

1987

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

To any Sheriff of the State of Alabama:— Greeting: YOUR ARE HEREBY  
LAWRENCE L. MALONE & JOHN C. MALONE, JR., individually  
COMMANDED TO SUMMON and as partners doing business under the name of  
MALONE PONTIAC MOTORS to appear within thirty days from the service  
of this writ in the Circuit Court of said county, at the place of  
holding the same, and plead, answer or demur to the complaint of  
Johnnie J. Harvill.

Witness my hand this 9<sup>th</sup> day of May, 1953.

Alice J. Duck  
Clerk

## COMPLAINT

JOHNNIE J. HARVILL

VS.

IN THE CIRCUIT COURT OF

PLAINTIFF

BALDWIN COUNTY, ALABAMA

LAWRENCE L. MALONE & JOHN C.  
MALONE, JR., individually & as  
partners doing business under the name of MALONE PONTIAC  
MOTORS.

DEFENDANTS.

LAW SIDE.

COUNT ONE: I  
Plaintiff claims of the defendants the sum of \$25,000.00  
as damages for that heretofore towit, on the 10th day of April, 1953  
the plaintiff was driving an automotive truck on U. S. Highway 31, a  
public highway in Baldwin County, Alabama, approximately five miles  
North of Bay Minette, Alabama, where plaintiff had a right to be and  
further avers that the defendants' agent, servant or employee, Sam  
Clay Pruitte, while acting within the line and scope of his employment  
as such agent, servant or employee at said time and place did drive  
an automobile he was then operating into or against the automotive  
truck then being driven by plaintiff and as a proximate consequence  
thereof plaintiff received serious personal injuries. He received  
multiple lacerations about his body. He suffered a great loss of  
blood and was caused to suffer great mental pain and physical pain.  
His left hip was fractured; his scalp was lacerated; his left ankle

was deeply lacerated; he was permanently injured. He was rendered unable to work and was put to much expense for medical attention and hospital bills, all to his damage which he claims.

And plaintiff avers that on said occasion the defendants, their agent, servant or employee, as aforesaid, negligently allowed the said automobile he was operating to collide with the automotive truck in which plaintiff was riding on said occasion and as a proximate consequence of said negligence of the defendants plaintiff suffered said injuries and damages.

PRESTWOOD & PRESTWOOD

By

*Sharon Stone*  
*Sharon Stone*  
Attorneys for Plaintiff

Plaintiff demands a trial by jury.

*Sharon Stone*  
*Sharon Stone*  
Attorney for Plaintiff

FILED

5-9-53

ALICE J. DUCK, Register

1987  
SUMMONS & COMPLAINT

JOHNNIE J. HARVILL,  
Plaintiff,  
vs.

LAWRENCE L. MALONE & JOHN C.  
MALONE, JR., individually and  
as partners doing business  
under the name of MALONE  
PONTIAC MOTORS,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE.

Filed: May 9, 1953.

Alice J. Duck  
Clerk.

metten 7/69

Received at Sheriff's Office  
this 11 day of May, 1953  
TAYLOR WILKINS, Sheriff

Received \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
and on 11 day of May 1953  
I served a copy of the within  
on \_\_\_\_\_

By service on Laurence L. Malone

TAYLOR WILKINS, Sheriff

By Pete Sallee D.S.

Returned 11 day of May 1953

Not found in my county after diligent search and in-  
quiry. John C. Malone

Taylor Wilkins, Sheriff

By Pete Sallee  
Deputy Sheriff

JOHNNIE J. HARVILL,

BOOK 001 PAGE 115

Plaintiff,

vs.

LAWRENCE L. MALONE & JOHN  
C. MALONE, JR., Individually  
& as partners doing business  
under name of MALONE PONTIAC  
MOTORS,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE.

