

307

SIDDIE ALLEN,

Plaintiff,

V.

ALABAMA POWER COMPANY,  
a corporation,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

NO. \_\_\_\_\_

INTERROGATORIES TO PLAINTIFF.

Comes Alabama Power Company, defendant in the above styled cause, and desiring the testimony of the plaintiff propounds to her the following interrogatories, which if well and truly answered will be material testimony for the defendant in said cause:

1. State as definitely as possible the date, the time of day and the place of the accident complained of.
2. In what kind of car were you riding, giving the make and model of such car?
3. Were you driving such car? If not, state who was driving such car.
4. Who was the owner of such car?
5. State how many passengers were in such car with you, giving the names of such passengers.
6. State in your best judgment the speed of the car in which you were traveling; (a) 500 feet before the collision occurred; (b) 300 feet before the collision occurred; (c) 100 feet before the collision occurred; (d) at the time of the collision.
7. How long had you been riding in such automobile before the collision occurred?

8. From what place had you come, where were you going and what was the purpose or object of such trip?

9. Did you see the light or flare on the right hand side of the road about 300 feet north of the point of the collision?

10. If you say that you did see such flare, did you slacken the speed of the automobile in which you were riding or did you call the attention of the driver to such flare and request that he slacken the speed of such automobile?

11. Do you deny that there was any such flare or light?

12. Did you see the truck with which the automobile collided before the collision occurred?

13. If you state that you did see such truck, state how far away such truck was when you first saw it and whether or not you called the attention of the driver to the presence of such truck and if so, what was said in that regard?

14. If you were driving the automobile, state what you did to avoid the collision after you became aware of the presence of such truck.

15. State as nearly as you are able the relative positions of the truck and the automobile in which you were riding after the collision occurred.

16. State in detail each act or omission on the part of the agents, servants or employees which you claim was negligent or unlawful.

17. Did you see the tail light on the rear of the truck with which the automobile collided before the collision?

18. If you state that you did see such light, state whether you slackened the speed of the automobile which you were driving or in any manner requested the driver of the automobile to slacken such speed.

19. How far were you from such truck when you first saw such tail light?

20. Do you deny that such tail light was burning?

21. State the name and address of each physician who has treated you for the injuries complained of, giving the dates of such treatment or treatments and the nature thereof.

22. State in detail each and every injury and symptom of injury which you claim to have sustained on the occasion complained of.

23. Where and by whom were you employed at the time of the accident?

24. When did you return to such employment after the accident?

Deek, Hall & Baker  
Martin James McWhorter  
Attorneys for Defendant.

STATE OF ALABAMA     )  
                              :  
JEFFERSON COUNTY    )

Before me, the undersigned authority in and for said county, in said State, personally appeared Walter Bouldin, who being by me first duly sworn, deposes and says that he is one of the attorneys for the defendant, Alabama Power Company, and as such is authorized to make this affidavit; that the answers of the plaintiff to the foregoing interrogatories, if well and truly made, will be material testimony for the defendant on the trial of the above cause.

Sworn to and subscribed  
before me this the 17  
day of October, 1936.

A. L. Wiener  
Notary Public

Walter Bouldin

Siddie Allen  
vs

Ala Power Co

Interrogatories

1 copy made

Filed Oct. 19, 1936  
R. S. Duck,  
Clerk

Oct 22, 1936  
We hereby accept service  
of a copy of the within  
interrogatories.

Harve & Arthur  
Hyatt & Chas  
By Robert W. Fitts  
Attorney for Siddie Allen

Exceeded By serving copy  
of writ on Robert Nochnet

10/22/1936

JR Roby  
Sheriff Escambia Co  
By  
W W Wirt  
D S.

