

KENNETH G. KNOWLES

Plaintiff

vs.

OTIS JOHNSON

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW

NO. 2114

Plaintiff claims of the defendant, Otis Johnson, the sum of TWENTY FIVE HUNDRED DOLLARS (\$2,500) as damages for that heretofore to-wit:

That on the night of October 19, 1953, on U. S. Highway 90 in Baldwin County, Alabama, at a point 7,000 feet east of the east end of the Tensaw River Bridge, the plaintiff was operating his automobile, and the defendant, Otis Johnson, at the same time and at the same place so negligently left parked or standing a 1951 Buick in such a manner that left less than 15 feet of the main-traveled portion of the highway opposite the said car or standing vehicle free for the passing of other vehicles that a third automobile was caused to collide with plaintiff's said automobile; further that it was practical for the defendant to park said Buick automobile off the paved or main-traveled portion, and as a proximate consequence of said collision and defendant's negligence, plaintiff's automobile was greatly damaged and rendered less valuable. Further that the plaintiff received an injured leg and as a result of said injury was prevented from work.

FILED

10-26-53

ALICE J. DUCK, Clerk

J. Connor Owens, Jr.
Attorney for the Plaintiff

Plaintiff demands a trial by Jury
pursuant Code 1940, Title 7, Sec. 260.

J. Connor Owens, Jr.

1781
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW NO. 2114

KENNETH G. KNOWLES
Plaintiff

vs.

OTIS JOHNSON 29/Bray
Defendant

SUMMONS AND COMPLAINT

FILED 10-26-53
W. H. HULOGHES
CLERK

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

35 1/2 Bloodgood St.
Mobile, Ala.

Received in Sheriff's Office
this 26 day of Oct, 1953
TAYLOR WILKINS, Sheriff

EXECUTED
This 29 day of Oct, 1953
by serving a copy of the within on
Otis Johnson
W. H. HULOGHES, Sheriff
Mobile County, Ala.
By: B. Bray D.S.

OTIS JOHNSON,
Defendant.

The diagrams illustrate the stages of a chromosome during meiosis. From left to right: 1. A single chromatid. 2. Two sister chromatids joined at the centromere. 3. Two sister chromatids joined at the centromere, with a small circle indicating a site of potential crossing over. 4. Two sister chromatids joined at the centromere, with a small circle indicating a site of potential crossing over. 5. Two sister chromatids joined at the centromere, with a small circle indicating a site of potential crossing over. 6. Two sister chromatids joined at the centromere, with a small circle indicating a site of potential crossing over.

PLEAS

Comes now the Defendant, Otis Johnson, in the above styled cause and for answer to the Complaint heretofore filed against him, and to each count thereof separately and severally, pleads separately and severally the following:

1. Not guilty.

2. That at the time and place complained of in said Complaint, and immediately prior thereto the Plaintiff, Kenneth G. Knowles, was himself guilty of contributory negligence which proximately contributed to the injury complained of in that he so negligently operated his motor vehicle on said U. S. Highway #90 as to cause or allow his said motor vehicle to run into, upon or against the motor vehicle operated by the Defendant, which said negligence proximately contributed to the injury and damages complained of in the Complaint, hence the Plaintiff should not recover.

THE

8-17-54

ALICE J. BUCK, Clerk

Respectfully submitted,

CHAS ON & STONE

By:

Attorneys for Defendant.

KENNETH G. KNOWLES,
Plaintiff,
vs.
OTIS JOHNSON,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 2114

PLEAS

FILED

AUG 17 1954

ALICE I. DUCK, Clerk
CHASON & STONE
BAY MINETTE, ALABAMA

KENNETH G. KNOWLES
Plaintiff
vs,
OTIS JOHNSON
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW NO. _____.

