

No.

697

IN THE CIRCUIT COURT OF BALDWIN COUNTY
ALABAMA.

W. M. HODGSON

PLAINTIFF

v.

JACK COLE COMPANY, INC.,
a corporation

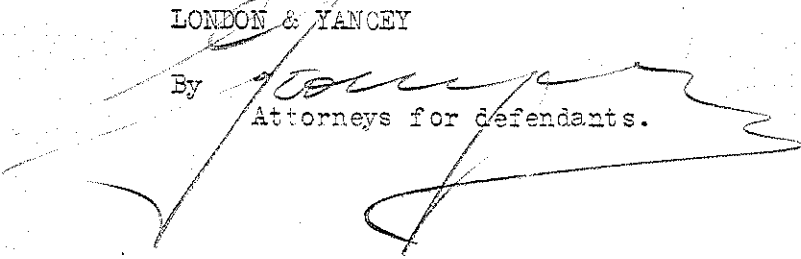
DEFENDANT

Comes the defendant in the above stated cause, and
for plea and answer to the complaint in said cause filed, says:

1. Not guilty.

LONDON & YANCEY

By


Attorneys for defendants.

697

W. M. Hodgson

US

Jack Cole Co., Inc.

Filed 11-25-41

In The Circuit Court of ~~Jefferson~~ Jefferson County, AlabamaW.M.Hodgson

(Plaintiff)

vs

No. 697JACK COLE COMPANY, Inc.a corporation

(Defendant)

DEMURRER:

Comes the defendant Jack Cole Company, Inc. a corporation.

and demurs to each count of the complaint filed herein, separately and severally, and for grounds of demurrer sets down and assigns separately and severally, the following:

- (1) That it does not state facts sufficient to constitute a cause of action against this defendant.
- (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 it 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 the averments set up, if true, do not show any liability on the part of the defendant herein.
- (8) For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.
- (9) For that there does not appear sufficient causal connection between defendant's said breach of duty and plaintiff's injuries and damages.
- (10) For that there is a misjoinder of causes of action.
- (11) For that there is a misjoinder of parties plaintiff.
- (12) For that there is a misjoinder of parties defendant.

GEO. W. YANCEY
LONDON AND YANCEYBy Harry B. Cohen

Attorneys for the Defendant.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA

W. M. HODGSON

Plaintiff

vs

JACK COLE COMPANY, INC.

Defendant

DEMURRER

Filed September 19, 1941
R. S. Dush, Clerk

LONDON & YANCEY
~~London, Yancey & Brewer~~
Attorneys for Defendant.
1007 Massey Building, B'ham, Ala.

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE
STATE OF ALABAMA

You are hereby commanded to summon JACK COLE COMPANY, INC., a corporation to appear within thirty days from the service of this writ in the Circuit Court, at law, to be held for said County at the place of holding the same, then and there to answer the complaint of W. M. HODGSON.

WITNESS my hand, this the 3rd day of September, 1941.

R. S. Duck

Clerk

W. M. HODGSON,
Plaintiff

vs.

JACK COLE COMPANY, INC.
a corporation,
Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

FIRST: Plaintiff claims of the Defendant the sum of \$500.00 damages for that heretofore on, to-wit the 19th day of February, 1941, the Defendant, acting by and through its agent, servant or employee, who was then and there acting within the line and scope of his employment, so negligently operated an automobile truck on or along State Highway number 3 between Loxley and Robertsdale in Baldwin County, Alabama, that said automobile truck was driven into, against or over the automobile truck of the Plaintiff and as approximate result thereof, the Plaintiff's automobile truck was damaged as follows:

The wheels were broken, bent and otherwise injured; the tires and tubes were punctured and otherwise injured; the chassis was broken, bent and otherwise injured; the motor was broken, bent

and otherwise injured; the engine was broken, bent and otherwise injured; the body was broken, bent and otherwise injured; the top was broken, bent and otherwise injured; the gasoline, oil, kerosene and other tanks and containers on the said truck were broken, bent and otherwise injured;

All to the damage of the Plaintiff in the said sum for the recovery of which thereof the Plaintiff sues.

Plaintiff alleges that the damage and injury to the automobile truck and containers of the Plaintiff was approximately caused by the negligence of the Defendant, Jack Cole Company, Inc., a corporation, acting by and through its agent, servant or employee who was then and there acting within the line and scope of his employment, in so operating said automobile truck along said highway at said point.

BEEBE & HALL

By W C Beebe
Attorneys for Plaintiff

Received in Sheriff's Office
this 2 day of Sept, 1941
W. R. STUART, Sheriff

R. S. Duck
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Civil RECORDED

Summons + Complaint

Executed this the 4 day of Sept, 1941
on Jack Cole Sp. Inc.
a corporation.

W. M. HODGSON
PLAINTIFF

by leaving a copy of within with
Miss Marie Callahan
Agent

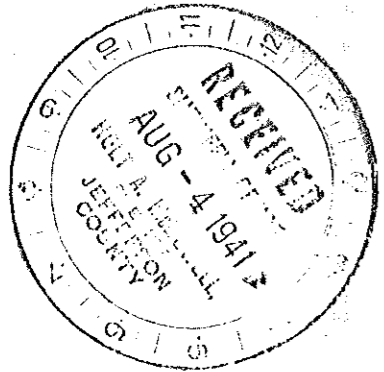
VS

JACK COLE COMPANY, INC. A
CORPORATION,
DEFENDANT

of said company.
HOLT A. McDOWELL, Sheriff,
Jefferson Co., Ala.
By J. Snowden, D.S.