Comes the Plaintiff in the above styled cause and amends  
Count One of his Complaint filed in said cause so that the same  
shall read as follows:

COUNT ONE:

The Plaintiff claims of the Defendants the sum of Twenty-five Thousand Dollars (\$25,000.00) as damages for that heretofore on to-wit, the 10th day of April, 1953 the Plaintiff was driving an automotive truck on U. S. Highway #31, a public highway, at a point approximately five (5) miles East of Bay Minette, Alabama, in Baldwin County, Alabama, where the Plaintiff had a right to be and at said time and place the Defendants, acting by and through their servant, agent, or employee, who was then and there acting in the line and scope of his employment as such agent, servant, or employee, negligently drove an automobile, which he was then operating, into or against the said truck, which was then being driven by the Plaintiff, and as a proximate consequence of such negligence the Plaintiff received serious bodily injuries in this; he received multiple lacerations about his body; his left hip was fractured; his scalp was lacerated; his left ankle was lacerated; he suffered mental and physical pain and he was permanently injured and rendered unable to work for several weeks and was put to much expense for medical attention and hospital bills. The Plaintiff further avers that the negligence of such Defendants proximately caused the injuries and damages of the Plaintiff, hence this suit.

FILED

8-24-53

ALICE J. DUCK, Register

*Restwood & Restwood*  
*Jason Stone*  
Attorneys for the Plaintiff.

1987  
AMENDED COMPLAINT

JOHNNIE J. HARVILL,

Plaintiff,

vs.

LAWRENCE L. MALONE & JOHN  
C. MALONE, JR., Individually  
& as partners doing business  
under name of MALONE PONTIAC  
MOTORS,

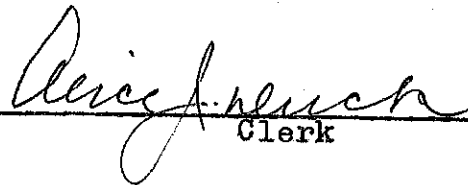
Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

Filed, August 24, 1953.

  
Clerk

LAW OFFICES

**CHASON & STONE**

BAY MINETTE, ALABAMA

JOHNNIE J. HARVILL,	:	IN THE CIRCUIT COURT
Plaintiff,	:	OF
vs.	:	BALDWIN COUNTY, ALABAMA
LAWRENCE L. MALONE and JOHN	:	LAW SIDE.
C. MALONE, JR., individually	:	
and as partners d/b/a MALONE	:	NO. _____
PONTIAC MOTORS,	:	
Defendants.	:	

Come now the Defendants in the above styled cause and propound to the Plaintiff Johnnie J. Harvill the following separate and several interrogatories:

1. Please state your name and address.
2. Please state whether an automotive truck driven by you was involved in an accident on or about April 10, 1953.
3. If your answer to Interrogatory No. 2 is in the affirmative, please state where said accident occurred.
4. If your answer to Interrogatory No. 2 is in the affirmative, please state the name of the owner of the automotive truck which you were driving at the time of the accident.
5. If your answer to Interrogatory No. 2 is in the affirmative, please describe said automotive truck giving its make, model, body type, and state registration tag number.
6. Please state on what highway and in what direction you were traveling at the time of the above referred to accident.
7. Please state whether you observed any other traffic on said highway immediately prior to or at the time of said accident
  - (a) traveling in the same direction as you, and
  - (b) traveling in the opposite direction.
8. Please state whether there was an automotive truck operated by Whitman's Truck Lines proceeding in the same direction with you and ahead of the truck you were driving.
9. Please describe the condition of the highway at the time and place of the accident.
10. Please state to the best of your ability your speed at the following times:
  - (a) when 100 yards from the point of impact.
  - (b) when you first observed the automobile with which you collided.

- (c) when 25 yards from the point of impact.
- (d) when 10 yards from the point of impact.
- (e) at the time of impact.

11. Please state whether the road was level or whether you were going uphill or downhill at the point where this accident occurred.

12. If your answer to Interrogatory No. 11 is that you were going uphill, please state to the best of your ability how far you were from the crest of the hill.

13. Please state whether there was a solid yellow line next to the center line of the highway on the right side of the highway for traffic going in the direction you were traveling.

14. Please describe to the best of your ability the automobile with which you collided.

15. Please state the distance to the automobile with which you collided when you first observed it.

16. Please state in which direction the above referred to automobile was traveling when first observed.

17. Please state to the best of your ability the speed at which the automobile with which you collided was traveling

- (a) when you first observed it, and
- (b) at the point of impact.

18. Please state where, with reference to the center line of the road, the impact occurred.

19. Please state whether you applied your brakes immediately before the impact occurred and, if so, approximately how many feet from the point of impact.

20. Please state whether you observed any skid marks at the scene of the accident.

21. If your answer to Interrogatory No. 20 is in the affirmative, please state their length and position relative to the point of impact, to the best of your ability.

