

EDDY ARTHUR WALKER,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
-VS-	X	AT LAW
C. C. LINDSEY,	X	
Defendant.	X	CASE NUMBER: 7634

MOTION TO REQUIRE THE PLAINTIFF TO ANSWER INTERROGATORIES

Comes now the defendant in the above styled cause and shows unto the court that the plaintiff has not answered the interrogatories heretofore filed herein within the time allowed by law; wherefore, defendant moves the court to enter an order requiring the plaintiff to answer said interrogatories or sustain a dismissal of his suit.

JOHNSTON, JOHNSTON & NETTLES
Attorneys for Defendant

BY Robert G. Kendall
Robert G. Kendall

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing motion on Hon. Warren Finch, attorney for the plaintiff, by mailing a copy hereof to him on this the 24 day of September, 1968.

Robert G. Kendall

FILED
SEP 25 1968
ALICE J. DUCK CLERK
REGISTER

EDDY ARTHUR WALKER,

Plaintiff

vs.

C.C. LINDSEY,

Defendant

) IN THE CIRCUIT COURT OF
)
)
) BALDWIN COUNTY, ALABAMA
)
)
) AT LAW
)
)
) NO. 7634
)
)

Comes the Defendant and as answer to the complaint

says; not guilty.

JOHNSTON, JOHNSTON & NETTLES
Attorneys for Defendant

By

William E. Johnston
William E. Johnston

FILED

AUG 9 1967

AUG 1 1967, CLERK
REGISTER

James J. Gray
 James J. McKeever
 12/11/1968

We the Jury find for the defendant
 and fix the amount at \$1.00 Acc'd against
 the plaintiff on ~~the~~ ~~cost~~ back units

We the Jury find for the plaintiff on back
 units and fix the amount at one dollar

EDDY ARTHUR WALKER

Plaintiff

vs

C. C. LINDSEY

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 7634

.....

The Plaintiff claims of Defendant the sum of THREE-THOUSAND and NO/100 (\$3,000.00) DOLLARS for that on to-wit the 31st day of July 1966 Defendant knowingly or wilfully put or placed or allowed to be a horse on Alabama Highway #225 at approximately 300 feet South of Walter Johnson's driveway and approximately 5.5 miles North of the intersection of Alabama Highway #225 and U. S. Highway 31 in Baldwin County, Alabama, a public highway, and as a proximate consequence of the presence of the said horse, Plaintiff ran into, over or against the said horse in an automobile in which he was then and there driving on said Alabama Highway #225 thereby giving him lacerations of the head and face and teeth and causing him to incur substantial bills for hospital and medical care, hence this suit.

FRED M. KRONER, JR. AND WILSON HAYES
Attorneys for Plaintiff

By: Wilson Hayes

Wilson Hayes

Plaintiff demands trial by
jury.

Wilson Hayes

FILED

JUL 19 1967

ALICE J. DUCK CLERK
REGISTER

NUMBER: _____

EDDY ARTHUR WALKER

PLAINTIFF

VS

C. C. LINDSEY

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

COMPLAINT

SUMMONS AND COMPLAINT

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 7634

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon C. C. LINDSEY

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

C. C. Lindsey

Defendant

by Eddie Arthur Walker

Plaintiff

Witness my hand this 19th day of July 1967

Alice J. Walker Clerk

84-7-22-67

No. 7634

Page

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

EDDY ARTHUR WALKER

Plaintiffs

vs.

C. C. LINDSEY

Defendants

SUMMONS AND COMPLAINT

Filed 5-19 1967

Benjamin H. H. H. Clerk

Fred M. Kroner, Jr. &
Wilson Hayes

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

7/19 1967

Taylor Wilkins Sheriff
I have executed this summons

this July 22 1967
by leaving a copy with

C. C. Lindsey

Sheriff claims 3.0 miles at
Ten Cents per mile Total \$ 3.00
TAYLOR WILKINS, Sheriff
BY *W. A. Salter*
DEPUTY SHERIFF

Taylor Wilkins Sheriff
W. A. Salter Deputy Sheriff

Bromley

ARNOLD W. WALKER, X IN THE CIRCUIT COURT
 Plaintiff, X OF BALDWIN COUNTY,
-VS- X ALABAMA
C. C. LINDSEY, X
 Defendant. X CASE NUMBER 7633

MOTION TO REQUIRE THE PLAINTIFF TO ANSWER INTERROGATORIES

Comes now the defendant in the above styled cause and shows unto the court that the plaintiff has not answered the interrogatories heretofore filed herein within the time allowed by law; wherefore, defendant moves the court to enter an order requiring the plaintiff to answer said interrogatories or sustain a dismissal of his suit.

