT COURT OF |
| Plaintiff                | ) | BALDWIN COUNTY, ALABAMA |
| vs.                      | ) | AT LAW                  |
| GRADY BUICK COMPANY,     | ) |                         |
| INCORPORATED, a corpora- | ) |                         |
| tion,                    | ) |                         |
| Defendant                | ) | CASE NO. 7301           |

NOTICE OF DEPOSITION

TO: Joseph M. Matranga, Esquire  
Messrs. Matranga, Hess & Sullivan  
1403 Waterman Building  
Mobile, Alabama

You are hereby notified that defendant, Grady Buick Company, Inc., will take the pretrial discovery depositions of Thomas E. Stanton and Chester Grice, on Saturday, December 2, 1967, commencing at 9:30 A.M., in the offices of Messrs. Inge, Twitty, Duffy & Prince located at 1301 Merchants National Bank building, Mobile, Alabama, before Louis M. Hubbard, Jr., or before some other officer authorized by law to take depositions. The depositions are to be taken in accordance with and pursuant to Act No. 375 of the Alabama Legislature of 1955, as amended, and will continue from day to day until the completion of same. You are invited to attend and examine the deponent.

Dated this 20th day of November, 1967.

INGE, TWITTY, DUFFY & PRINCE

BY: *James J. Duffy, Jr.*  
James J. Duffy, Jr.

NOV 21 1967

CLERK OF COURT



|                            |   |                         |
|----------------------------|---|-------------------------|
| VIOLA H. PRICE,            | ) | IN THE CIRCUIT COURT OF |
| Plaintiff,                 | ) | BALDWIN COUNTY, ALABAMA |
| vs.                        | ) | AT LAW                  |
| GRADY BUICK COMPANY, IN-   | ) |                         |
| CORPORATED, A Corporation, | ) |                         |
| Defendant.                 | ) | CASE NO. 7301           |

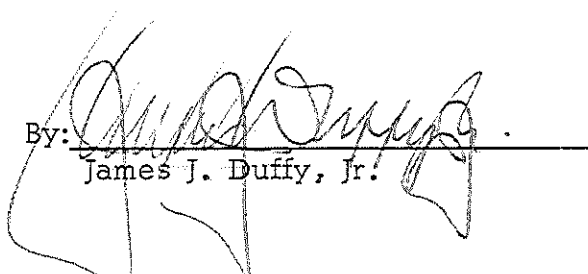
NOTICE OF DEPOSITION

TO: Joseph M. Matranga, Esquire  
Messrs. Matranga, Hess & Sullivan  
1403 Waterman Building  
Mobile, Alabama

You are hereby notified that defendant, Grady Buick Company, Inc., will take the pretrial discovery deposition of plaintiff, Viola H. Price, on Tuesday, August 22, 1967, commencing at 3:00 P. M., in the offices of Messrs. Inge, Twitty, Duffy & Prince located at 1301 Merchants National Bank Building, Mobile, Alabama, before Louis M. Hubbard, Jr., or before some other officer authorized by law to take depositions. The deposition is to be taken in accordance with and pursuant to Act No. 375 of the Alabama Legislature of 1955, as amended, and will continue from day to day until the completion of same. You are invited to attend and examine the deponent.

Dated this 18th day of July, 1967.

INGE, TWITTY, DUFFY & PRINCE

By:   
James J. Duffy, Jr.

**FILED**

JUL 20 1967

**ALICE J. DUCK** CLERK REGISTER

|                            |   |                         |
|----------------------------|---|-------------------------|
| VIOLA H. PRICE,            | ) | IN THE CIRCUIT COURT OF |
| Plaintiff,                 | ) | BALDWIN COUNTY, ALABAMA |
| vs.                        | ) | AT LAW                  |
| GRADY BUICK COMPANY, IN-   | ) |                         |
| CORPORATED, A Corporation, | ) |                         |
| Defendant.                 | ) | CASE NO. 7301           |
|                            | ) |                         |

ANSWER OF DEFENDANT

Comes now the defendant in the above styled cause and for answer to the complaint of the plaintiff in said cause, and to each and every count thereof, separately and severally, files the following pleas, to-wit:

1. This defendant is not guilty of the matters and things contained therein.

2. This defendant denies each and every one of the material allegations of said complaint.


3. The plaintiff ought not recover of this defendant for that at the time and place complained of in the plaintiff's complaint the automobile in which the plaintiff was then and there riding was being operated by Opal Price who was, at the time and place complained of in the complaint of the plaintiff, an agent, servant or employee of the plaintiff, acting within the line and scope of her employment as such, and at the time and place complained of in the plaintiff's complaint the said Opal Price was contributorily negligent in the operation of said automobile which contributory negligence proximately contributed to the matters and things of which the plaintiff complains, wherefore she ought not recover of this defendant.