22. Please state on which side of the highway the automotive truck you were driving came to a stop after the collision occurred.

23. Please state to the best of your ability the distance between the point where the truck you were driving came to a stop and

- (a) the point of impact, and
- (b) with respect to either edge of the pavement.

24. Please state whether you were attempting to pass a vehicle in front of you immediately before the accident.

25. Please state whether there were any mechanical defects in the automotive truck you were driving which contributed to this accident and, if so, what those defects were.

26. If your answer to Interrogatory No. 25 is that you do not know, please state whether you have any reason to believe that there might have been any mechanical defects and, if so, what reasons you have.

27. Please state what, if anything, you did to avoid a collision when you discovered that you had crossed the center of the road into the path of the vehicle with which you collided.

28. Please state whether you were awake, conscious, and in full possession of your mental and physical faculties immediately prior to the accident.

29. Please describe in detail all injuries for which you claim damages in this suit.

30. Please give an itemized list of all hospital and medical expenses incurred as a result of all injuries for which you claim damages in this suit.

31. Please state the names and addresses of all doctors and physicians who treated you for the injuries for which you claim damages.

32. Please state the number of days which you were confined to a hospital giving the dates and name or names of the hospital or hospitals in which you were confined as a result of the injuries for which you claim damages in this suit.

33. Please state whether you have been employed since you sustained the injuries for which you claim damages in this suit.

34. If your answer to Interrogatory No. 33 is in the affirmative, please state whether or not you were employed in your usual occupation.

35. Please state whether you have fully recovered from the injuries for which you claim damages in this suit.



36. If your answer to Interrogatory No. 35 is in the negative, please state in what manner and to what extent you have not fully recovered from said injuries.

37. Please state what permanent injuries, if any, you received as a result of the collision which occurred on April 10, 1953.

38. Please state the degree or extent to which you are incapacitated by such permanent injuries, if any.

39. Please state whether such permanent injuries, if any, materially interfere with the performance of your duties in your usual occupation or employment.

Alexander L. Luman Jr.  
Attorney for Defendant

George K. Williams Jr.  
Attorney for Defendant

STATE OF ALABAMA:

COUNTY OF MOBILE:

Before me, the undersigned authority, personally appeared George K. Williams, Jr., who, being by me first duly sworn, deposes and says that he is one of the attorneys for the Defendant and as such is authorized to make this affidavit, and he further says that the Plaintiff's answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Defendant on the trial of the above case.

George K. Williams Jr.  
George K. Williams, Jr.

Sworn to and subscribed before me  
on this 10th day of August, 1953.

George P. Brown  
Notary Public, Mobile County, Alabama

FILED

8-11-53

ALICE J. DUCK, Register

1987

Johnnie J. Harvill  
vs  
Lawrence L. Malone

Received in Sheriff's Office  
this 12 day of Dec 1953  
TAYLOR WILKINS, Sheriff

Interrogatories

Received \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
and on 12 day of Dec 1953  
I served a copy of the within \_\_\_\_\_  
on \_\_\_\_\_

By service on

Johnnie Harvill

TAYLOR WILKINS, Sheriff

By *W. B. Williams*

Filed 8-11-53  
A. J. Luck  
Clerk

JOHNNIE J. HARWILL,	:	IN THE
Plaintiff,	:	CIRCUIT COURT
-vs.-	:	OF
LAWRENCE L. MALONE and	:	BALDWIN COUNTY, ALABAMA
JOHN C. MALONE, JR., indi-	:	LAW SIDE.
vidually and as partners	:	
d/b/a MALONE PONTIAC MOTORS,	:	NO. _____
Defendants.	:	

BOOK 001 PAGE 120

DEMURRER

Come now the Defendants in the above styled cause and demur to the complaint filed herein and separately and severally assign the following separate and several grounds of demurrer, to-wit:

1. For that the averments therein state no cause of action against the Defendants.
2. For that the allegations contained therein are but conclusions of the pleader without sufficient facts to acquaint the Defendants of that for which they are to defend.
3. For that the allegations of the complaint are vague, uncertain and indefinite.
4. For that the last paragraph of the complaint is vague, uncertain and indefinite.
5. For that the averments thereof do not acquaint the Defendants wherein the alleged negligence occurred.
6. For that the complaint does not allege that the agent, servant or employee of the Defendants negligently drove or operated said automobile.
7. For that the complaint does not allege that the Defendants, or an agent, servant or employee of the Defendants, while acting within the line and scope of his employment as such, were guilty of any negligence.
8. For that the complaint does not allege wherein the Defendant, or an agent, servant or employee of the Defendants, while acting within the line and scope of his employment, were guilty of any negligence.
9. For that the complaint does not allege that the Defendants Lawrence L. Malone and John C. Malone, Jr. were guilty of any negligence which proximately contributed to the damages and injuries of which the Plaintiff complains.

