

MARVIN M. HAYS)	IN THE CIRCUIT COURT
Plaintiff)	BALDWIN COUNTY
-vs-)	ALABAMA
A. A. CORTE AND SONS, a)	AT LAW
co-partnership composed of J. A.)	NUMBER
Corte, E. D. Corte, A. I. Corte,)	
A. M. Corte, A. Corte, F. Corte)	
and J. Corte AND GEORGE HOLLOWAY)	
Defendant)	

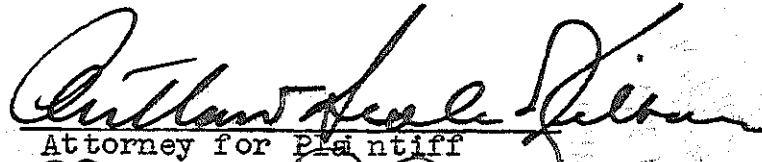

COUNT ONE

Plaintiff claims of the defendants the sum of TEN THOUSAND AND NO/100ths (\$10,000.00) DOLLARS as damages for that heretofore and on, to-wit June 16, 1949 the Plaintiff was operating an automobile on Bellforest Road, a public highway of Alabama at Loxley, Alabama and the defendant Holloway who was then and there the agent or servant of the defendant co-partnership, acting within the line and scope of his authority and duty as such agent or servant was operating a truck westwardly on said Bellforest Road at Loxley, Alabama. At such time and place the defendant Holloway negligently drove such truck upon and against the automobile in which the plaintiff was riding. As a direct and proximate consequence of the negligence aforesaid the plaintiff was injured cut and bruised about his head and body, he was caused to sustain and yet sustains severe pain and suffering and headaches; an arthritic condition which the plaintiff was suffering from was made aggravated and severely painful, he was caused to incur great expense for medical attention, he suffered a loss of income and was made unable to work for a great period of time, to-wit: two months, all to his damage in the amount claimed.

COUNT TWO

Plaintiff claims of the defendant the sum of TEN THOUSAND AND NO/100ths (\$10,000.00) DOLLARS as damages

for that heretofore and on, to-wit June 16, 1949 the Plaintiff was operating an automobile on Bellforest Road, a public highway of Alabama at Loxley, Alabama and the defendant Holloway who was then and there the agent or servant of the defendant co-partnership, acting within the line and scope of his authority and duty as such agent or servant was operating a truck westwardly on said Bellforest Road at Loxley, Alabama. At such time and place the defendant Holloway wilfully or wantonly injured the plaintiff by wilfully or wantonly driving said truck upon and against the plaintiff. Such wilful or wanton injury to the plaintiff consisted in this: the plaintiff was injured cut and bruised about his head and body, he was caused to sustain and yet sustains severe pain and suffering and headaches; an arthritic condition which the plaintiff was suffering from was made aggravated and severely painful, he was caused to incur great expense for medical attention, he suffered a loss of income and was made unable to work for a great period of time, to-wit: two months. And Plaintiff claims punitive damages.


Attorney for Plaintiff

Attorney for Plaintiff

The plaintiff demands that this cause be tried by a jury.


Attorney for Plaintiff

NO 13 54

Received in Sheriff's Office
this 2 day of June 1949
TAYLOR WILKINS, Sheriff

Marvin M. Hays

VS.

A. A. Corte & Sons
and George Holloway

Summons & Complaint

Executed 6-4-49
by Sheriff or Deputy within Summons and
Complaint

Ernest Corte as agent
for A. A. Corte & Sons
& George Holloway

Taylor Wilkins
Deputy Sheriff

6-16-49

RECORDED

Executed 18
by serving copy of within Summons and
Complaint on

Ernest Corte as Agent for
A. A. Corte & Sons 6-16-49
George Holloway 6-23-49

Taylor Wilkins Sheriff
By Edleigh Standen Deputy Sheriff

FILED

MAY 18 1949

ALICE J. DUCK, Clerk

Refiled 6-13-49
Alice J. Duck
Clerk

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 1354

TERM, 194

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon A. A. CORTE AND SONS, a Co-partnership
composed of J. A. Corte, E. D. Corte, A. I. Corte, A. M. Corte,
A. Corte, F. Corte, and J. Corte and George Holloway