Comes now the Plaintiff, by his attorney, and amends the Complaint heretofore filed in this cause so that the same shall read as follows:

COUNT ONE:

Plaintiff claims of the defendant, Otis Johnson, the sum of \$2500 for damages for that heretofore on, to-wit:

On the night of the 19th, of October 1953, the plaintiff was lawfully operating an automobile on and along a public highway in Baldwin County, being U. S. Highway 90 at a point proximately one mile east of the east end of the Tensaw River Bridge, and that at said time and said place, the defendant unlawfully and negligently left parked or standing on the paved traveled portion of the said highway, a 1951 Buick automobile without leaving 15 feet of the same free for the passing of other vehicles, it being practical to park off said highway, and that the said unlawful and negligent parking by the defendant of the said automobile at the said time and place thereby caused the automobile which the plaintiff was operating to collide with, on or against said automobile of the defendant and a third automobile, causing the plaintiff to receive injuries to his leg, and loss of time at work, and greatly damaged his automobile, rendering it less valuable and that said injuries to the plaintiff and to his automobile were the proximate result of the negligence of the defendant aforesaid, hence this suit.

Plaintiff claims of the defendant, Otis Johnson, the sum of TWENTY FIVE HUNDRED DOLLARS (\$2500) as damages for that heretofore to-wit:

That on the night of October 19, 1953, on U. S. Highway 90, a public road in Baldwin County, Alabama, at a point 7,000 feet east of the east end of the Tensaw River Bridge, the plaintiff was operating his automobile, and the defendant, Otis Johnson, at the same time and at the same place so negligently left parked or standing a 1951 Buick in such a manner that left less than 15 feet of the main-traveled portion of the highway opposite the said car free for the passing of other vehicles that a third car was thereby caused to collide with plaintiff's said automobile; further that it was practical for the defendant to park said Buick automobile off the paved or main-traveled portion of said highway and as a proximate consequence of said collision and defendant's negligence aforesaid, plaintiff's automobile was greatly damaged and rendered less valuable.

Further that the plaintiff received an injured leg and as a result of said injury was prevented from work.

James Owens Jr.
Attorney for the Plaintiff

Plaintiff demands a trial by Jury
pursuant Code 1940, Title 7, Sec. 260.

FILED

1-21-54

ALICE J. DUCK, Clerk.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 2114.

KENNETH G. KNOWLES

Plaintiff

vs.

OTIS JOHNSON

Defendant

AMENDED COMPLAINT

FILED 1-21-54

Clara J. Owens
CLERK

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

KENNETH G. KNOWLES,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	BALDWIN COUNTY, ALABAMA.
Versus	:	At Law - NO. 2114.
OTIS JOHNSON,	:	
Defendant.	:	

Now comes the defendant and demurs to the complaint heretofore filed in the above entitled cause, and for grounds of demurrer assigns, separately and severally, the following grounds:-

1. Said complaint is vague, indefinite and uncertain.

2. Said complaint is vague, indefinite and uncertain in not sufficiently identifying the various automobiles mentioned therein.

3. No facts are alleged in said complaint to show a causal connection between the alleged negligence of the defendant and the damage to plaintiff.

4. No facts are alleged therein to show a causal connection between the defendant's alleged acts and the collision between the plaintiff's automobile and a third automobile.

5. It appears on the face of the complaint that the plaintiff's injuries and damages were caused by a collision between the plaintiff's automobile and some third vehicle with which the defendant had no connection.

6. It appears on the face of the complaint that the plaintiff's injuries and damages did not result from any acts of the defendant, but from an intervening cause.

7. For aught that appears the place where the accident occurred may be a business or residence district.

8. For aught that appears it was not practicable for the defendant to park his automobile off the paved or main travelled portion of the highway.

9. The complaint is vague, indefinite and uncertain in not alleging which of the plaintiff's damages and injuries were caused by the defendant's alleged negligence and which were caused by the collision described in the complaint.

10. For aught that appears the plaintiff's damages and injuries were not the proximate result of any negligent act of the defendant.

CAFFEY, GALLALEE & CAFFEY,

By Jack E. Gallalee

Attorneys for Defendant.

Defendant demands a trial by jury of the above entitled cause.

CAFFEY, GALLALEE & CAFFEY,

By Jack E. Gallalee

Attorneys for Defendant.