10. For that the complaint does not advise the Defendants Lawrence L. Malone and John C. Malone, Jr. of the negligence for which they are called upon to defend.

Alexander Foreman Jr.  
Attorney for Defendant

George K. Williams Jr.  
Attorney for Defendant

FILED

5-27-53

ALICE J. DUCK, Register

1987

Johnnie J. Harvill

vs

Lawrence Malone  
et al

FILED

MAY 27 1953

ALICE J. DUCK, Clerk

ALEXANDER FOREMAN, JR.  
ATTORNEY AT LAW  
SUITE 417 FIRST NATIONAL BANK BUILDING  
MOBILE 13, ALABAMA

ALEXANDER FOREMAN, JR.  
JOSEPH M. HOCKLANDER

May 26, 1953

Mrs. Alice Duck  
Clerk of the Circuit Court  
Baldwin County  
Bay Minette, Alabama

Re: Johnnie J. Harvill vs.  
Lawrence L. Malone and  
John C. Malone, Jr. d/b/a  
Malone Pontiac Motors

Dear Mrs. Duck:

Please enter my appearance for the Defendants  
in the above styled cause and file the enclosed  
demurrer therein. Please acknowledge receipt of this  
letter and advise me as to the date your records show  
this demurrer as having been filed.

Your courtesy in this matter is appreciated.

Very truly yours,

ALEXANDER FOREMAN, JR.

By *George K. Williams Jr.*  
George K. Williams, Jr.

GKWjr/kc

Enc.

J. J. HARVILL,

Plaintiff,

vs.

LAWRENCE L. MALONE and  
JOHN C. MALONE, JR., indi-  
vidually and as partners  
d/b/a MALONE PONTIAC MOTORS,

Defendants.

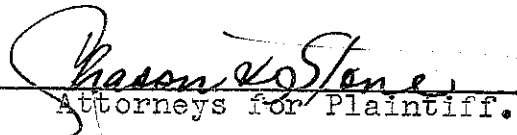
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE. NO. 1987

Comes the Plaintiff in the above styled cause and for answer to the Motion filed by the Defendants in said cause on December 3, 1953, says:

1. That the interrogatories propounded by the Defendants to the Plaintiff in said cause as referred to in said Motion have not been served by the Sheriff of Baldwin County, Alabama, or any other Sheriff of such State upon the Plaintiff or his Attorney of Record.

2. That Section 478 of Title 7 of the 1940 Code of Alabama has not been complied with in that the interrogatories propounded by the Defendants to the Plaintiff in said cause have not been served by any Sheriff of the State of Alabama upon the Plaintiff or his Attorney of Record and that such Attorney of Record is a resident of the State of Alabama.

  
Attorneys for Plaintiff.

ANSWER TO MOTION

J. J. HARVILL,

Plaintiff,

vs.

LAWRENCE L. MALONE and  
JOHN C. MALONE, JR., indi-  
vidually and as partners  
d/b/a MALONE PONTIAC MOTORS,

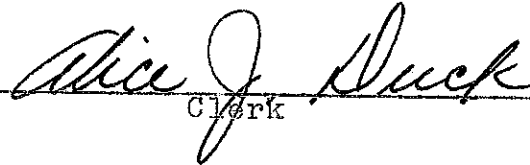
Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE NO. 1987

Filed this the 4th day of  
December, 1953.

  
Clerk



THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

To any Sheriff of the State of Alabama:-- Greeting: YOUR ARE HEREBY  
LAWRENCE L. MALONE & JOHN C. MALONE, JR., individually  
COMMANDED TO SUMMON and as partners doing business under the name of  
MALONE PONTIAC MOTORS to appear within thirty days from the service  
of this writ in the Circuit Court of said county, at the place of  
holding the same, and plead, answer or demur to the complaint of  
Johnnie J. Harvill.

