

MARY ALLEN DUBOSE,
Executrix of the Estate
of HOBSON DUBOSE,

Plaintiff,

vs.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY, a
Corporation, and
A. C. FROST,

Defendants.

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. 9096

ANSWERS TO SUPPLEMENTAL INTERROGATORIES

Comes the Defendant, Louisville & Nashville Railroad Company and for answer to the Interrogatories heretofore propounded to it in the above styled cause and says:

1. No.
2. I find no record of previous collisions at this or any nearby crossings.
3. One Hundred (100) feet.
4. None to my knowledge.
5. Such Defendant refuses to answer this question as it is irrelevant, immaterial, unclear, misleading, improper, leading and based upon facts not in evidence.
6. Yes.
7. This question is not sufficiently specific for such Defendant to be able to give the required information.
8. No permanent records are kept by such Defendant. You can make inquiry at the State Highway Department to see when its right of way was cut.
9. The whistle board to the South is approximately One Thousand Four Hundred Forty-three (1,443) feet from such crossing. The whistle board to the North is approximately the same distance.

10. Unscheduled train.
11. Impossible to answer.
12. This question is irrelevant, immaterial and inadmissible and such Defendant refuses to answer.
13. This question is irrelevant, immaterial and inadmissible and such Defendant refuses to answer.
14. Answered in original interrogatories.
15. This question is irrelevant, immaterial and inadmissible and such Defendant refuses to answer.
16. This question is irrelevant, immaterial and inadmissible and such Defendant refuses to answer.

LOUISVILLE & NASHVILLE RAILROAD,
COMPANY, A Corporation,

BY: _____

G. M. Coker
As One of Its Claim Agents

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared G. M. Coker, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is G. M. Coker; that he is a Claim Agent of the Louisville & Nashville Railroad Company, a corporation, and as such is duly authorized to execute the above Answers to Supplemental Interrogatories. That such Answers are true and correct to the best of his knowledge, information and belief.

G. M. Coker
G. M. Coker

Sworn to and subscribed before
me this 1st day of July, 1971.

Julian H. Brock
Notary Public, Baldwin County, Alabama

I certify that a copy of the foregoing
pleading has been served upon counsel
for all parties to this proceeding by
mailing the same to each by First Class
United States Mail, properly addressed
and postage prepaid on this 1st day
of July, 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

FILED

JUL 1 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

MARY ALLEN DUBOSE,	X	
Executrix of the Estate		
of HOBSON DUBOSE,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
	X	BALDWIN COUNTY, ALABAMA
vs.	X	
LOUISVILLE & NASHVILLE	X	AT LAW CASE NO. 9096
RAILROAD COMPANY, a		
Corporation, and	X	
A. C. FROST,		
	X	
Defendants.		

ANSWERS TO INTERROGATORIES

Comes the Defendant, Louisville & Nashville Railroad Company and for answer to the Interrogatories heretofore propounded to it in the above styled cause and says:

52. In answer to original Interrogatory 16 (b) such Defendant says: In the original answer everything was covered except the number of seconds in each blow. It would be impossible to state the length in seconds of the long blows and the short blow and the length in seconds of the intervals, but the long blows would be approximately fifteen (15) seconds each, the short blow would be approximately seven (7) or eight (8) seconds and the intervals would be from two (2) to four (4) seconds depending on the Engineer.

53. In answer to original Interrogatory 21 such Defendant says: Three Hundred (300) feet.

54. In answer to original Interrogatory 25 such Defendant says: The automobile ran into the train approximately nine feet from the front of the engine on its right side. The automobile suffered damage to its front end, frame, top and other portions of the automobile body. The engine had portions of chrome from

the automobile's headlight imbedded in its right side.

LOUISVILLE & NASHVILLE RAILROAD
COMPANY, A Corporation,

BY: G. M. Coker
As One of Its Claim Agents

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared G. M. Coker, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is G. M. Coker; that he is a Claim Agent of the Louisville & Nashville Railroad Company, a corporation, and as such is duly authorized to execute the above Answers to Interrogatories. That such Answers are true and correct to the best of his knowledge, information and belief.

G. M. Coker
G. M. Coker

Sworn to and subscribed before
me this 1st day of July, 1971.