4. The plaintiff ought not recover of this defendant for that at the time and place complained of in the complaint of the plaintiff the automobile in which the plaintiff was a passenger was being then and there operated by Opal Price who was, at said time and place, engaged in a joint venture with the plaintiff and at said time and place the said Opal Price was contributorily

negligent in the operation of said automobile which contributory negligence proximately contributed to the matters and things of which the plaintiff complains, wherefore she ought not recover of this defendant.

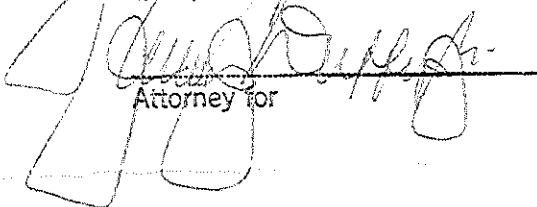
INGE, TWITTY, DUFFY & PRINCE

By:

  
James J. Duffy, Jr.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 28 day of June, 1967.

  
Attorney for

FILED

JUN 29 1967

ALICE H. DICK, CLERK  
REGISTER

|                          |   |                         |
|--------------------------|---|-------------------------|
| VIOLA H. PRICE,          | ) | IN THE CIRCUIT COURT OF |
| Plaintiff                | ) | BALDWIN COUNTY, ALABAMA |
| vs.                      | ) | AT LAW                  |
| GRADY BUICK COMPANY,     | ) |                         |
| INCORPORATED, a corpora- | ) |                         |
| tion,                    | ) |                         |
| Defendant                | ) | CASE NO. 7301           |

MOTION TO SET ASIDE DEFAULT JUDGMENT

Comes now Grady Buick Company, the defendant in the above styled cause, and files this, its motion to set aside the judgment of this Court entered on the 16th day of November, 1967, against this defendant, and for grounds sets down and assigns the following, separately and severally, that is to say:

1. This defendant has filed pleadings in said cause and a judgment by default, therefore, is illegal and improper.
2. Counsel for this defendant received no notice that motions were to be heard in this Court on the 16th day of November, 1967, either from this Court or from the movant herein and, therefore, counsel for this defendant did not have an opportunity to either oppose the motion or otherwise be heard in connection with the same.
3. The answers to the interrogatories in question, the movant having moved for a default judgment for the reason that this defendant had not answered said interrogatories, have been prepared for over sixty days but have not been filed because of the fact that the proper representative of this defendant has not been available to execute the same.
4. Executed answers to said interrogatories are attached hereto and the original document has been filed in this Court.
5. This defendant has a good and meritorious defense to this lawsuit in that the plaintiff complains that this defendant was guilty of negligence in the particulars alleged in her complaint in the furnishing of a defective automobile to

the plaintiff or to the driver of said automobile in which the plaintiff was riding, and this defendant will prove at the trial of this cause that the automobile was not defective and that none of its mechanisms was defective and that this defendant is not liable in any respect for the matters and things complained of by the plaintiff.

WHEREFORE, the premises considered, this defendant prays for an order of this Court setting aside the judgment entered on the 16th day of November, 1967, and this defendant moves for such other, further and different relief as may be meet and proper.

INGE, TWITTY, DUFFY & PRINCE

BY: 

James J. Duffy, Jr.

FILED  
NOV 20 1967  
COURT HOUSE  
MEMPHIS, TENN.

|                          |   |                         |
|--------------------------|---|-------------------------|
| VIOLA H. PRICE,          | ) | IN THE CIRCUIT COURT OF |
| Plaintiff                | ) | BALDWIN COUNTY, ALABAMA |
| vs.                      | ) | AT LAW                  |
| GRADY BUICK COMPANY,     | ) |                         |
| INCORPORATED, a corpora- | ) |                         |
| tion,                    | ) |                         |
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INGE, TWITTY, DUFFY & PRINCE  
LAWYERS

THOS. E. TWITTY  
FRANCIS H. INGE (1902-1959)  
RICHARD H. INGE  
THOS. E. TWITTY, JR.  
JAMES J. DUFFY, JR.  
SYDNEY R. PRINCE, III

MERCHANTS NATIONAL BANK BUILDING  
MOBILE, ALABAMA  
36602

MAILING ADDRESS:  
P. O. BOX 1109  
MOBILE, ALA.  
36501  
CABLE ADDRESS:  
TWINING  
TELEPHONE  
433-5441

July 18, 1967

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

Re: Case No. 7301  
Price vs. Grady Buick Company

Dear Mrs. Duck:

Enclosed please find notice for the taking of deposition in the above captioned matter. Please have this notice filed and mark the carbon filed and return to me.

