

No. 698

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

A. WEAVER

PLAINTIFF

V.

JACK COLE COMPANY, INC.  
a corporation

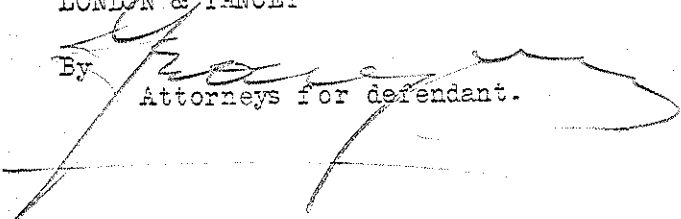
DEFENDANT

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

1. Not guilty.

LONDON & YANCEY

By

  
Attorneys for defendant.

A. Weaver 698  
US

Jack Cole Co. Inc.

Filed 11-25-41

R. S. Duck  
Register

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 A. WEAVER.

WITNESS my hand, this the 3<sup>rd</sup> day of September, 1941.

A. S. Much

Clerk

A. WEAVER, )  
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 \$2,900.00 as 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 his line and scope of 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 an automobile truck in which the Plaintiff was lawfully riding at the time and as approximate result thereof the Plaintiff was injured, made sick, sore and lame, his vertabrae was permanently injured and he was caused to suffer great physical pain and mental anguish, and he was therein and thereby put to great loss of time and earnings therefrom, and was caused to incur large expense for medicine and Doctor's treatment.

Plaintiff avers that said injuries to the Plaintiff were approximately caused by 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 operating said automobile truck, at said point.

BEEBE & HALL

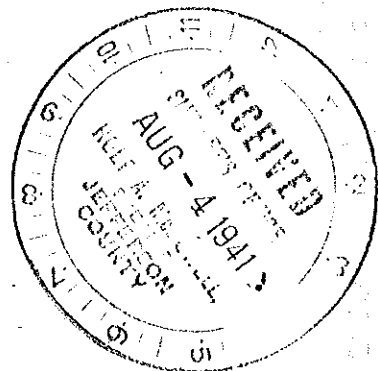
By WCBeebe  
Attorneys for Plaintiff

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

Executed this the 4 day of Sept 1941  
on Jack Cole & Co. Inc.  
a corporation

by leaving a copy of within with  
Miss Marie Callahan,  
Agent  
of said company.

HOLT A. McDOWELL, Sheriff,  
Jefferson Co., Ala.  
By *[Signature]* D.S.



698  
unit  
Summons + Complaint

RECORDED

A. WEAVER,  
PLAINTIFF

VS

JACK COLE COMPANY, INC. A  
CORPORATION

~~1230-5 Ave SO~~  
3012-5 Ave SO

Miss Marie Callahan

Filed September 3, 1941  
R.S. Ditch, Clerk

*[Signature]*

BALDWIN  
In The Circuit Court of ~~Jefferson~~ County, Alabama

AT LAW

A. WEAVER

(Plaintiff )

vs

No. 698

JACK 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 YANCEY

By Harry B. Cohen

Attorneys for the Defendant.

RECORDED

No. 698

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA

A. WEAVER

Plaintiff

vs

JACK COLE COMPANY, INC.

Defendant

DEMURRER

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

LONDON & YANCEY

~~XXXXXXXXXXXXXXXXXXXX~~

Attorneys for Defendant.  
1007 Massey Bldg., B'ham, Ala.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

A. WEAVER,

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 styled cause? (a) State your correct name, age and address.
2. Who was driving the truck in which you were riding? (a) Who was the owner of said truck?
3. Describe in detail the truck in which you were riding, giving its make, year model, type, license number, etc. (a) State the exact date and time of day that the accident occurred. (b) Describe the weather at that time. (c) Was it daylight or dark?
4. State the exact location where the accident occurred. (a) Did it occur on the open highway? (b) State whether the road there is straight and level for a distance of 500 feet before and after the point of impact. (c) If not, describe the road in detail.
5. At what rate of speed was your truck traveling 500 feet from the point of impact? (a) 200 feet from the point of impact? (b) 100 feet from the point of impact? (c) 50 feet from the point of impact? (d) 25 feet from the point of impact and at the time of the impact? (e) What was the rate of speed of the other truck at those respective times?
6. Was there a collision between your truck and the other truck?  
(a) What did your truck collide with?
7. When did you first see the other truck? (a) What if anything did you do to avoid a collision? (b) If you applied your brakes, state approximately



how far your truck was from the other truck when you first applied your brakes.