FILED

11-17-53

ALICE J. DUCK, Clerk

2114

FILED
NOV 17 1953
ALICE J. BUCK, CLERK

KENNETH G. KNOWLES, : IN THE CIRCUIT COURT OF
 Plaintiff, : BALDWIN COUNTY, ALABAMA.
 Versus : AT LAW - NO. 2114.
 OTIS JOHNSON, :
 Defendant. :

Now comes the defendant and demurs to count 1 of the amended complaint, heretofore filed in the above styled cause, and for grounds of demurrer thereto assigns separately and severally the following grounds:

1. Said complaint is vague, indefinite and uncertain.
2. Said complaint is vague, indefinite and uncertain in not sufficiently identifying the various automobiles mentioned therein.
3. No facts are alleged in said complaint to show that the alleged negligence of the defendant was the proximate cause of plaintiff's damage.
4. No facts are alleged therein to show that the defendant's alleged acts were the proximate cause of the collision between the plaintiff's automobile and a third automobile.
5. Said complaint is vague, indefinite and uncertain in that it does not allege where the alleged collision between the automobile which the plaintiff was operating and any other automobiles mentioned in said complaint took place.

6. For aught that appears the place where the accident occurred may be a business or residence district.

7. For aught that appears it was not practicable for the defendant to park his automobile off the paved or main travelled portion of the highway.

8. For aught that appears the plaintiff's damages and injuries were not the proximate result of any negligent act of the defendant.

9. No facts are alleged to show any duty owing to the plaintiff on the part of the defendant.

10. No facts are alleged to show any duty on the part of the defendant regarding the 1951 Buick mentioned in said complaint.

11. No facts are alleged in the complaint to show any duty on the part of the defendant to move the 1951 Buick mentioned therein from the place where it is alleged to have been parked or standing.

And the defendant demurs to count 2 of the amended complaint heretofore filed in the above styled cause and for grounds of demurrer assigns separately and severally the following grounds:

For grounds 1 through 11 defendant assigns 1 through 11 of the grounds of demurrer to count 1 of the said amended complaint as though such grounds were here set out in full.

12. It appears on the face of the complaint that the plaintiff's injuries and damages were caused by a collision between the plaintiff's automobile and some third vehicle, with which the defendant had no connection.

13. It appears on the face of the complaint that the plaintiff's injuries and damages did not result from any acts of the defendant, but from an intervening cause.

-3-

14. The complaint is vague, indefinite and uncertain in not alleging which of the plaintiff's injuries and damages were caused by the defendant's alleged negligence and which were caused by the collision described in the complaint.

CAFFEY, GALLALEE & CAFFEY,

By *Robert L. Gallalee*

Attorneys for Defendant.

FILED

1-28-54

ALICE L. DUCK, Clerk

2114

FILED
JAN 28 1954
ALICE L. DICK, Clerk

KENNETH G. KNOWLES, : IN THE CIRCUIT COURT OF
Plaintiff : BALDWIN COUNTY, ALABAMA.
versus : AT LAW- NO. 2114.
OTIS JOHNSON, :
Defendant. :

Now comes the defendant in the above entitled cause and propounds to the plaintiff in said cause the following interrogatories:-

1. Where did the accident of which you complain take place? How far east of the group of business establishments, which include the Sea Ranch and Silver King, did the accident take place?

2. Is the road straight in both directions at the point where the accident took place? How far is the road straight in each direction?

3. How wide is the paved surface of the highway at the place where the accident occurred? What is on the south side of the paved surface of the highway. Describe the shoulder on the north side of the paved surface of the highway at the time and place where the accident occurred.

4. Were construction activities on the other two lanes of the highway going on when the accident took place? What evidence was there that construction was in progress? Was there a ditch just north of the paved surface of the highway? Was there a fill or embankment of any kind north of the paved surface of the highway? If you say there was a ditch or fill north of the paved surface of the highway describe such ditch or fill as to its location and size.

5. Was it raining at the time the accident took place? Was the road dry or wet?

6. Were there any defects in the road or the shoulders of the road? Were the lanes in the road marked and if so, how?

7. What time of day did the accident take place? Was it dark? Were there any lights other than automobile lights which would illuminate the scene of the accident?

8. How long before the accident took place did you see the automobile which you allege was operated by the defendant? Where was this automobile? What was it doing? If you say that the automobile was moving please state exactly what it did from the first time you saw it until the accident occurred.

9. If you state that the automobile was parked, or that it was parked at any time between the time when you first saw it and the time when the accident occurred, please state exactly where it was parked, whether it was parked parallel with the road, how far it was from the south edge of the pavement, how far it was from the north edge of the pavement.

10. Did you see the defendant prior to the time the accident occurred? If so, what was he doing when you first saw him, and what did he do from the time you first saw him until after the accident took place.