On behalf of defendant please issue subpoena to Mrs. Viola H. Price at 1704 Clark Avenue or 1002 Hand Avenue, Bay Minette, Alabama, directing her to appear in our offices on Tuesday, ~~April~~ <sup>July</sup> 22, 1967, at 3:00 P.M. for the purpose of testifying at her pretrial discovery <sup>deposition</sup>.

With much appreciation,

Cordially,

  
James J. Duffy, Jr.  
For the Firm

JJD, jr:nd  
Enclosures

*issued  
7-20-67*

INGE, TWITTY, DUFFY & PRINCE

LAWYERS

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

36602

THOS. E. TWITTY  
FRANCIS H. INGE (1902-1959)  
RICHARD H. INGE  
THOS. E. TWITTY, JR.  
JAMES J. DUFFY, JR.  
SYDNEY R. PRINCE, III

MAILING ADDRESS:

P. O. BOX 1109  
MOBILE, ALA.  
36601

CABLE ADDRESS:

TWINING  
TELEPHONE  
433-5441

November 17, 1967

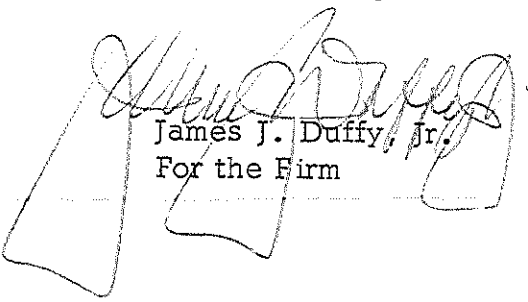
Mrs. Alice J. Duck  
Clerk, Circuit Court of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: Case No. 7301  
Viola H. Price vs. Grady Buick Company, Inc.

Dear Mrs. Duck:

Enclosed please find motion together with answers to interrogatories, each of which documents I would appreciate your filing.

Yours cordially,

  
James J. Duffy, Jr.  
For the Firm

JJD, jr:fy

Enclosures



the plaintiff or to the driver of said automobile in which the plaintiff was riding, and this defendant will prove at the trial of this cause that the automobile was not defective and that none of its mechanisms was defective and that this defendant is not liable in any respect for the matters and things complained of by the plaintiff.

WHEREFORE, the premises considered, this defendant prays for an order of this Court setting aside the judgment entered on the 16th day of November, 1967, and this defendant moves for such other, further and different relief as may be meet and proper.

INGE, TWITTY, DUFFY & PRINCE

BY: \_\_\_\_\_

James J. Duffy, Jr.

|                          |   |                         |
|--------------------------|---|-------------------------|
| VIOLA H. PRICE,          | ) | IN THE CIRCUIT COURT OF |
| Plaintiff                | ) | BALDWIN COUNTY, ALABAMA |
| vs.                      | ) | AT LAW                  |
| GRADY BUICK COMPANY,     | ) |                         |
| INCORPORATED, a corpora- | ) | CASE NO. 7301           |
| tion,                    | ) |                         |
| Defendant                | ) |                         |

ANSWERS TO INTERROGATORIES

Comes now the defendant in the above captioned cause and, in answer to the interrogatories heretofore propounded to it in said cause by the plaintiff, says as follows:

1. Yes.
2. (A) L. B. Brown, Salesman, and Stanley Johnson, Sales Manager.  
(B) Routine.
3. We were not present when the wreck occurred but presume that this was the same automobile involved in some kind of wreck by reason of its damaged condition.
4. We have no idea how or in what manner the "accident" on April 23, 1966, occurred.
5. We owned the automobile which, apparently, was involved in some kind of wreck.
6. (A) Chester Grise, 405 Lexington Avenue, Mobile, Alabama.  
(B) April 6, 1966.  
(C) This is privileged information and, further, is incompetent, irrelevant and immaterial to the issues in this lawsuit, and we object on these separate and several grounds.  
(D) Unknown.
7. No.
8. Inapplicable.

9. Inapplicable.

10. Yes.

11. (A) A thorough routine inspection was made of the automobile in question at the time we acquired possession thereof and the inspection included road testing.

