

945

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby COMMANDED to summons FRED J. NEWMAN, JR., doing business as Ambulance Service Company, to appear within thirty days from the service of this writ in the Circuit Court, to be held for said ~~Company~~ at the place of holding the same, then and there to answer the complaint of MARTHA G MacNICHOLS.

Witness my hand this the 8th day of February, 1946.

R. L. Duck  
Clerk.

MARTHA G. MacNICHOLS

PLANTIFF

VS

FRED J. NEWMAN, JR., doing  
business as Ambulance Service  
Company.

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

ONE

The Plaintiff claims of the Defendant Five thousand (\$5000.00) dollars, as damages, for that, heretofore on to wit, August 30th, 1945, the Plaintiff was a passenger for hire in an automobile ambulance, from the Providence Infirmary Mobile, Alabama, to her home at Fairhope, in Baldwin County, Alabama; that on said date the Defendant, acting by and through his Agent, servant or employee who was then and there acting within the line and scope of his employment, so negligently operated said ambulance, along the Daphne- Fairhope, highway, a public road in Baldwin County, Alabama, at a point approximately two miles north of Fairhope, in Baldwin County, Alabama, as to cause it to run into or against an automobile, which was then and there on said highway, and as a proximate result of said negligence, the Plaintiff was thrown to the floor of said ambulance; she suffered multiple contusions of the entire body; she suffered from mental and physical shock; she suffered serious mental anguish; ~~she was otherwise injured~~; she was caused to incurr Doctor bills; she was caused to incurr drug bills; she was caused to lose time; she was permanently injured.

The Plaintiff alleges that her said injuries and damages were the proximate result of the negligence of the ~~Plaintiff~~, acting by and through

his Agent, Servant or employee, who was then and there acting within the line and scope of his employment in so negligently operating said automobile ambulance, at said time and place as to cause it to run into or against the said automobile.

- TWO -

The Plaintiff claims of the Defendant Five thousand (\$5000.00) dollars, as damages, for that, heretofore on to wit, August 30th, 1945, the Plaintiff was a passenger for hire in an automobile ambulance, from the Providence Infirmary Mobile, Alabama, to her home at Fairhope, in Baldwin County, Alabama; that on said date the Defendant, acting by and through his Agent, servant or employee who was then and there acting within the line and scope of his employment, so negligently operated said ambulance, along the Daphne-Fairhope, highway, a public road in Baldwin County, Alabama, at a point approximately two miles north of Fairhope, in Baldwin County, Alabama, as to cause it to collide with an automobile, which was then and there on said highway, and as a proximate result of said negligence, the Plaintiff was thrown to the floor of said ambulance; she suffered multiple contusions of the entire body; she suffered from mental and physical shock; she suffered serious mental anguish; ~~she was otherwise injured~~; she was caused to incur Doctor bills; she was caused to incur drug bills; she was caused to lose time; she was permanently injured.

The plaintiff alleges that her said injuries and damages were the proximate result of the negligence of the ~~Plaintiff~~, acting by and through his Agent, Servant or employee, who was then and there acting within the line and scope of his employment in so negligently operating said automobile ambulance, at said time and place as to cause it to collide with the said automobile.

BEEBE & HALL

BY: *Lucas Lee*  
Attorney for Plaintiff.

Plaintiff demands a trial by Jury;

BEEBE & HALL

BY: *Lucas Lee*  
Attorney for Plaintiff.

18  
es. 945-  
MARTHA G. MacNICHOLS

PLANTIFF

VS

FRED J. NEWMAN, JR., doing  
business as Ambulance Service  
Company.

DEFENDANT

SUMMONS AND COMPLAINT.

Filed February 8, 1946  
R. Duck  
Clerk

BEEBE & HALL  
LAWYERS  
BAY MINETTE, ALABAMA

Received 11<sup>th</sup> Day of February 1946  
and on 13<sup>th</sup> Day of February 1946  
I served a Copy of the within Summons & Complaint  
on Fred J. Newman, Jr.

by service on

W. H. LULCOW, Clerk

W. M. Bernstein

MARTHA J. MacNICHOLAS

PLAINTIFF

VS

FRED J. NEWMAN, JR., doing  
business as Ambulance Service  
Company.

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

The following interrogatories are propounded by the Plaintiff to the Defendant in accordance with Article 8 of Title 7 of the 1940 code of the State of Alabama;

1.

Please state your name and address.

2.

Please state whether or not you are the owner of Ambulance Service Company. Are you the sole owner of said Ambulance Company, if not who are the Parties interested?

3.

Please state if you were employed on to wit, August 30th, 1945, to carry the Plaintiff from the Providence Infirmary, Mobile, Alabama, to Fairhope, Alabama.

4.

Please state the name of your driver that carried the Plaintiff from the Providence Infirmary, Mobile, to Fairhope, Alabama.