11. Was any one else present at the time the accident took place, other than the defendant and the occupants of the automobile in which you were riding? If so, state who was present and what he or she was doing.

12. Did the defendant's car have its lights on?

13. Were you driving the automobile in which you were riding? Please state what you did from the time when you first saw the defendant's automobile until the time that the accident took place.

14. If you say you stopped your automobile, please state exactly where you stopped it in relation to the defendant's automobile, how far it was back of the defendant's automobile, and how far you were parked from the south edge of the pavement and how far from the north edge of the pavement.

15. Did you have your lights on? Did they remain on until after the accident took place?

16. Who besides yourself was in the automobile in which you were riding? Where was each person seated?

17. Had you been drinking? If so, how much and when?

18. If you state that you had parked or stopped your automobile before the accident took place, please state how long you had been so parked before the accident occurred.

19. Were cars coming on the road in the opposite direction from which you were travelling, that is going westwardly? How many cars passed while you were parked? How far apart were such cars and how fast were they travelling?

20. What, if anything, did you do while your automobile was parked, other than sit in your automobile?

21. Was there a third vehicle, other than yours and the defendant's, involved in the accident? Just how was it involved?

22. Where did you first see the third vehicle and when did you first see it? State exactly what the third vehicle did from the time you first saw it until the accident occurred. Did it have its lights on? At what rate of speed was it travelling? Did it slow down prior to the accident?

23. Which automobile first came in contact with your automobile? What happened then as to any other contact between your automobile and any other automobile?

24. Exactly what portions of your automobile were damaged; what portions of the third automobile were damaged and what portions of the defendant's automobile were damaged? In giving the answer to this question please state as specifically as possible what precise portion of each automobile struck the other automobiles.

25. Please attach a copy of any repair bills on your automobile.

26. Did you talk to the driver of the third automobile or did you observe him before or after the accident occurred? Please describe how this person acted and whether or not, in your opinion, he had been drinking. Was he intoxicated?

27. Precisely how were you injured? Did you have medical attendance? If so, give in detail the exact medical attendance which you had and attach copies of any medical bills, including any drug bills, nurses, doctors or other medical expenses.

CAFFEY, GALLALEE & CAFFEY,

By Jack C. Gallalee
Attorneys for Defendant.

CHASON & STONE

By Marion O. Stone
Attorneys for Defendant.

STATE OF ALABAMA,
COUNTY OF MOBILE.

Personally appeared before me, the undersigned authority, Jack C. Gallalee, who, upon oath, deposes and says that he is one of the attorneys for the defendant in the above entitled cause and that the answers of the plaintiff, to the above and foregoing interrogatories, if well and truthfully made will be material evidence for the defendant in said cause.

Jack C. Gallalee
Subscribed and sworn to before me
this the 20th day of May, 1954.

Olive M. Drago
Notary Public, Mobile County, Ala.

FILED
JUN 23 1954
NOTICE TO DEPT. CLERK

to be re-arrested
J. Cameron Brown
ALICE L. BROWN, Sheriff
Subsequent to
FILED

2114
JUN 11 1954

Received _____ day of _____ 19____
and on 1 day of June 1954
I served a copy of the within _____
on _____
By service on Cameron J. Brown
TAYLOR WILKINS, Sheriff
By T. W. Wilkins D. S.

CAFFEY, GALLALEE & CAFFEY

ATTORNEYS AT LAW

715-719 FIRST NATIONAL BANK BUILDING

MOBILE 3, ALABAMA

WILLIAM G. CAFFEY
JACK C. GALLALEE
WILLIAM G. CAFFEY, JR.

November 16, 1953

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

Dear Mrs. Duck:-

Enclosed are demurrers in two cases recently filed in your court. We will appreciate it if you will file these demurrers for us.

We enclose a copy of this letter with the request that you note on it that you have received the demurrers and return it to us. Your cooperation will be very much appreciated.

Yours very truly,

CAFFEY, GALLALEE & CAFFEY,

BY



Encs.

JCG:od



2114

STATE OF ALABAMA

IN THE CIRCUIT COURT—IN LAW

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Otis Johnson to appear within thirty (30) days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of Kenneth G. Knowles.

Witness my hand, this the 26th day of October, 1953.

Reid L. Spuck
CLERK