(B) Exact date unknown.

(C) Employees of Grady Buick Company.

12. No.

13. Inapplicable.

14. Inapplicable.

15. Inapplicable.

16. No.

17. Inapplicable.

18. Inapplicable.

19. Inapplicable.

20. Inapplicable.

21. Yes.

22. (A) Thomas Powell, Assistant Manager of Grady Buick Company body shop, and Melvin Donald, Used Car Mechanic.

(B) The exact date and time are unknown but this was done immediately after again obtaining possession of the automobile.

(C) No written record or report.

(D) Inapplicable.

23. Inapplicable.

24. Unknown.

25. Inapplicable.

26. It was towed by a Grady Buick Company wrecker driven by Melvin Donald.

27. Melvin Donald.

28. It was taken to the Grady Buick Company body shop on April

25, 1966.

29. No.

30. No.

31. (A) May 12, 1966.

(B) It was sold to another person.

32. This calls for privileged information and, further, is incompetent, irrelevant and immaterial and we object to answering this interrogatory on these separate and several grounds.

33. Inapplicable.

34. Inapplicable.

35. There was nothing defective about the braking system of the vehicle involved in this lawsuit when it was delivered to Mr. and Mrs. Price. What happened after they took possession we do not know.

36. Inapplicable.

37. (A) As stated, no one from Grady Buick Company witnessed the so-called "accident".

(B) Grady Buick Company intends to defend this lawsuit to the best of its ability and will rely on every defense available to it. The burden is upon the plaintiff to establish negligence on the part of Grady Buick Company and is not upon Grady Buick Company to establish its innocence.

GRADY BUICK COMPANY, INC.

BY: 

STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me, the undersigned authority in and for said County in said State, Stanley D. [unclear], who is known to me and who, after having been first duly sworn, on oath, stated that he is the Mgr. Used Cars Dept. of Grady Buick Company, that he has read the above and foregoing answers to interrogatories previously propounded to Grady Buick Company, Inc. by the plaintiff in this lawsuit, and that the answers are true and correct to the best of his knowledge and belief.

[Signature]  
Notary Public, Mobile County, Alabama

|                          |   |                         |
|--------------------------|---|-------------------------|
| VIOLA H. PRICE,          | ) | IN THE CIRCUIT COURT OF |
| Plaintiff                | ) | BALDWIN COUNTY, ALABAMA |
| vs.                      | ) | AT LAW                  |
| GRADY BUICK COMPANY,     | ) |                         |
| INCORPORATED, a corpora- | ) |                         |
| tion,                    | ) |                         |
| Defendant                | ) | CASE NO. 7301           |

NOTICE OF DEPOSITION

TO: Joseph M. Matranga, Esquire  
 Messrs. Matranga, Hess & Sullivan  
 919 Dauphin Street  
 Mobile, Alabama

You are hereby notified that defendant, Grady Buick Company, Inc., will take the pretrial discovery deposition of Frank Barber on Friday, March 15, 1968, commencing at 11:00 A.M., in the offices of Messrs. Inge, Twitty, Duffy & Prince located at 1301 Merchants National Bank Building, Mobile, Alabama, before Louis M. Hubbard, Jr., or before some other officer authorized by law to take depositions. The deposition is to be taken in accordance with and pursuant to Act No. 375 of the Alabama Legislature of 1955, as amended, and will continue from day to day until the completion of same. You are invited to attend and examine the deponent.

Dated this 7th day of March, 1968.

INGE, TWITTY, DUFFY & PRINCE

BY: *James J. Duffy, Jr.*  
 James J. Duffy, Jr.