Witness my hand this 7<sup>th</sup> day of May, 1953.

Alice J. Duck  
Clerk

COMPLAINT

JOHNNIE J. HARVILL.

VS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE.

PLAINTIFF

LAWRENCE L. MALONE & JOHN C.  
MALONE, JR., individually & as  
partners doing business under  
the name of MALONE PONTIAC  
MOTORS, COUNT ONE: I  
DEFENDANTS.

Plaintiff claims of the defendants the sum of \$25,000.00  
as damages for that heretofore to wit, on the 10th day of April, 1953  
the plaintiff was driving an automotive truck on U. S. Highway 31, a  
public highway in Baldwin County, Alabama, approximately five miles  
North of Bay Minette, Alabama, where plaintiff had a right to be and  
further avers that the defendants' agent, servant or employee, Sam  
Clay Fruitte, while acting within the line and scope of his employment  
as such agent, servant or employee at said time and place did drive  
an automobile he was then operating into or against the automotive  
truck then being driven by plaintiff and as a proximate consequence  
thereof plaintiff received serious personal injuries. He received  
multiple lacerations about his body. He suffered a great loss of  
blood and was caused to suffer great mental pain and physical pain.  
His left hip was fractured; his scalp was lacerated; his left ankle



1987

SUMMONS & COMPLAINT

JOHNNIE J. HARVILL,

Plaintiff

vs.

LAWRENCE L. MALONE & JOHN C.  
MALONE, JR., individually and  
as partners doing business  
under the name of MALONE  
PONTIAC MOTORS,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE.

Filed: May 9, 1953

Alice J. Duck  
Clerk.

RECORDED & INDEXED

APPROVED FOR FILING

RECEIVED

APPROVED FOR FILING

Board of Directors

Entire Board

were consequences of said negligence of the defendants. Plaintiff  
truck in which plaintiff was riding on said occasion and as a result  
the said automobile was operating in collision with the automobile  
which agent, servant or employee, as stated, negligently allowed  
and plaintiff swears that on said occasion the defendants  
and hospital bills, all to his damage which he claims.  
unable to work and was out of work expense for medical attention  
was greatly increased; he was permanently injured. He was rendered

ALEXANDER FOREMAN, JR.  
ATTORNEY AT LAW  
SUITE 214 FIRST NATIONAL BANK ANNEX  
MOBILE 13, ALABAMA

ALEXANDER FOREMAN, JR.  
JOSEPH M. HOCKLANDER  
GEORGE K. WILLIAMS, JR.

December 1, 1953

Hon. Alice J. Duck  
Clerk of Circuit Court  
Baldwin County  
Bay Minette, Alabama

Re: Johnnie J. Harvill vs  
Lawrence L. Malone and  
John C. Malone, Jr  
Case #1987

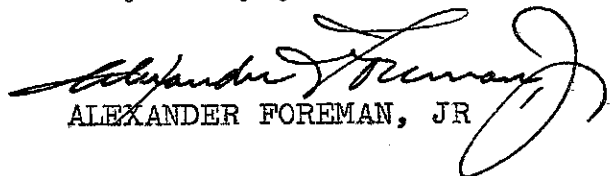
Dear Mrs. Duck:

Enclosed herewith is a motion in duplicate to require the Plaintiff, Johnnie J. Harvill, to answer interrogatories heretofore propounded to him in this case.

Please advise me of the date this motion will be heard.

Your courtesy in this matter is appreciated.

Very truly yours,

  
ALEXANDER FOREMAN, JR

AFJr/eg  
Enc.

ALEXANDER FOREMAN, JR.  
ATTORNEY AT LAW  
SUITE 214 FIRST NATIONAL BANK ANNEX  
MOBILE 13, ALABAMA

ALEXANDER FOREMAN, JR.  
JOSEPH M. HOCKLANDER  
GEORGE K. WILLIAMS, JR.

December 9, 1953

Hon. Alice J. Duck  
Clerk, Circuit Court  
Bay Minette, Alabama

Re: Johnnie J. Harvill vs  
Lawrence L. Malone and  
John C. Malone, Jr  
Case #1987

Dear Mrs. Duck:

On August 11, 1953, we mailed to you interrogatories propounded to the plaintiff on behalf of the defendants, to be filed in the above styled cause.