F. H. Brock
Notary Public, Baldwin County, Alabama

FILED

JUL 1 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 1st day

of July, 1971
[Signature]

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

ADAM C. WATSON

1955-1956

1956-1957

1957-1958

1958-1959

1959-1960

1960-1961

1961-1962

1962-1963

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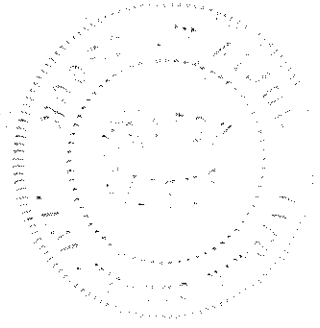
2000-2001

2001-2002

2002-2003

2003-2004

9606



MARY ALLEN DUBOSE, Executrix)	IN THE CIRCUIT COURT
of the Estate of Hobson Dubose,)	
	)	BALDWIN COUNTY
Plaintiff)	
	)	ALABAMA
VS.)	
	)	AT LAW
LOUISVILLE & NASHVILLE)	
RAILROAD COMPANY, a Corpora-)	
tion and A. C. FROST,	)	CASE NO. 9096
)	
Defendants)	

PLAINTIFF'S SUPPLEMENTAL INTERROGATORIES TO
DEFENDANT

Comes now Mrs. Mary Allen Dubose, Executrix of the estate of Hobson Dubose, Plaintiff, in the above styled cause, and propounds the following supplemental interrogatories to Defendant, Louisville and Nashville Railroad, a Corporation (hereinafter referred to as L & N) to be answered in writing, under oath.

1. State whether you have the speedometer tape on the General Motors Locomotive Model 567B involved in the accident in which Hobson Dubose was killed on August 5, 1969.

(a) If your answer is yes, state what the readings were in miles per hour at the following points:

- (1) 2000 feet from the point of impact
- (2) 1000 feet from the point of impact
- (3) 500 feet from the point of impact
- (4) 400 feet from the point of impact
- (5) 300 feet from the point of impact
- (6) 200 feet from the point of impact
- (7) 100 feet from the point of impact
- (8) 75 feet from the point of impact
- (9) 50 feet from the point of impact
- (10) 25 feet from the point of impact
- (11) 10 feet from the point of impact
- (12) At the point of impact
- (13) At the time the brakes were applied

2. State whether this train or other trains of the Defendants have had previous collisions at this crossing or nearby crossing.

3. State the size of the railroad right-of-way at the crossing and for a distance of 100 feet to the left and right of the crossing where the accident occurred.

4. State whether the Defendant L & N has had any complaints, petitions or orders with reference to the lack of maintaining the right-of-way at the crossing where Hobson Dubose was killed.

5. State whether any members of the train's crew have received any demerits from L & N and if so, the nature and reason therefor.

6. State whether L & N has any rules and regulations pertaining to the operation of trains.

7. If the answer is yes, attach a copy of said rules and regulations.

8. State the last date the right-of-way was cut at the crossing where Hobson Dubose was killed on August 5, 1969.

9. State the location of whistle posts in relation to the crossing.

10. State whether the train involved in the accident with the automobile in which Hobson Dubse was riding as a passenger was a scheduled or unscheduled train.

11. Describe all trees, bushes, weeds, undergrowth, or other obstructions to the view of the engineer, on the east side of the railroad as the train approached the crossing with Greenwood Road from the south at the following points:

- (1) 2000 feet from the crossing
- (2) 1000 feet from the crossing
- (3) 500 feet from the crossing
- (4) 400 feet from the crossing
- (5) 300 feet from the crossing
- (6) 200 feet from the crossing
- (7) 100 feet from the crossing
- (8) 75 feet from the crossing
- (9) 50 feet from the crossing
- (10) 25 feet from the crossing
- (11) 10 feet from the crossing
- (12) At the point of impact

12. State whether the engineer, J. F. Noblin, had been employed as engineer on this run prior to the date of the accident wherein Hobson Dubose was killed on August 5, 1969. If so, please state on what dates for the preceeding five (5) weeks immediately prior to the accident involving the death of Hobson Dubose.

13. State whether the brakeman, Mr. A. Frost, had been employed as brakeman on this run prior to the date of the accident wherein Hobson Dubose was killed on August 5, 1969. If so, please state on what dates for the preceeding fifty-two (52) weeks immediately prior to the accident involving the death of Hobson Dubose.