**FILED**

MAR 8 1968

**ALICE J. DUCK** CLERK  
 REGISTER

*vs*  
*Grady Buick*

JURY LIST - JUNE 10, 1968 - CIRCUIT COURT - BALDWIN COUNTY

- ~~1. Abernombie, Thomas V. Jr. Dry Cleaner, Robertsdale~~
- ~~2. Alonzo, William, State of Alabama, Bay Minette~~
- ~~3. Baskin, Herbert T. Civil Service, Bay Minette~~
- ~~4. Booth, Charley, Farmer, Fairhope~~
- ~~5. Bosby, Eugene, Construction Worker, Fairhope~~
- 6. Coleman, Maynard, Civil Service, Perdido
- ~~7. Conway, Clyde, Shipyard, Bay Minette~~
- ~~8. Cowles, Robert, Farmer, Fairhope~~
- 9. Cumbie, Carol, Housewife, Little River
- 10. Cumbie, Raymond, Construction Worker, Little River
- ~~11. Day, Charles W., Civil Service, Robertsdale~~
- 12. Dean, Mary, Housewife, Perdido
- ~~13. Gabel, Ernest W., Jr., Farmer, Fairhope~~
- ~~14. Hadley, Elzie, Farmer, Perdido~~
- ~~15. Hadley, Shomo, Self, Foley~~
- ~~16. [Name], [Occupation], [Location]~~
- 17. Helms, John R., Civil Service, Elberta
- 18. Klasnich, George, Farmer, Perdido
- ~~19. Lowery, Edward, Civil Service, Summerdale~~
- 20. McGill, G. T., Merchant, Perdido
- 21. McVay, A. R., School Supervisor, Bay Minette
- ~~22. Elovovich, Matthew, Reserve Fleet, Perdido~~
- ~~23. Power, James, Farmer, Summerdale~~
- 24. Quinley, Lyman, Farmer, Bay Minette
- ~~25. Rogers, Katherine, Housewife, Perdido~~
- 26. White, Elaine, Beauty Operator, Perdido
- ~~27. Wynn, I. C., Farmer, Summerdale~~
- ~~28. Abbott, Homer, Retired, Foley~~
- ~~29. Brackman, Jerry, Salesman, Summerdale~~
- 30. Tindal, Kendrick N., Contractor, Bay Minette
- 31. Page, Glen, Insurance - Bay Minette
- ~~32. Hobbs, W. D., Farmer, Rosinton~~
- 33. Herron, John L., Chemstrand, Bay Minette
- 34. McReynolds, Leon, Labor Worker, Bay Minette
- ~~35. Packer, Thomas, Meat Cutter, Perdido~~
- ~~36. Byrd, Clifton M., Farmer, Perdido~~
- ~~37. Conway, William, Brookley Field, Bay Minette~~
- ~~38. White, Arthur, Farmer, Perdido~~

P. XXXXX XXXXX XX  
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|   |   |                         |
|---|---|-------------------------|
| VIOLA H. PRICE,                                   | × | IN THE CIRCUIT COURT OF |
| Plaintiff,  | × | BALDWIN COUNTY,         |
| vs.   | × | ALABAMA.                |
| GRADY BUICK COMPANY, INCORPORATED, A Corporation, | × | AT LAW.                 |
| Defendant.  | × | CASE NO. <u>7301</u>    |
|   | × |                         |

Plaintiff claims of the Defendant the sum of ONE HUNDRED THOUSAND and No/100 (\$100,000.00) DOLLARS, as damages, for that, heretofore, and on, to-wit: April 23, 1966, the Defendant was in the business of buying and selling automobiles in Mobile, Mobile County, Alabama, and in the course of that business, and for a consideration, placed an automobile in the hands of prospective purchasers, one Earnest Price and his wife, Opal Price, with the knowledge that the said automobile was to be operated on a public highway. Plaintiff further avers that the said automobile was placed in the hands of the prospective purchasers with the brakes in a defective and dangerous condition, and therefore while the said automobile was being driven by Opal Price on Elmira Street, a public street in the City of Bay Minette, Baldwin County, Alabama, the said Opal Price applied the defective brakes which failed to stop the automobile because of the defective condition of the brakes causing the automobile to run off the public street into a ditch. Plaintiff avers that she was a passenger in the said automobile at the time it ran off the public road into the ditch at the end of Elmira Street and as a proximate result the Plaintiff was injured and damaged as follows: Plaintiff suffered a broken back, the four vertebra of her spine were fractured, her nose was broken, her face and head were bruised extensively, Plaintiff was permanently injured, she was caused to spend great sums of money on doctor bills, hospital bills, drug bills and nursing fees in and about



the treatment of her injuries, Plaintiff suffered severe physical pain and mental anguish, she suffered loss of wages, she has been rendered less able to perform her work and will suffer loss of wages in the future, and Plaintiff has been rendered permanently less able to go about her customary duties.

And, Plaintiff avers that all of her said injuries and damages were caused as a proximate result of the negligence of the Defendant in negligently placing in the hands of a prospective purchaser an automobile with the brakes thereon in a defective and dangerous condition and in the Defendant's failure to see that the brakes on said automobile were in a reasonable safe condition for operation of said automobile on a public street.

MATRANGA, HESS & SULLIVAN  
Attorneys for Plaintiff

BY:

  
JOSEPH M. MATRANGA

Plaintiff demands trial by jury.