SIDDIE ALLEN,	)	
Plaintiff,	:	IN THE CIRCUIT COURT OF
	)	
vs	:	BALDWIN COUNTY, ALABAMA
	)	
ALABAMA POWER COMPANY,	:	AT LAW. NO. _____
a corporation,	)	
Defendant.	:	

Now comes the Plaintiff, Siddie Allen, in her own proper person and for answer to the interrogatories heretofore filed in this cause says as follows:-

1. Answer to interrogatory #1. The accident occurred about 1:30 A.M. on August 16th, 1936, at a point on Highway #31 between Perdido, Alabama and Bay Minette, Alabama, and about one (1) mile West of the East line of Baldwin County.
2. Answer to interrogatory #2. I was riding in a Ford V8 Coupe, 1936 model, automobile.
3. Answer to interrogatory #3. No. Joe Hastie.
4. Answer to interrogatory #4. Joe Hastie.
5. Answer to interrogatory #5. There were two persons besides the driver, Joe Hastie. They were myself and Charles Paul.
6. Answer to interrogatory #6. A. Five hundred (500) feet before the collision we were driving at the rate of approximately forty (40) miles per hour. B. Three hundred (300) feet before the collision we were driving at about the same rate of speed. C. One hundred (100) feet before the collision we slowed down having run into a sheet of fog. D. At the time of the collision we were driving between thirty (30) and forty (40) miles per hour.
7. Answer to interrogatory #7. Between fifteen (15) and thirty (30) minutes.
8. Answer to interrogatory #8. I had come from a filling station near Nokomis, Alabama, where I had been from about 9 P.M. until approximately 1 A.M. and was going to Stockton, Alabama, my home and the purpose of my trip was to get to my home.
9. Answer to interrogatory #9. There were no lights or flares on the right hand side of the Highway about three hundred (300) feet North of the place of the collision nor were there any lights or burning flares at any point between Perdido and the place the collision occurred,
10. Answer to interrogatory # 10. Is answered by # 9.
11. Answer to interrogatory # 11. I deny that there

were any flares or lights on the Highway between Perdido and the place of the accident and I deny that there were any lights on the truck or about the same to give us any warning.

12. Answer to interrogatory # 12. I saw the truck just before we collided but I do not know exactly how far we were from it but to my best judgment it was just a very few feet.

13. Answer to interrogatory # 13. I did not call the drivers attention to the truck because I did not have time before the collision occurred between the time that I saw the truck and the collision was just an instant.

14. Answer to interrogatory # 14. I was not driving the automobile.

15. Answer to interrogatory # 15. I was knocked unconscious by the collision and did not see the position of the truck and automobile.

16. Answer to interrogatory # 16. I claim that it was illegal and negligent for the truck to be parked on the travelled portion in such way as to obstruct traffic; I claim that the agents, servants, or employees were negligent in not placing lights or lighted flares along said Highway when parked; I claim that the agents, servants, or employees of the Defendant were negligent in allowing long poles or couplings or rods of other equipment to extend some six (6) or eight (8) feet from the rear of said truck.

17. Answer to interrogatory # 17. I did not see any tail light nor did I see any beam of light in front of the truck or any light at all to warn of the presence of said truck.

18. Answer to interrogatory # 18. Is answered by # 17.

19. Answer to interrogatory # 18. Is answered by # 17.

20. Answer to interrogatory # 20. It is a possibility that there was a tail light on said truck by due to the fact that it was parked diagonally across the travelled portion of the Highway there was none visible.

21. Answer to interrogatory # 21. I was treated by the following physicians:

Dr. J. O. Lisenby, Atmore, Alabama

Dr. P. N. Hodgson, Stockton, Alabama.

After the accident I was evidently carried to the Atmore General Hospital, Atmore, Alabama. where I was treated by Dr. Lisenby for about six (6) days; I was unconscious about two days and two nights I was then carried to my home in Stockton, Alabama where I have been treated by Dr. Hodgson almost every days since leaving the hospital. I am still being treated by Dr. Hodgson regularly.

22. Answer to interrogatory # 22. My skull was fractured; my left shoulder blade and collar bone were broken; my right wrist was broken; my right knee cap was cut open and my left shin was cut. I received cuts on my chin and brow and was severely bruised all about my body and my left ankle was knocked out of joint.

23. Answer to interrogatory # 23. I was not employed by anyone at the time of the accident with the exception of my house work and domestic duties at my home.

24. Answer to interrogatory # 24. I have not been able to assume my full responsibilities since the accident but I have just recently been able to do a little cooking and light work around my home.

Siddie Allen

Siddie Allen, Plaintiff

STATE OF ALABAMA     )  
COUNTY OF ESCAMBIA    )

Before me W. B. Max-Dee, a Notary Public

In and for said State and County personally came Siddie Allen who is known to me and who being first duly sworn by me doth depose and say as follows: That the answers to the above interrogatories are true and correct according to her inclination, knowledge and belief.