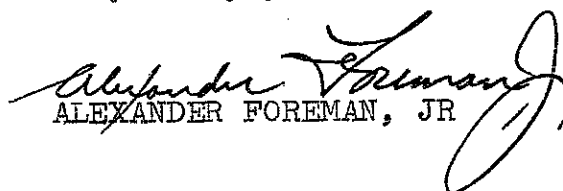
We did not receive answers to these interrogatories and, therefore, on December 1, we mailed to you a motion to require the plaintiff to answer interrogatories. On December 4, Attorneys Chason & Stone filed an answer to our motion in which they state that interrogatories propounded by the defendants to the plaintiff have not been served by the sheriff of Baldwin County, or any other sheriff, and that Section 478 of Title 7, of the 1940 Code of Alabama, has not been complied with in this.

Enclosed herewith is another copy of the interrogatories heretofore filed in this cause on behalf of the defendants directed to the plaintiff. We shall appreciate very much if you will have this copy of the interrogatories served upon the plaintiff's attorneys by the sheriff of Baldwin County. By carbon copy of this letter we are requesting the Hon. Taylor Wilkins, Sheriff of Baldwin County, to serve these interrogatories upon the attorneys for plaintiff, Chason & Stone, by serving either Attorney John Chason or Attorney Norbonne C. Stone, both of Bay Minette, Alabama.

When you have received the sheriff's return of service of these interrogatories, please advise us of the date they were served.

Your courtesy in this matter is greatly appreciated.

Very truly yours,

  
ALEXANDER FOREMAN, JR

AFJr/eg

Enc:

CC: Hon. Taylor Wilkins,  
Sheriff  
Baldwin County  
Bay Minette, Alabama

ALEXANDER FOREMAN, JR.  
ATTORNEY AT LAW  
SUITE 214 FIRST NATIONAL BANK ANNEX  
MOBILE 13, ALABAMA

ALEXANDER FOREMAN, JR.  
JOSEPH M. HOCKLANDER  
GEORGE K. WILLIAMS, JR.

August 26, 1953

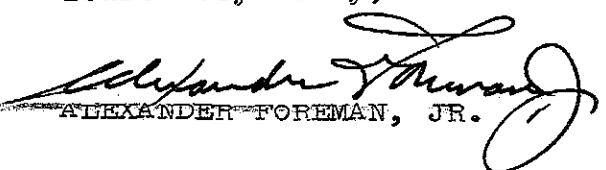
Mrs. Alice J. Duck  
Clerk, Circuit Court  
Baldwin County  
Bay Minette, Alabama

Re: Johnnie J. Harvill vs.  
Malone Pontiac Motors  
Law Side No. 1987

Dear Mrs. Duck:

Enclosed herewith you will please find, in triplicate,  
the answer of the Defendants in the above styled cause  
which I shall appreciate your causing to be duly filed and  
served on the proper parties.

Yours very truly,

  
ALEXANDER FOREMAN, JR.

AFjr/kc

Enc.

J. J. HARVILL, : IN THE CIRCUIT COURT OF  
 :  
 Plaintiff, : BALDWIN COUNTY, ALABAMA  
 :  
 vs : LAW SIDE  
 :  
 LAWRENCE L. MALONE and : NO. 1987  
 JOHN C. MALONE, JR., indi- :  
 vidually and as partners :  
 d/b/a MALONE PONTIAC MOTORS, :  
 :  
 Defendants. :  
 :

Come now the Defendants and show unto the Court that, pursuant to law in such cases made and provided, the Defendants propounded interrogatories to the Plaintiff in the above styled cause; that same were served as required by law; that the time allowed by law in which to answer said interrogatories has expired; and that the Plaintiff has not answered said interrogatories.

Wherefore, the Defendants move the Court:

1. To require the Plaintiff to answer said interrogatories on or before a day certain to be fixed by the Court.
2. To impose upon the Plaintiff such penalties as are provided by law for Plaintiff's failure to answer said interrogatories.
3. To tax the costs against the Plaintiff.
4. To order that said cause be dismissed without further or additional notice to the Plaintiff if the Plaintiff fails or refuses to answer said interrogatories on or before the date fixed by the Court by which the Plaintiff is required to answer.