  
JOSEPH M. MATRANGA

Defendant may be served:

Ross Grady, President  
Grady Buick Company, Incorporated  
308 St. Louis Street  
Mobile, Alabama.

FILED  
FEB 2 1964  
MOBILE, ALABAMA

LAW OFFICES OF  
MATRANGA, HESS & SULLIVAN  
SUITE 1403, WATERMAN BUILDING  
MOBILE, ALABAMA  
36601

JOSEPH M. MATRANGA  
BARRY HESS  
DOMINICK J. MATRANGA  
JAMES D. SULLIVAN

AREA CODE 205  
TELEPHONE 433-1634  
433-6589

November 30, 1966

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

Re: Viola H. Price vs. Grady Buick  
Company, Incorporated

Dear Mrs. Duck:

I have filed the above styled cause in the Circuit Court of Baldwin County. It is my intention at this time to handle the motions and pleadings prior to trial. I would appreciate your sending me notice of such hearings, along with copies any matters filed by the Defendant.

Thank you for the courtesies you have shown in the past.

Sincerely yours,

  
JOSEPH M. MATRANGA

JMM:hb

INGE, TWITTY, DUFFY & PRINCE

LAWYERS

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

36602

THOS. E. TWITTY  
FRANCIS H. INGE (1902-1959)  
RICHARD H. INGE  
THOS. E. TWITTY, JR.  
JAMES J. DUFFY, JR.  
SYDNEY R. PRINCE, III

MAILING ADDRESS:

P. O. BOX 1109  
MOBILE, ALA.  
36601

CABLE ADDRESS:

TWINING  
TELEPHONE  
433-5441

June 28, 1967

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

Re: Viola H. Price vs. Grady Buick Company, Inc.  
Case No. 7301

Dear Mrs. Duck:

Please find enclosed answer of defendant in the captioned matter which I would appreciate your having filed. Please mark the carbon filed and return to me.

With much appreciation,

Cordially,

  
James J. Duffy, Jr.  
For the Firm

JJD, jr:nd  
Enclosures

LAW OFFICES OF  
MATRANGA, HESS & SULLIVAN  
SUITE 1403, WATERMAN BUILDING  
MOBILE, ALABAMA  
36601

JOSEPH M. MATRANGA  
BARRY HESS  
DOMINICK J. MATRANGA  
JAMES D. SULLIVAN

AREA CODE 205  
TELEPHONE 433-1634  
433-6580

July 31, 1967

Clerk, Circuit Court  
of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: Price v. Grady Buick  
Case No. 7301

---

Dear Sir:

Enclosed are Interrogatories to be filed in the  
above styled cause with instructions for service on the  
defendant.

Sincerely yours,

  
JOSEPH M. MATRANGA

JMM:sh  
Enclosures

|                          |   |                         |
|--------------------------|---|-------------------------|
| VIOLA H. PRICE,          | ) | IN THE CIRCUIT COURT OF |
| Plaintiff                | ) | BALDWIN COUNTY, ALABAMA |
| vs.                      | ) | AT LAW                  |
| GRADY BUICK COMPANY,     | ) |                         |
| INCORPORATED, a corpora- | ) | CASE NO. 7301           |
| tion,                    | ) |                         |
| Defendant                | ) |                         |

ANSWERS TO INTERROGATORIES

Comes now the defendant in the above captioned cause and, in answer to the interrogatories heretofore propounded to it in said cause by the plaintiff, says as follows:

1. Yes.
2. (A) L. B. Brown, Salesman, and Stanley Johnson, Sales Manager.  
(B) Routine.
3. We were not present when the wreck occurred but presume that this was the same automobile involved in some kind of wreck by reason of its damaged condition.
4. We have no idea how or in what manner the "accident" on April 23, 1966, occurred.
5. We owned the automobile which, apparently, was involved in some kind of wreck.
6. (A) Chester Grise, 405 Lexington Avenue, Mobile, Alabama.  
(B) April 6, 1966.  
(C) This is privileged information and, further, is incompetent, irrelevant and immaterial to the issues in this lawsuit, and we object on these separate and several grounds.  
(D) Unknown.
7. No.
8. Inapplicable.