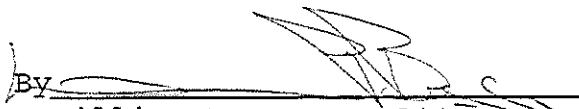
14. State whether or not J. F. Noblin, the engineer, saw the vehicle in which Mr. Hobson Dubose was riding prior to the impact. If so, how far (in feet) was the auto from the crossing when first seen by Mr. J. F. Noblin?

15. State whether or not the train involved in the accident in which Mr. Hobson Dubose was killed stopped in Summerdale, Alabama, prior to the accident.

16. If the answer to 15 is yes, for how long?

The foregoing interrogatories shall be deemed continuing so as to require supplementary answers if additional information called for by the interrogatories is obtained by the Plaintiff between the time the answers to the interrogatories herein are served and the date of trial.

HAYES & BOGGS

By 
William P. Boggs, Attorney
for Plaintiff

STATE OF ALABAMA)
)
BALDWIN COUNTY)

Personally appeared before me, a notary public, in and for said county, in said state, the undersigned, who, having been by me first duly sworn deposes and says that he is the counsel for Plaintiff and as such has authority to make this affidavit, and that answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Plaintiff upon the trial of this cause.



Attorney for Plaintiff

Sworn to and subscribed before me this 26th day of February, 1971.


Notary Public

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 26th day of February, 1971, served a copy of the foregoing interrogatories on counsel for the Defendant to this proceeding by mailing the same by United States mail, properly addressed, with first class postage prepaid.


William P. Boggs

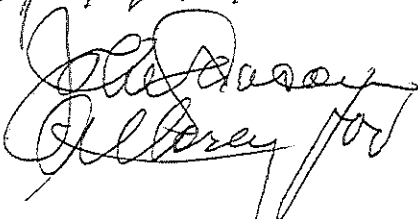
FILED

MAY 10 1971

EUNICE B. BLACKMON CIRCUIT CLERK

I hereby accept service of a copy of within Interrogatories and waive further service of same on this 10th day of May 1971

-4-


Plaintiff for kept.

MARY ALLEN DUBOSE, Executrix	)	IN THE CIRCUIT COURT OF
of the Estate of Hobson Dubose,)	
	)	BALDWIN COUNTY, ALABAMA
Plaintiff)	
	)	AT LAW
VS.)	
)	
LOUISVILLE & NASHVILLE)	
RAILROAD COMPANY, a Corpora-)	
tion, and A. C. FROST)	
)	
Defendants	)	CASE NO. 9096

MOTION TO REQUIRE MORE SPECIFIC ANSWERS TO
INTERROGATORIES

Comes now the Plaintiff, Mrs. Mary Allen Dubose, Executrix of the estate of Hobson Dubose, in the above styled cause and moves the Court to require Louisville & Nashville Railroad Company, the Defendant, to answer in full, the interrogatories heretofore propounded and shows to the Court as follows:

- ✓ 1. Defendant's answer to question 16(b) is not responsive or sufficient and not a full answer.
- X 2. Defendant's answer to question 17 is not responsive or sufficient.
- X 3. Defendant's answer to question 18 is not responsive or sufficient and not a full answer.
- X 4. Defendant's answer to question 20(d) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 is not responsive or sufficient and does not answer the question.
- ✓ 5. Defendant's answer to question 21 is not responsive or sufficient and does not answer the question
- X 6. Defendant's answer to question 22 is not responsive or sufficient and does not answer the question.
- ✓ 7. Defendant's answer to question 25 is not sufficient or responsive nor does it answer the question.
- X 8. Defendant's answer to question 27 (a), (b), and (c) is not responsive or sufficient.
- X 9. Defendant's answer to question 28 is not responsive or sufficient.

X 10. Defendant's answer to question 30 (a through l) is
not responsive or sufficient.

X 11. Defendant's answer to question 37 is not responsive or
sufficient.

X 12. Defendant's answer to question 40 is not responsive or
sufficient and does not answer the question.

X 13. Defendant's answer to question 41 is not responsive or
sufficient and does not answer the question.

X 14. Defendant's answer to question 47 is not responsive or
sufficient and does not answer the question.

HAYES & BOGGS

By 

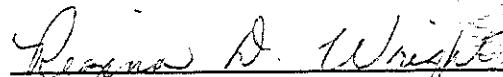
William P. Boggs, Attorney
for Plaintiff

STATE OF ALABAMA)
)
BALDWIN COUNTY)

Personally appeared before me, a notary public, in and for said county, in said state, the undersigned, who, having been by me first duly sworn deposes and says that he is the counsel for Plaintiff and as such has authority to make this affidavit, and that answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Plaintiff upon the trial of this cause.