5.

Please state whether or not the said Ambulance was involved in an Automobile accident near Fairhope, in Baldwin County, Alabama.

BEEBE & HALL

By: *J. L. Lee*  
Attorneys for Plaintiff.

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared E. M. Hall, who is known to me and who having been by me first duly sworn, deposes and says that he is one of the Attorneys of record for the Plaintiff in the above styled cause; that true answers to the above interrogatories will be material testimony for the Plaintiff in the above styled cause.

Shirley Lee

Sworn to and subscribed before me on this the 6 day of February, 1946.

Notary Public, Baldwin County, Alabama.

945-1213  
CO.

MARTHA J. MacNICHOLAS

PLANTIFF

VS

FRED J. NEWMAN, JR., doing  
business as Ambulance Service  
Company.

DEFENDANT

-----  
INTERROGATORIES

Filed February 8-1946  
*[Signature]*  
*[Signature]*

BEEBE & HALL  
LAWYERS  
BAY MINETTE, ALABAMA

Received 11:00 9 February 1946  
and on 13 Day of February 1946  
I served a copy of the within interrogatories  
on Fred J. Newman, Jr.  
by service on W. A. HOLCOMBE, Sheriff  
By M. MacNicholas

MARTHA G. MacNICHOLS

Plaintiff,

VS.

FRED J. NEWMAN, JR., doing  
business as Ambulance Service  
Company.

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and each and every Count thereof, separately and severally, and assigns the following separate and several grounds, viz:-

1.

That said Complaint does not state a cause of action.

2.

That the allegation that the Plaintiff was a passenger for hire in an automobile ambulance is but a conclusion of the Pleader.

3.

That the allegation in said complaint that she was otherwise injured is but a conclusion of the Pleader.

4.

That said Complaint does not allege that the Defendant was employed by the Plaintiff to carry her from Mobile to Fairhope, Alabama.

5.

That said Complaint affirmatively shows that the alleged injuries were the proximate result of the negligence of the Plaintiff.

*Arubrecht, Lutz, Lively, & Johnson*  
*Idyball & Shuman*  
Attorneys for the Defendant.

945

DEMURRER

MARTHA G. MacNICHOLS

Plaintiff,

VS.

FRED J. NEWMAN, JR., doing  
business as Ambulance Service  
Company.

Defendant.,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

FILED: March 19, 1946

  
Clerk.

LAW OFFICES  
HYBART & CHASON  
Bay Minette, Alabama



MARTHA G. MacNICHOLS

PLAINTIFF

VS.


FRED J. NEWMAN, JR., doing  
business as Ambulance Service  
Company.

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Comes the Defendant and for answer to the Complaint in  
this cause, and to each and every count thereof, separately and  
severally, pleads in short by consent the general issue, with leave  
to give in evidence any matter which if well pleaded, would be  
admissible in defense of the action, to have effect as if so pleaded;  
and with leave to the Plaintiff to give in evidence any matter,  
which if well pleaded, would be admissible in reply to such defensive  
matter, to have effect as if so pleaded.

ARMBRECHT, INGE, TWITTY AND JACKSON

  
Attorneys for Defendant.

PLEA

MARTHA G. MacNICHOLS  
PLAINTIFF

VS.

FRED J. NEWMAN, JR., doing  
business as Ambulance Service  
Company.

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Filed October 4, 1946.

R. S. Luck  
CLERK

A. J. R.  
D.C.

MARTHA J. MacNICHOLAS,

Plaintiff,

Versus

FRED J. NEWMAN, JR., do-  
ing business as AMBULANCE  
SERVICE COMPANY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

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

Comes now the Defendant in the above styled cause and answers  
the interrogatories propounded by the Defendant as follows:

ONE

Fred J. Newman, Jr., Mobile, Alabama.

TWO

Yes, I am the sole owner.

THREE

Yes.

FOUR

Ted P. McGowin.

FIVE

Yes.

Fred J. Newman Jr.  
Defendant

STATE OF ALABAMA ¶

COUNTY OF MOBILE ¶

Before the undersigned Notary Public in and for said County  
and State personally appeared FRED J. NEWMAN, JR., who first

being duly sworn on oath deposes and says that he is the Defendant in the above styled cause and as such has answered the foregoing interrogatories, and that said answers are true except as to matters of information and belief and as to such matters he believes them to be true.

Fred J. Newman Jr.

Subscribed and sworn to before me on this the 1<sup>st</sup> day of October, 1946.

Walter D. McPerry  
Notary Public, Mobile County, Ala.

ANSWER TO INTERROGATORIES

MARTHA J. MacNICHOLAS,

Plaintiff,

Versus

FRED J. NEWMAN, JR., doing  
business as Ambulance Service Company.

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

Filed October 2, 1946.

R. S. Lust

CLERK

by Alice J. Lust  
D.C.

943