9. Inapplicable.
10. Yes.
11. (A) A thorough routine inspection was made of the automobile in question at the time we acquired possession thereof and the inspection included road testing.  
(B) Exact date unknown.  
(C) Employees of Grady Buick Company.
12. No.
13. Inapplicable.
14. Inapplicable.
15. Inapplicable.
16. No.
17. Inapplicable.
18. Inapplicable.
19. Inapplicable.
20. Inapplicable.
21. Yes.
22. (A) Thomas Powell, Assistant Manager of Grady Buick Company body shop, and Melvin Donald, Used Car Mechanic.  
(B) The exact date and time are unknown but this was done immediately after again obtaining possession of the automobile.  
(C) No written record or report.  
(D) Inapplicable.
23. Inapplicable.
24. Unknown.
25. Inapplicable.
26. It was towed by a Grady Buick Company wrecker driven by Melvin Donald.
27. Melvin Donald.
28. It was taken to the Grady Buick Company body shop on April 25, 1966.

29. No.

30. No.

31. (A) May 12, 1966.

(B) It was sold to another person.

32. This calls for privileged information and, further, is incompetent, irrelevant and immaterial and we object to answering this interrogatory on these separate and several grounds.

33. Inapplicable.

34. Inapplicable.

35. There was nothing defective about the braking system of the vehicle involved in this lawsuit when it was delivered to Mr. and Mrs. Price. What happened after they took possession we do not know.

36. Inapplicable.

37. (A) As stated, no one from Grady Buick Company witnessed the so-called "accident".

(B) Grady Buick Company intends to defend this lawsuit to the best of its ability and will rely on every defense available to it. The burden is upon the plaintiff to establish negligence on the part of Grady Buick Company and is not upon Grady Buick Company to establish its innocence.

GRADY BUICK COMPANY, INC.

BY: 

FILED  
JUL 19 1967  
FBI - BIRMINGHAM

STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me, the undersigned authority in and for said County in said State, Stanley D. [unclear], who is known to me and who, after having been first duly sworn, on oath, stated that he is the mgr used car dept of Grady Buick Company, that he has read the above and foregoing answers to interrogatories previously propounded to Grady Buick Company, Inc. by the plaintiff in this lawsuit, and that the answers are true and correct to the best of his knowledge and belief.

[Signature]  
Notary Public, Mobile County, Alabama



|                              |   |                         |
|------------------------------|---|-------------------------|
| VIOLA H. PRICE,              | * | IN THE CIRCUIT COURT OF |
|                              | * |                         |
| Plaintiff,                   | * | BALDWIN COUNTY, ALABAMA |
|                              | * |                         |
| vs.                          | * |                         |
|                              | * |                         |
| GRADY BUICK COMPANY,         | * | CASE NO. 7301           |
| INCORPORATED, a corporation, | * |                         |
|                              | * |                         |
| Defendant.                   | * |                         |

INTERROGATORIES TO DEFENDANT

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

1. On April 23, 1966, did the defendant furnish Ernest Price and his wife Opal Price a used car, a Buick, to be driven by them with a possibility that they might purchase it?

2. If so, state:

A. The name, address, job title or position and other means of identification of each person who represented the defendant in the transaction;

B. The circumstances surrounding the transaction.

3. On the same date, was the above vehicle the one involved in the accident made a basis of this suit?

4. If so, state the circumstances of such accident as reported to the defendant on April 23, 1966, or thereafter.

5. On April 23, 1966, was the defendant the owner of the Buick automobile involved in the accident made a basis of this suit?

6. If so, state:

A. The name, other means of identification,

address, and last known whereabouts of the person from whom the vehicle was purchased.

B. The date on which the vehicle was purchased from the above.

C. The purchase price of the vehicle.

D. The mileage indicated by the speedometer at the time of the purchase.

7. Were any records concerning ownership or repair of the vehicle prior to the above date given to the defendant at the time he purchased the vehicle?

8. If so, state the name, address, telephone number and job position or capacity of the person who has present custody of such records.

9. If you will do so without a motion to produce, attach a copy of each such record to your answers to these interrogatories.

10. Was an inspection of the car made by the defendant at the time of purchase or immediately thereafter?

11. If so, state:

A. A description of the inspection made;

B. The date such inspection was made;

C. The name, or other means of identification address, telephone number or last known whereabouts of each person who made such inspection.

12. Was a written report made concerning such inspection?

13. If so, state:

A. A description of the report;

B. The name, address, telephone number, and job title or capacity of the person who has custody of such report.

14. If you will do so without a motion to produce, attach a copy of such report to your answers to these interrogatories.