Attorney for Plaintiff

Sworn to and subscribed before me this 26th day of February 1971.


Notary Public

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 26th day of February 1971, served a copy of the foregoing interrogatories on counsel for the Defendant to this proceeding by mailing the same by United States mail, properly addressed, with first class postage prepaid.


William P. Boggs

FILED

MAY 10 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE SOUTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

MARY ALLAN DuBOSE as :
Executrix of the Estate :
of HOBSON DuBOSE, Deceased, :

Plaintiff, :

vs. : CIVIL ACTION NO. _____

LOUISVILLE AND NASHVILLE :
RAILROAD COMPANY, a corpor- :
ation, _____ :

Defendants. :

PETITION FOR DEFENDANT FOR REMOVAL
TO UNITED STATES DISTRICT COURT

TO THE HONORABLE JUDGES OF SAID COURT:

Comes now your petitioner, Louisville and Nashville Railroad Company, defendant in the above-styled cause, and respectfully shows unto this Honorable Court as follows:

1. That the defendant, Louisville and Nashville Railroad Company, is now and was at the time of the commencement of this suit incorporated and existing under the laws of the State of Kentucky and a citizen of that State, with its office and principal place of business in Louisville, Kentucky; that the plaintiff, Mary Allan DuBose, is now and was at the time of the commencement of this suit a citizen of the state of Alabama, residing in Summerdale in Baldwin County, Alabama, that this action brought by a citizen of the State of Alabama, against a citizen of the State of Kentucky and is wholly between citizens of different states, and one which can be fully determined between them.

2. That this is a suit to recover for alleged wrongful death of plaintiff's testate.

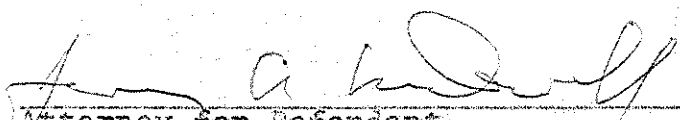
3. That the amount sued for and involved in this action exceeds the sum of \$10,000.00, exclusive of interest and cost; that the suit as originally filed included defendant A. C. Frost, a resident of the State of Alabama, thereby destroying complete diversity between parties, and that on September 30, 1971, the plaintiff amended her complaint to strike the defendant A. C. Frost, thereby creating diversity of citizenship between parties plaintiff and parties defendant; that less than thirty days have expired since the defendant A. C. Frost was stricken as a party defendant; that the defendant has a good defense to this cause; and that the defendant has therefore filed this petition of removal within the time allowed by law. The defendant attaches hereto as Exhibit "A" and makes a part hereof, copies of all process and pleadings purported to have been served upon the defendant in said Circuit Court action.

4. The defendant desires to remove this action to this Court on the grounds of diversity of citizenship existing herein between the plaintiff and the defendant, pursuant to the Acts of Congress in that behalf provided. The defendant therefore files and offers herewith bond with good and sufficient surety in the penal sum of Five Hundred and No/100 (\$500.00) Dollars conditioned that the defendant will pay all costs and disbursements incurred by reasons of this said removal proceeding should it be determined that the action was wrongfully or improperly removed to this said Court.

5. The defendant represents that promptly upon the filing of this petition and bond filed herewith, it shall give written notice thereof to the adverse party and shall file a copy of the petition with the Circuit Court of Baldwin County, Alabama wherein said action is now pending.


WHEREFORE, defendant prays that the said bond filed
herewith be accepted as good and sufficient and that this
Court will enter such order as may be proper in the premises.

DATED this 18th day of October, 1971.


Attorney for Defendant
Jerry A. McDowell

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
3000 First National Bank Building
Mobile, Alabama 36602


Attorney for Defendant
John Chason

Of Counsel:

CHASON, STONE & CHASON
P. O. Box 120
Bay Minette, Alabama 36507

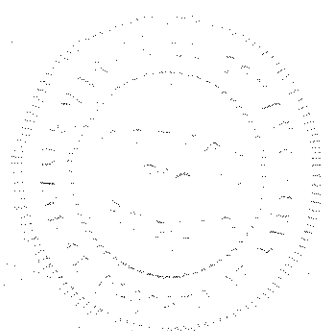
STATE OF ALABAMA:
COUNTY OF MOBILE:

Before me, the undersigned authority in and for said
County in said State, personally appeared Jerry A. McDowell,
who being by me first duly sworn, doth depose and say that he
is one of the attorneys for the defendant, that as such he is
authorized to execute this affidavit, that he has read the
foregoing petition and knows the contents thereof, and that the
facts set forth therein are true.