JOHNSTON, JOHNSTON & NETTLES
Attorneys for Defendant

BY Robert G. Kendall
Robert G. Kendall

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing motion on Hon. Warren Finch, attorney for the plaintiff, by mailing a copy hereof to him on this the ~~24~~ day of September, 1968.

Robert G. Kendall

EDDY ARTHUR WALKER, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
vs. : AT LAW
C. C. LINDSEY, :
Defendant. : CASE NUMBER: 7634

Comes now the defendant in the above-styled cause and for further answer to the complaint assigns the following additional pleas:

2. For that the plaintiff so negligently operated his motor vehicle at the time and place complained of as to cause or allow his said motor vehicle to run into, upon or against the defendant's horse, and the negligence of the plaintiff as aforesaid proximately contributed to his own injuries and damages; wherefore he should not recover.

3. Plaintiff claims of the defendant the sum of Two Thousand and no/100 (\$2,000.00) Dollars as damages by way of recoupment for that the plaintiff so negligently operated a motor vehicle at the time and place complained of as to cause or allow the said motor vehicle to run into, upon, or against a horse, the property of the defendant, and as a proximate consequence of the negligence of the plaintiff as aforesaid, the defendant's horse was killed; hence this plea of recoupment.

JOHNSTON, JOHNSTON & NETTLES
Attorneys for Defendant

By William E. Johnston
William E. Johnston

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of the same in a properly addressed envelope with adequate postage thereon.

This 31 day of August, 1967
Robert D. Lindall
Attorney for Defendant

FILED
AUG 31 1967
ALICE J. DUCK, CLERK
REGISTER

EDDY ARTHUR WALKER,) IN THE CIRCUIT COURT OF
Plaintiff,) BALDWIN COUNTY, ALABAMA
-VS-) AT LAW
C. C. LINDSEY,)
Defendant.) CASE NUMBER: 7634

INTERROGATORIES TO THE PLAINTIFF

1. State your correct name, age, residence address and business address.

2. Describe each and every injury received by you in the occurrence made the basis of this suit. (a) Describe and locate each and every laceration or cut you sustained in said occurrence. (b) Describe and locate each and every bruise, sprain, strain or contusion you sustained in said occurrence. (c) Describe and locate each and every fracture or dislocation suffered by you in said occurrence. (d) Specify which, if any, of said injuries are permanent in nature, and state the manner and degree in which each said injury disables you. (e) Specify and describe in detail any and all other ailments resulting from said occurrence which have not already been enumerated by you, and state how and to what degree said condition manifests itself.

3. Give the name and address of each and every doctor, if any, who has attended you for the injuries you allege to have received in the occurrence made the basis of this suit. (a) Give the dates of treatment or examination of you by each and every said doctor, respectively. (b) What was your condition with reference to said injuries and ailments when you were first attended by each of said doctors, separately and severally? (c) What was your condition with reference to said injuries and ailments when you were last attended by each of said doctors, separately and severally? (d) State the date on which you were last treated, examined or prescribed for by each of said doctors, separately and severally, and relate in substance what transpired at said time between you and each of said doctors, and include the substance of said doctor's instructions to you with reference to further treatment. (e) State the amount of the bill, separately and severally, of each respective doctor for the treatment rendered you or services performed for you, resulting from the occurrence made the basis of this suit. (f) State which of said doctors, separately, have been paid, and, if so, by whom, (g) State whether you had any form of medical insurance or other protection which took care of said doctor's bills and, if so, to what extent? (h) Were you referred to any of the doctors heretofore mentioned by you in your answers to these interrogatories by the attorney or attorneys who represent you and, if so, state the name or names of such doctors. (i) Did any of the doctors heretofore mentioned by you refer you to the attorney or attorneys who represent you and, if so, state which of said doctors did so.