(c) Did your truck make any skid marks? (d) If so, state the distance of said skid marks in feet and their direction.

8. Where had you been and where were you going at the time of the accident? (a) By whom were you employed? (b) How long had you been so employed? (c) What were your average weekly earnings? (d) Describe your duties in said employment.

9. At the time of the accident complained of were you subject to the Workmen's Compensation Act of Alabama or of any other State? (a) Was your employer subject to any such Act? (b) How many other persons were working for your employer at that time?

10. Did you not receive compensation under the Workmen's Compensation Act of Alabama or of another State for the injuries allegedly received by you in this accident? (a) Did not your employer or your employer's insurance carrier pay you Workmen's Compensation or medical expenses on account of your alleged injuries? (b) State the amount of compensation received by you and also the amount of expenses paid on your behalf.

11. Did you lose any time from your work on account of the injuries complained of? (a) If so, state how much time you lost from your work and the date when you returned to work. (b) Did you lose any salary or wages on account of the injuries complained of? (c) If so, state how much you lost. (d) Did you not receive your salary, wages, insurance benefits, or other compensation for the period during which you were allegedly disabled? (e) State how much you received during that period and from whom you received it.

12. Were you acting within the line and scope of your employment at the time of the accident? (a) Were you not engaged in work for the Standard Oil Company at that time? (b) Were you not hauling or delivering gasoline, oil, or some other product of the Standard Oil Company, or returning from such trip?

13. Give an itemized statement of all expenses incurred by you or on your behalf for medical care, medicine, and nursing on account of your alleged injuries. (a) Give the name and address of each and every physician who has examined or treated you for the injuries complained of and state the date of each examination or treatment. (b) When did you first see a physician? (c)

When were you discharged by your physician?

14. Were you confined to your bed on account of your alleged injuries?

(a) If so, state for what period you were so confined? (b) Were you confined to your home on account of your alleged injuries? (c) If so, state for what period you were so confined?

15. If you claim that you were disabled on account of your alleged injuries, state the nature and extent of your disability. (a) When did you first complain of your alleged injuries? (b) To whom did you first complain?

16. State the name and address of each person who was with you at the time of the accident.

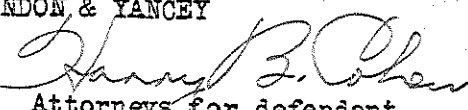
17. In your complaint you allege that your vertebra was permanently injured. State what part of your vertebra was injured and in what respect it was permanently injured.

18. Describe each and every portion of your anatomy that was injured and state how much time was required for each injury to heal. (a) Describe in detail the damage to your truck. (b) Was it disabled? (c) By whom was said truck repaired? (d) What was the cost of repairs? (e) State specifically and in detail the facts upon which you base your averment of negligence.

19. By whom are you employed at the present time? (a) What kind of work are you now doing? (b) What are your average weekly earnings now? (c) What have your average weekly earnings been since the accident? (d) Have you filed any other suit or made any other claim for personal injuries prior to this suit? (e) If so, give full details, including the names of the parties against whom you filed said suits or made such claims, the nature of the personal injuries, the dates, places, etc.

20. Do you know that your answers to these Interrogatories are made under oath?

LONDON & YANCEY

By  Attorney for defendant.

THE STATE OF ALABAMA ( )  
JEFFERSON COUNTY ( )

Before me, the undersigned authority in and for said County, in said State, personally appeared Harry B. Cohen, who is known to me, and being by me first duly sworn, deposes and says that he is of counsel for the defendant in the above stated 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 in this cause will be material testimony for the defendant on the trial of this cause.

Harry B. Cohen

Sworn to and subscribed before  
me on this 15th day of September,  
1941.

Olive Greene

NOTARY PUBLIC

Deputy Sheriff

TENTH FLOOR MASSEY BLDG.