Siddie Allen

Sworn to and subscribed to before me this the 16th day of December, A. D. 1936.

W. B. Max-Dee

NOTARY PUBLIC

State of Alabama

County of Baldwin

Siddie Allen  
Plaintiff

vs.

Alabama Power  
Company, a corporation  
Defendant

Answers to Interrogatories.

Filed December 18, 1936

Robert S. Duck,

Clerk



SIDDIE ALLEN,  
Plaintiff,  
v.  
ALABAMA POWER COMPANY,  
a corporation,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

NO. \_\_\_\_\_

DEMURRER

Comes Alabama Power Company, defendant in above styled cause, and demurs to each count of the complaint therein, separately and severally, and for grounds of such demurrer, separately and severally, assigns the following:

1. Such count fails to state facts showing a breach of duty owed to the plaintiff by the defendant.
2. It does not appear from such count that the plaintiff suffered any injury or damage as the proximate consequence of a breach of duty owed by the defendant to the plaintiff.
3. The allegation that defendant's agents, servants or employees negligently and unlawfully parked a truck on the occasion complained of is a mere conclusion of the pleader.
4. For aught that appears from such count the acts or omissions charged to the agents, servants or employees of the defendant were entirely rightful and lawful.
5. The allegation that the defendant's agents, servants or employees negligently parked or let stand a truck is a mere conclusion of the pleader.
6. It does not appear that plaintiff suffered the injuries complained of as a proximate consequence of the acts or omissions charged.

7. The allegation that the agents, servants or employees of the defendant unlawfully parked a truck on the occasion complained of is a mere conclusion of the pleader.

8. The facts stated in such count in support of the allegation of negligence do not support such allegation.

9. The allegation that defendant's agents, servants or employees parked a truck in such a manner and position as to block and obstruct the highway is a mere conclusion of the pleader.

10. The allegation that the agents, servants or employees of the defendant wilfully and wantonly obstructed a public highway is a mere conclusion of the pleader.

11. The facts alleged to support the allegation of wilfull or wanton conduct on the part of defendant's agents, servants or employees do not support such allegation.

12. Such count contains a misjoinder of causes of action in that such count attempts to join an action of trespass with an action on the case.

*Deebe Hall Beebe*

*Martin, Turner & McWhorter*

Attorneys for Defendant.

RECORDED  
Duck  
7-568

Fred Allen  
to

Ala Powers

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Remuneration

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1 copy made

Filed Oct. 14, 1936  
R. S. Duck,  
Clerk

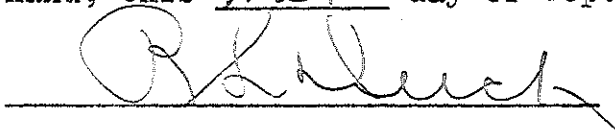
THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA, - GREETINGS:

You are hereby commanded to summon Alabama Power Company to appear and plead, answer or demur, within thirty days from service hereof, to the complaint of Siddie Allen.

Witness my hand, this 12<sup>th</sup> day of Sept September, 1936.



CLERK.

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If the Defendant fails to appear and plead, answer or demur within thirty days after service, the Plaintiff may take judgement by default.

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COMPLAINT

SIDDIE ALLEN	}	vs	{	ALABAMA POWER COMPANY,
PLAINTIFF				A CORPORATION
				DEFENDANTS

COUNT ONE

The Plaintiff claims of the Defendant the sum of seventy-five thousand dollars (\$75,000.00) damages for in this that on, or about, to-wit, On or about the 16th day of August, 1936, the Defendant, Alabama Power Company, a corporation, by its agent or agents, servant or servants, employee or employees acting within the line and scope of their employment negligently and unlawfully parked a truck on the U. S. Highway # 31, a public highway in Baldwin County, Alabama, about four (4) miles South of Nokomis, Alabama, during the period of from one-half hour after sunset to one-half hour before sunrise without the same being equipped with lighted front and rear lamps; and without lighted flares along side of the road; and as a proximate result thereof the Plaintiff while riding in an automobile along said highway, where she had a right to be at said time and place, at about the hour of two to

three A. M. ran into said truck and as a proximate result thereof the Plaintiff's skull was fractured, her collar bone fractured, she was injured internally and suffered great physical pain and mental anguish and was permanently injured and the Plaintiff avers that by reason of which she sustained in said collision she was compelled to go to the hospital and employe a surgeon at great expense, and Plaintiff alleges that she has lost much time from her labors and that her capacity for work has been greatly reduced, all due to her damages aforesaid and Plaintiff alleges that said injuries and damages were proximately caused by the Defendant's negligence and its unlawful act in parking said truck on said highway.