4. State whether or not you were hospitalized as a result of the occurrence made the basis of this suit. (a) If so, give the name and address of said hospital where you were confined. (b) Give the dates of your confinement. (c) State the amount of the hospital bill incurred for your confinement. (d) State whether or not any portion of said bill was taken care of by hospitalization insurance or by any other form of protection, and, if so, what portion?

(e) State who paid or became obligated to pay said hospital bill or portion thereof.

5. State whether or not you incurred any ambulance bills, drug expense or miscellaneous expense of any nature whatsoever not already enumerated as a result of the occurrence made the basis of this suit. (a) Describe each of said expenses, separately and severally, stating the amount of each. (b) By whom were each of said expenses paid?

6. State how long you were confined to bed at home after, and as the result of the occurrence made the basis of this suit, if you were so confined, and state the dates of said confinement. (a) State how many days elapsed from the date of said occurrence until you were able to be out of bed and up and about you home. (b) State how many days elapsed from the date of the occurrence until you were able to leave you home and come to town or go other places. (c) State the number of days which elapsed from the date of said occurrence before you were able to resume your normal activities.

7. State the number of persons occupying the motor vehicle in or on which you also were riding or which you were driving at the time of the accident made the basis of this suit, and state specifically how and in what manner said occupants were located in or on said vehicle on said occasion. Give their names and addresses. (a) State fully the purpose of the trip you were taking at the time of the accident made the basis of this suit. (b) From what point had you departed? (c) What was your destination? (d) Were you performing a mission, errand or duty for anybody whomsoever? If so, state the nature of same and the name and address of the person or company for whom you were performing it. (e) Give the name and address of each and every company or person who had any interest whatsoever in the trip you were making at said time, the nature of said interest and the connection of said company or person with the trip.

8. Prepare and attach to your answers to these interrogatories a sketch portraying the scene of the accident and the physical objects involved in the accident made the basis of this suit, and designate on said sketch, giving your best judgment as to distances, the following: (a) The point of impact and skid marks leading up to and from same. (b) The resting places of the vehicle and of the horse after the accident. (c) Where you were located when you first saw the defendant's horse. (d) Where the defendant's horse 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.

9. 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 200 feet of the place of the accident.

10. 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 the same as seen by you.

11. State whether or not the brakes on the vehicle occupied by you or driven by you at the time of said accident were applied prior to the collision. (a) If so, state in your best judgment the speed in miles per hour said vehicle was traveling at the moment the brakes were applied. (b) 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. (c) 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.

12. State the speed of the motor vehicle which you were driving or in which you were riding, 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 point of impact. (g) At the time of said impact. (h) When you first observed the horse involved in said accident.

13. State whether you horn was sounded or any other signal was given as a warning by you prior to the time of the collision. (a) If so, describe each of said signals. (b) State how far distance from the point of collision your vehicle was located at the time each said signal was given, respectively

14. 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. (a) 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. (b) 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. (c) Give the name and address of each driver and owner of each of said vehicles, as fully as you can.

JOHNSTON, JOHNSTON & NETTLES

BY 
Attorneys for Defendant

THE STATE OF ALABAMA X

COUNTY OF MOBILE X

Before me, the undersigned authority in and for said county in said state, this day personally appeared Robert D. Kendall, who is known to me, and who, being by me first duly sworn, upon oath deposes and says that he is one of the attorneys for said specified defendant in the above entitled cause, and as such is authorized to make this affidavit; that the answers of the plaintiff to the foregoing interrogatories, when well and truly made and filed, will be material testimony for said defendant on the trial of this cause.

Robert D. Kendall

Sworn to and subscribed before me on this 4th day of April, 1968.

Bert L. Nettles
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA
State House

I hereby certify that I have served a copy of the foregoing interrogatories on Hon. Warren Finch, attorney for the plaintiff, by mailing a copy thereof to him on this the 5th day of April, 1968.

Robert D. Kendall
Attorney for the Defendant

FILED

APR 8 1968

ALICE J. DUCK CLERK
REGISTER