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 A. A. Corte

AND SONS, a co-partnership composed of J. A. Corte, E. D. Corte,

A. I. Corte, A. M. Corte, A. Corte, F. Corte, and J. Corte and George Holloway

by

Marvin M Hays, Plaintiff

Witness my hand this 13th day of June 1949

Alicia J. Hensley, Clerk.

Page _ _ _ _ _

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS and COMPLAINT

Filed _____, 194_____

Clerk

Plaintiff's Attorney

Defendant's Attorney

Moore Printing Co.

Defendant lives at

RECEIVED IN OFFICE

-, 194_ _ _ _

-, Sheriff

I have executed this summons

this _____, 194____
by leaving a copy with

Sheriff

Deputy Sheriff

MARVIN M. HAYS,

Plaintiff,

vs.

A. A. CORTE & SONS, a
Co-partnership composed of
J. A. Corte, E. D. Corte,
A. I. Corte, A. M. Corte,
A. Corte, F. Corte, and J.
Corte; and George Holloway,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

NO. _____

Comes now the Plaintiff in the above styled cause and propounds the following Interrogatories to each of the Defendants:

1. What is the age and correct address of the Defendant, George Holloway?

2. Was the Defendant, George Holloway, in the employ of the Defendants, A. A. Corte & Sons, on June 16, 1948?

(a) How long had the said George Holloway been in the employ of the Defendants, A. A. Corte & Sons, on June 16, 1948?

(b) How long had he been employed as a truck driver?

(c) How long had he been driving a truck as a part of his duties as an employee of A. A. Corte & Sons?

(d) Had he ever made any trips along the hard-surfaced public road in Baldwin County, Alabama, known as Belforest Road between the Towns of Daphne and Loxley, Alabama?

3. Please state whether a 1948 Ford Trust operated by the Defendants on June 16, 1948, on the Belforest Road between Daphne and Loxley in Baldwin County, Alabama, had a collision while traveling West or North on said public road at said time and place with another motor vehicle on said highway at said time and place?

4. On or about June 16, 1948, at 8:30 o'clock A.M. was the Defendant, George Holloway operating a motor vehicle on the public road in Baldwin County, Alabama, known as the Belforest Road?

(a) If so, please state the type of motor vehicle he was operating?

(b) What was the length of said motor vehicle?

(c) What was the weight of said motor vehicle?

(d) What was its width at its widest point?

(e) What was the weight of the said motor vehicle with the load it was transporting at said time and place?

(f) With what type of brakes was the said motor vehicle equipped.

5. How far West of Loxley did said collision occur?

(a) What was the width of the pavement at the point of the collision?

(b) What type of pavement was said highway constructed of at point of collision?

(c) Was the road straight at the point of the collision?

(d) If so, in what directions did the road run and for what distance?

(e) What time of day did said collision occur?

(f) What was the condition of the weather?

(g) Was the weather fair or cloudy?

6. If you answered that the motor vehicle driven by George Holloway collided with another vehicle on Belforest road in Baldwin County, Alabama, on June 16, 1948, please state when the said George Holloway first saw the motor vehicle with which the motor vehicle he was driving collided prior to the collision?

(a) How far was the said George Holloway from said motor vehicle when he first saw it prior to the collision?

(b) How far was he from the point of collision when he first saw said motor vehicle with which he collided prior to the collision?

(c) How fast was the motor vehicle which the said George Holloway was driving traveling when he first saw the motor vehicle with which he had a collision?

(d) How fast was said motor vehicle traveling at the time of the collision?

(e) Was the motor vehicle with which the said George Holloway collided traveling in an opposite direction on said highway?

(f) If so, how fast was the other motor vehicle traveling at the time the said George Holloway first saw it?