~~1230 - 5 Ave. No~~
3012 - 5 Ave SW

Miss Marie Callahan



Filed September 3, 1941
R. S. Duck, Clerk
SW

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

W. M. HODGSON,

PLAINTIFF

VS.

JACK COLE COMPANY, Inc.
a corporation,

Defendant

INTERROGATORIES TO PLAINTIFF

Comes the DEFENDANT in the above stated cause and desiring the testimony of the plaintiff propounds to him the following Interrogatories as provided by law, to-wit:

1. Are you the plaintiff in the above named cause? (a) State your correct name, age and address.
2. At the time of the accident complained of were you the owner of the truck allegedly damaged, or did any other person or firm have an interest in said truck, or in any part of said truck? (a) If so, state the name of such other person or firm and the extent of his or its interest in said truck.
3. Describe your truck in detail, giving the make, year model, type, equipment, license tag number, motor number, etc. (a) When was said truck purchased by you? (b) On what date and from whom was it purchased? (c) Did you buy it new or secondhand? (d) What were the terms of said transaction? (e) If you purchased said truck by trading in another vehicle, give full details of said trade-in transaction.
4. Was the truck referred to in your complaint repaired after the accident? (a) Where, when and by whom was it repaired? (b) What was the amount of the repair bill? (c) Attach to your answers to these Interrogatories a copy of the itemized repair bill or estimate.
5. Did you trade your truck in for another vehicle after the accident complained of? (a) If so, state in full the details of said trade-in transaction, including the date, the name of the dealer or party with whom you traded, the amount allowed for the damaged truck, the purchase price of the other vehicle, and the actual amount paid by you.

6. State your occupation. (a) Are you employed by Standard Oil Company or in any way connected with that Company? (b) If so, state specifically and in detail your connection with that Company. (c) Was not the truck referred to in your complaint as your truck actually owned by the Standard Oil Company? (d) Was it not actually operated by or on behalf of the Standard Oil Company?

7. Are you in business for yourself or do you receive a salary or other compensation from the Standard Oil Company? (a) If you state that you are in business for yourself, state the exact location of your place or business or your office, and the nature of your business.

8. Do you have any contract or agreement with the Standard Oil Company, or with one of its subsidiaries, with reference to your business, or the operation of your business, or with reference to the purchase, sale or delivery of gasoline, oil, kerosene, or other motor fuel? (a) If so, state the terms of said agreement or contract, and state whether it is in writing. (b) Kindly attach to your answers a copy of said agreement or contract.

9. What was the reasonable market value of your truck immediately prior to the accident? (a) What was its reasonable market value immediately after the accident? (b) Upon what do you base your estimate of the reasonable market value of said truck before and after the accident?

10. State in detail the damage to your truck. (a) State what collided with each part of said truck that is damaged. (b) With what object did each damaged part collide?

11. Who is the present owner of the truck referred to in your complaint as your truck? (a) State specifically and in detail the facts upon which you base your averment of negligence.

12. Was your truck being operated by your agent, servant or employee at the time of the accident? (a) State the name and address of the driver of your truck. (b) Was said truck being operated within the line and scope of his employment with you at said time? (c) State where the truck had been and where it was going at the time of the mishap.

13. Was not your truck painted with the uniform color scheme of the Standard Oil Company? (a) Was not the name of the Standard Oil Company on said truck? (b) State on what part or parts of the truck said name appeared.

14. Was not said truck furnished you by the Standard Oil Company,
(a) Were you not allowed by the Standard Oil Company a certain amount for the
expense of upkeep, maintenance or operation of said truck,

15. Did you not carry a collision insurance policy on said truck?
(a) Have you not already settled with your collision insurer for the damage to
said truck?

16. At the time of the accident complained of were you not subject
to the Workmen's Compensation Act of Alabama or of another State? (a) At the
time of the accident complained of was not A. Weaver subject to the Workmen's
Compensation Act of Alabama or of another State? (b) How many persons
were employed by you on or about the date of the accident ?

LONDON & YANCEY

By

Harry B. Cohen
Attorneys for defendant

STATE OF ALABAMA

JEFFERSON COUNTY

Before me, the undersigned authority in and for said county in
said state this day personally appeared Harry B. Cohen, known to me, who being
by me first duly sworn, deposes and says that he is attorney for the defendant in
the above cause, and that the answers to the above and foregoing interrogatories,
when truly made by the plaintiff herein, will be material testimony for the de-
fendant on the trial of said cause.

Harry B. Cohen

Sworn to and subscribed before me
on this 17th day of September, 1941.

Oliver Greene
Notary Public.

*Sum on Bebe & Hall
Atty's for Plaintiff*

NO. 697

RECORDED
IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

W. M. HODGSON

PLAINTIFF

V.

JACK COLE COMPANY, INC.

DEFENDANT

INTERROGATORIES TO PLAINTIFF

Executed by serving a copy of the within interrogatories on Bebe & Hall Atty's., for the plaintiff, by personal service on W.C. Bebe a member of said firm. This 19th, day of September 1941.
W.R. Stuart Sheriff of Baldwin County
By [Signature] Deputy Sheriff

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*Filed September 19, 1941
R.S. Murch, Clerk*

LONDON & YANCEY
ATTORNEYS AT LAW
TENTH FLOOR MASSEY BLDG.
BIRMINGHAM, ALA.