15. If no inspection was made by the defendant of the car at the time of the purchase or immediately thereafter, state:

A. Whether it is customary to inspect each automobile at the time of, prior to, or immediately after the purchase by the defendant;

B. The reason that no inspection was made of the car here involved;

16. Was any work done by the defendant or anyone on his behalf on the brakes of the automobile involved in this litigation between the date of purchase and the date of the accident?

17. If so, state:

A. The name or other means of identification, address, last known whereabouts, job title or capacity of each person who did such work;

B. The date on which such work was done.

18. Were any records made of the work that was done?

19. If so, state:

A. A description of each record made;

B. The name or other means of identification, address, telephone number and job title or capacity of the person who has present custody of each record.

20. If you will do so without a motion to produce, attach a copy of each such record to your answers to these interrogatories.

21. Were the brakes of the vehicle involved in this accident tested by the defendant following the accident of April 23, 1966?

22. If so, state:

A. The names or other means of identification address, telephone number and job title or capacity of each person who tested the brakes;

B. The date and time of each such test;

C. Whether a record or report was made of the condition of the brakes;

D. The name, or other means of identification, address, telephone number and job title or capacity of the person who has present custody of each such report or record.

23. If you will do so without a motion to produce, attach a copy of such record or report to your answers to these interrogatories.

24. Was the vehicle examined immediately after the accident by any investigating officer or other third persons?

25. If so, state what observation, if any, such person made regarding:

A. The position of the foot brake pedal;

B. Whether the foot brake pedal was able to spring back to normal position when the brakes were not being applied.

26. How did the automobile get back to the defendant?

27. If it was towed to the defendant's premises in Mobile, Alabama, give the name, address of the person, firm or corporation who towed the automobile to the premises of the defendant.

28. Where was the automobile taken immediately after the accident? When did the automobile come on the premises of the defendant?

29. Following the accident of April 23, 1966, when the car was returned to the defendant's garage, were any repairs made to the brake system? If so, state what repairs were made.

30. Is the automobile that was involved in the accident on April 23, 1966, still in the possession of the defendant?

31. If not, state:

- A. The date it left defendant's possession;
- B. The reason that it no longer is in defendant's possession;

32. If the car was sold, state:

- A. The name, address, telephone number and other means of identification of the purchaser;
- B. The date of the sale;
- C. The amount for which it was sold;
- D. Whether the sale was for cash or on credit.

33. If the car was not sold, state:

- A. The name, address and telephone number of the person in whose possession the car was last known to be;
- B. The date of each transaction referred to in the answers to the interrogatories.

34. If the automobile is in defendant's possession, state:

- A. Whether the brakes have now been repaired;
- B. Whether the vehicle has been offered for sale at any time subsequent to the accident of April 23, 1966, and if so, give: (1) The date on

which it was offered (2) any known reason for its failure to sell.

35. Was the accident of April 23, 1966 caused by failure of the braking system of the vehicle involved to function properly?

36. If so, state:

A. What portion of the braking system failed to operate properly?

B. Whether the defendant knew or was in possession of information that could have informed him that the braking system was not functioning properly prior to April 23, 1966;

C. What caused the brakes to fail on the occasion of this accident.

37. If the defendant contends that the braking system was functioning properly and continued to function properly on the date of the accident, state:

A. What defendant contends caused the accident;

B. Any facts known to defendant on which he intends to rely in support of the above contention.

MATRANGA, HESS & SULLIVAN  
Attorneys for Plaintiff

BY: J. M. Matranga  
J. M. MATRANGA

STATE OF ALABAMA  
COUNTY OF MOBILE

Before me, the undersigned Notary Public, in and for said County and State, personally appeared J. M. MATRANGA, who having been first duly sworn, deposes and says that he is the 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.

Sworn to and subscribed  
before me this 26<sup>th</sup> day of  
July, 1967.

Douglas M. Kufakowski  
NOTARY PUBLIC

J. M. Matranga  
J. M. MATRANGA

Defendant Grady Buick Company, Incorporated, may be served by serving its attorney, James Duffy, at the following address:

13th Floor  
Merchants National Bank Building  
Mobile, Alabama

RECEIVED

AUG 2 1967

TAYLOR WILKINS  
SHERIFF

Received 3 Day of Aug  
and on 4 Day of Aug  
I served a copy of the within Woods Buick  
on Woods Buick Company  
by service on James Sully

RAY D. BRIDGES, Sheriff

Logan

*How*  
*4292*  
*4301*  
Viola H. Price

vs.

*4th*  
Grady Buick Company

Interrogatories

RECEIVED

AUG 7 1967

20 be served on  
Grady Buick Co. Mobile