(g) How fast was the other motor vehicle traveling at the moment of the collision?

7. What precautions, if any, did the Defendant, George Holloway take in order to avoid a collision with the motor vehicle with which he collided on June 16, 1948 on the Belforest Road in Baldwin County, Alabama?

(a) Did the said George Holloway slow down the said motor vehicle prior to the collision in an effort to avoid a collision with said other motor vehicle?

(b) If so, how far from the point of collision did he slow said motor vehicle down?

(c) Did the brakes hold?

(d) In which direction was the motor vehicle driven by the said George Holloway traveling at the time of the collision?

(e) In which direction was the other motor vehicle traveling at the time of the collision?

(f) On which side of the center line of the said road did the collision occur?

(g) Were other automobiles parked on either or both sides of the road at the point at which the collision occurred?

(h) Please state exactly how said collision did occur?

(i) What part of the motor vehicle operated by the Defendant came in contact with the other motor vehicle?

(j) Please state the exact point of contact?

(k) Please state fully everything George Holloway did from the time he saw the motor vehicle with which he had a collision up until the time of the collision?

(l) Please state whether or not there was anyone directing traffic in the vicinity of the point where this collision occurred?

(m) If your answer is in the affirmative, please state whether or not said person directing the traffic was located at a point so that the Defendant, George Holloway passed him before the collision occurred?

(n) If you state that there cars parked along either or both sides of the road on which you were traveling, please state, in feet, the distance of the first car which you noticed parked along the side of the road to the point of collision.

8. How far did the motor vehicle driven by the Defendant, George Holloway, travel after the collision occurred?

(a) On which side did it come to rest?

(b) Did it turn off the road?

9. For the purpose of qualifying the Jury, please state whether the Defendants, A. A. Corte & Sons carried ^{public} ~~property~~ liability insurance covering said collision?

(a) If your answer is in the affirmative, please attach a copy of said insurance policy to your answers to these Interrogatories?

Hybart, Chason & Stone

BY: Norborne C. Stone
Attorneys for Plaintiff.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said State and County, personally appeared Norborne C. Stone, one of the Attorneys for the Plaintiff, who, being by me first duly and legally sworn doth depose and says:

That if the answers to the Interrogatories propounded to the Defendants are well and truly made they will be material evidence to the Plaintiff in the trial of this cause.

Sworn to and subscribed
before me this 31st
day of May, 1949.

Alice L. Miller
Notary Public, Baldwin County,
Alabama.

A. A. Corte & Sons
Loxley, Alabama

George Holloway
Loxley, Alabama

Received in Sheriff's Office
this 2 day of June, 1949
TAYLOR WILKINS, Sheriff

MARVIN M. HAYS,

Plaintiff,

vs.

A. A. CORTE & SONS, a Co-part-
nership, composed of J. A.
Corte, et al; and GEORGE
HOLLOWAY,

Defendants.

INTERROGATORIES PROPOUNDED
BY THE PLAINTIFF TO EACH OF
THE DEFENDANTS.

Filed 6-1-49
Alice J. Wick
Clerk.

Executed
by serving copy of within Summons and
process.

6-4-49

Ernest Corte as agent for
J. A. Corte et al.
George Holloway

Taylor Wilkins
Sheriff

MARVIN M. HAYS

Plaintiff

vs.

A. A. CORTE AND SONS, a
co@partnership composed of
J. A. CORTE, E. D. CORTE,
A. I. CORTE, A. M. CORTE, A. CORTE, F.
CORTE, and J. CORTE, AND GEORGE
HOLLOWAY,

Defendants.

) IN THE CIRCUIT

) COURT OF

) BALDWIN COUNTY,

) ALABAMA.

) AT LAW NO. 1354.

We appear for the defendants with leave to plead, answer
or demur specially.

John Thomas & Pico
ATTORNEYS FOR THE DEFENDANTS.

W. H. Duck, Clerk
Hyatt Street

FILED
JUL 13 1949
ALICE J. DUCK, Clerk

RECORDED

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