#### COUNT TWO

The Plaintiff claims of the Defendant the sum of seventy-five thousand dollars (\$75,000.00) for that in this that while she, the said Siddie Allen, was riding in an automobile along the U. S. Highway #31, a public highway, in Baldwin County, Alabama, on, to-wit, the 16th day of August, 1936, where she had a right to be, the Defendant, Alabama Power Company's, a corporation, agents or agents, servant or servants, employee or employees, who were then and there engaged in the line and scope of their employment, negligently parked or let stand an auto truck on the traveled portion of said U. S. Highway #31 at a point on said highway about four miles South of Nokomis, Alabama, and in Baldwin County, Alabama, without any lighted rear lamps or tail lights or lighted flares placed on said highway, at approximately two-thirty (2:30) A. M. in the night time and more than one-half hour after sunset and more than one-half hour before sunrise. And that as a result of the negligence of the Defendant, Alabama Power Company's agent or agents, servant or servants, employee or employees the automobile in which the Plaintiff was riding collided with the auto truck of the Defendant and the Plaintiff was so badly injured that she had to obtain hospital treatment, that her skull was fractured, her collar bone crushed and that she was bruised about the head and body and made sick and sore, and the Plaintiff avers that the direct cause of the injuries to the

Plaintiff was the negligence of the agent or agents, servant or servants, employee or employees of the Defendant, Alabama Power Company, a corporation, who were then and there acting within the line and scope of their employment, in negligently permitting the said auto truck to park or stand on the U. S. Highway #31, a public highway, between one-half hour after sunset and one-half hour before sunrise without lighted rear lamps and tail lights on the same and without lighted flares placed along side of the said public highway.

COUNT THREE

The Plaintiff claims of the Defendant Alabama Power Company, a corporation, the sum of seventy-five thousand dollars (\$75,000.00) as damages for that on, to-wit, the 16th day of August, 1936, the servant or servants, agent or agents, employee or employees of the said Defendant acting within the line and scope of ~~their~~ authority as such servant or servants, agent or agents, employee or employees of the said Defendant at said time and place unlawfully parked a truck of the Defendant on the U. S. Highway #31, a public highway in Baldwin County, Alabama, at a point about four miles South of Nokomis, Alabama, on said highway in such a manner and position as to block and obstruct said road, and that as a proximate consequence thereof an automobile in which Plaintiff was riding at said time and place ran into said motor vehicle of the Defendant and as a proximate consequence thereof Plaintiff was injured and damaged as complained of and set out in Count One of her complaint.

And Plaintiff avers that all of her said injuries and damages were caused as a proximate result of the negligence of said Defendant's servant or servants, agent or agents, employee or employees acting within the line and scope of his authority as such servant or servants, agent or agents, employee or employees at said point at said time and place so as to block or obstruct said public highway at said point.

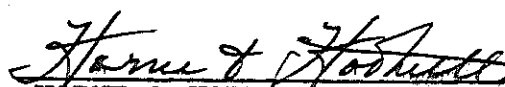
COUNT FOUR

Plaintiff claims of the Defendant the sum of seventy-five thousand dollars (\$75,000.00) as damages for that, heretofore on, to-wit, August 16th, 1936, during the period of from one-half hour after sunset and one-half hour before sunrise at about two-thirty (2:30) A. M. the agent or agents, servant or servants, employee or employees of the Defendant, Alabama Power Company, a corporation, acting within the line of their duty and scope of their authority unlawfully obstructed the U. S. Highway #31, a <sup>public</sup> highway in Baldwin County, Alabama, at a point about four (4) miles South of Nokomis, Alabama, on said highway, by parking a truck of the said Defendant on or across the same; that when said highway was so obstructed the said agent or agents, servant or servants, employee or employees so in charge of said Defendant's truck failed to place lighted flares along said highway, and failed to furnish any light or signal of said blocking of said highway, and Plaintiff alleges that she was a passenger in an automobile and had no control over its operation, and that while riding ran against the said truck so blocking <sup>or obstructing</sup> said highway and Plaintiff sustained injuries to her head and shoulders, that she lost a good deal of time from her work, that she suffered great mental and physical pain, and still suffers same, that she incurred large doctors' bills and hospital bills in the treatment of said wounds; and Plaintiff avers that her injuries were proximately caused by reason of and as <sup>a</sup> proximate consequences of the agent or agents, servant or servants, employee or employees of the said Defendant while acting within the line of their duty and scope of their authority in this, that the said agent or agents, servant or servants, employee or employees negligently obstructed or blocked the traveled portion of said highway.