Alexander Freeman  
Attorney for Defendants



1987

FILED  
DEC 3 1953  
ALICE J. DUCK, Clerk

ALEXANDER FOREMAN, JR.  
ATTORNEY AT LAW  
SUITE 214 FIRST NATIONAL BANK ANNEX  
MOBILE 13, ALABAMA

ALEXANDER FOREMAN, JR.  
JOSEPH M. HOCKLANDER  
GEORGE K. WILLIAMS, JR.

August 11, 1953

Mrs. Alice J. Duck  
Clerk of Circuit Court  
Baldwin County  
Bay Minette, Alabama

Re: Johnnie J. Harvill vs Lawrence  
L. Malone and John C. Malone, Jr.,  
individually and as partners d/b/a  
Malone Pontiac Motors

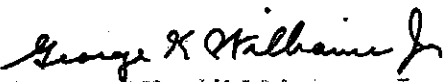
Dear Mrs. Duck:

Enclosed herewith you will please find in duplicate  
interrogatories propounded by the defendants to the  
plaintiff, which I shall appreciate your causing to be  
filed in the above styled case.

Your courtesy in this matter will be appreciated.

Very truly yours,

ALEXANDER FOREMAN, JR.

BY   
George K. Williams, Jr.

GKWjr/mf

Enc.

JOHNNIE J. HARVILL,

PLAINTIFF

VS.

LAWRENCE L. MALONE AND JOHN  
C. MALONE, JR., individually  
and as partners d/b/a MALONE  
PONTIAC MOTORS,

DEFENDANTS

\*

\*

\*

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IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA

AT LAW

No. 1987

Now comes the plaintiff, Johnnie J. Harvill, and for  
answer to the defendants' interrogatories, in the order propounded,  
says as follows:

1. J. J. Harvill, 815 Herron St. Montgomery, Alabama.

2. Yes.

3. About 5 miles North of Bay Minette on U. S. Highway

No. 31.

4. W. H. Whitman.

5. 1 $\frac{1}{2}$  Ton International Trailer-Van type body. Do not  
know tag number.

6. Highway 31 - North.

7. A. Yes.

b. Yes.

8. Yes.

9. Hard surface, dry, upgrade, going North.

10. a. About 35 or 40 miles per hour.

b. 34 to 38 miles per hour.

c. About the same 34 to 38 miles per hour.

d. Was applying brakes.

e. About 25 to 30 miles per hour.

11. Uphill.

12. About 100 yards.

13. I believe there was.

14. Dodge - 1947 or 1948 model.

15. About 30 yards.

16. Swerving in a southerly direction.

17. a. 70 to 80 miles per hour.  
b. 70 to 80 miles per hour.
18. Right of the center line going North.
19. Applied brakes when first saw swerving car and cut to right about 50 or 60 feet.
20. No, was knocked unconscious for three days.
21. Answered.
22. When truck came to a stop I was already hurt.
23. a. Don't know.  
b. Don't know.
24. No.
25. None.
26. Answered.
27. The impact caused my truck to veer to left.
28. I was awake, conscious, and in full possession of my mental and physical faculties.
29. My left foot was badly mangled near my ankle; I received a deep cut in my head requiring several stitches to sew it up. I received cuts and bruises all over my body; My left hip bone was broken off and a piece of it protrudes out now and is very sensitive. I was sore for a long time and was unable to walk.
30. I will have to get the bills from the doctors and the hospitals. I do not know the amount at this time.
31. I was treated by a doctor in Bay Minette who owns the hospital but I cannot call his name and I was also treated by Dr. Phillip Sprears in Greenville.
32. Mattie Rhodes Hospital, Bay Minette, one week and Spears Hospital in Greenville, ten days.
33. Yes.
34. I am driving a truck but I am not doing the same kind of incidental work, like heavy lifting.
35. No.
36. I don't suppose my hip will ever be normal again. As I said, the bone is broken off and sticks out against the skin and is very sensitive. My ankle is not as strong as it was.
37. My hip and ankle are permanently injured.

38. My hip is so sensitive I cannot carry heavy parcels in close places or do heavy lifting or even light parcels in close places because it is so sensitive. I cannot sleep on my left side nor can I stand for a long length of time without tireing or without pain.

39. This hip condition naturally interferrs with my duties as a truck driver in handling crates and boxes in close places as any knock against my hip hurts a great deal.

John J. Harrell

Sworn to and subscribed before me this 15 day  
of February, 1954.

Helen Gantt  
Notary Public

1987

FILED  
FEB 16 1954  
APR 1 1954, Clark

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