COUNT FIVE.

Plaintiff claims of the defendant, Alabama Power Company, a corporation, the sum of seventy five thousand (\$75,000.00) dollars as damages for in this that on, to-wit, the 16th day of August, 1936, during the period of from one half hour after sunset to one half hour before sunrise the agent or agents, servant or servants, employee or employees of the defendant Alabama Power Company, a corporation, acting within the line of their duty and scope of their authority, wilfully or wantonly obstructed the U. S. Highway #31, a public highway in Baldwin County, Alabama, <sup>about</sup> at a point/four miles south of Nokomis, Alabama on said highway, by parking a truck of the said defendant on said highway, that when said highway was so obstructed the said agent or agents, servant or servants, employee or employees so in charge of said defendant's truck wilfully or wantonly failed to place lighted flares along said highway, and wilfully or wantonly failed to furnish any light or signal indicating the blocking or obstructing of said highway; and plaintiff alleges that she was a passenger in an automobile and had no control over its operation, and that while so riding ran against the truck so blocking or obstructing said highway and plaintiff sustained injuries to her head and shoulders, that she lost a good deal of time from her work, that she suffered great mental and physical pain, and still suffers same, that she incurred large doctors' bills and hospital bills in the treatment of said wounds.

And plaintiff avers that the said defendant's agent or agents, servant or servants, employee or employees acting within the line and scope of their employment as such agent or agents, servant or servants, employee or employees, at said time and place, wilfully or wantonly injured plaintiff by wilfully or wantonly blocking or obstructing said public highway at said point, and as a proximate consequence of said willful or wanton conduct plaintiff avers that she was caused to sustain, and did sustain, the injuries and damages complained of and set out above.

  
HORNE & HODNETTE, PLAINTIFF'S  
ATTORNEYS.



-ORIGINAL-

7-566

THE STATE OF ALABAMA  
COUNTY OF BALDWIN.

IN CIRCUIT COURT.

SIDDIE ALLEN,  
PLAINTIFF.

VS.

ALABAMA POWER COMPANY,  
A CORPORATION,  
DEFENDANT.

SUMMONS AND COMPLAINT.

Filed in office this

1st DAY OF Oct,

1936.

R. L. Lusk  
CLERK.

LAW OFFICE OF  
HORNE & HODNETTE  
ATMORE, ALA.

Executed 10-3- 1936  
by serving copy of within Summons and  
Complaint on

C. A. Bodden  
Local Mgr. of  
Ala. Power Co.

M. H. Wilkins  
C. N. Anderson

	OUR VOUCHER NUMBER AND DATE	GROSS AMOUNT OF YOUR INVOICE	VENDOR'S DATE	CASH DISCOUNTS OR EXPLANATION OF OTHER DEDUCTIONS	BALANCE BROUGHT FORWARD	BALANCE PAYABLE
1	22.72 FEB 3	37.70	2-3	307		37.70
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10		COURT COSTS RE-				
11		JOE HASTIE V. ALABAMA POWER CO.				
12		GIDDIE ALLEN V. ALABAMA POWER CO.				
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WE HEREWITH TENDER OUR CHECK IN FULL PAYMENT OF YOUR INVOICES LISTED HEREON OR OTHER CLAIMS DESCRIBED HEREON.  
 ENDORSEMENT OF ATTACHED CHECK IS SUFFICIENT RECEIPT. IF AMOUNT IS INCORRECT, PLEASE RETURN STATEMENT WITH CHECK  
 ATTACHED. DETACH CHECK BEFORE DEPOSITING.

**ALABAMA POWER COMPANY**  
**BIRMINGHAM**  
**ALABAMA**