Jerry A. McDowell

Subscribed and sworn to before me on this 18th day of
October, 1971.


Notary Public, Mobile County, Alabama



MARY ALLAN DuBOSE as	§	IN THE CIRCUIT COURT OF
Executrix of the estate	§	BALDWIN COUNTY, ALABAMA
of Hobson DuBose, Deceased	§	
Plaintiff,	§	AT LAW
Vs.	§	
LOUISVILLE and NASHVILLE	§	
RAILROAD COMPANY, a	§	
Corporation and A. C.	§	NUMBER: 9096
Defendants.	§	

Comes now Plaintiff in the above styled cause and strikes as a party defendant A. C. Frost.

MARY ALLAN DuBOSE as	§	IN THE CIRCUIT COURT OF
Executrix of the estate	§	BALDWIN COUNTY, ALABAMA
of Hobson DuBose, Deceased,	§	
Plaintiff,	§	AT LAW
Vs.	§	
LOUISVILLE and NASHVILLE	§	
RAILROAD COMPANY, a	§	
Corporation,	§	NUMBER: 9096
Defendant.	§	

Comes now Plaintiff in the above styled cause and amends her complaint to read as follows:

1. Plaintiff claims of the Defendant EIGHT HUNDRED THOUSAND and NO/100 (\$800,000.00) DOLLARS for that Defendant on to-wit August 5, 1969 so negligently maintained its right-of-way over and through which its engines and trains ran on its track at or near the intersection of such tracks with Baldwin County Highway #36, also known as Greenwood Road, a public highway in Baldwin County, Alabama as to allow grass, weeds and vegetation to grow upon and over its said right-of-way; that such grass, weeds and vegetation blocked and obscured the vision of the driver of the automobile in which Plaintiff's deceased, Hobson DuBose was riding as a passenger at said time and place so that the said driver was unable to see the train of Defendant approaching the said intersection thereby causing or allowing the train of Defendant and the said automobile in which Plaintiff's deceased, Hobson DuBose was then and there riding to collide and that as a

proximate result of such negligence. Plaintiff's deceased, Hobson DuBose was killed, ad quod damnum.

2. Plaintiff claims of the Defendant EIGHT HUNDRED THOUSAND and NO/100 (\$800,000.00) DOLLARS for that on to-wit August 5, 1969 Defendant so negligently operated its train at the intersection of its track with Baldwin County Highway #36, also known as Greenwood Road, a public highway in Baldwin County, Alabama, where vision was obstructed by grass, weeds and vegetation which had then and there been allowed to grow up and around the track of Defendant, as to cause or allow the train of Defendant to collide with the automobile in which Plaintiff's deceased, Hobson DuBose was then and there riding and that as a proximate result of such negligence, Plaintiff's deceased, Hobson DuBose was killed, ad quod damnum.

Attorneys for Plaintiff
HAYES & BOGGS, Attorneys

By: W. H. Hayes
Wilson Hayes

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 27 day of SEP
served a copy of the foregoing pleading on counsel for all
to this proceeding by mail by United States
Mail, properly addressed, and no. class postage prepaid.

W. H. Hayes

FILED

SEP 30 1971

HARVEY R. BLACKMON, JR.

MARY ALLAN DuBOSE as	X	
Executrix of the Estate		IN THE CIRCUIT COURT OF
of HOBSON DuBOSE, Deceased,	X	
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
vs.	X	AT LAW
LOUISVILLE and NASHVILLE	X	
RAILROAD COMPANY, a corpora-		
tion, and A. C. FROST,	X	NO. 9096
Defendants.	X	

DEMURRER

Come the Defendants in the above styled cause and demur to the Complaint filed in said cause and each and every count thereof, separately and severally, and assign the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That the suit is against two Defendants yet each count of the Complaint claims damages of only one Defendant without stating which Defendant is referred to.
3. That said Complaint does not allege which Defendant owns the right-of-way referred to in each count of the Complaint.
4. That there is a failure to claim damages of all Defendants sued in each count of the Complaint.
5. That said Complaint fails to allege any duty owing by both Defendants to the Plaintiff in each count of the Complaint.
6. That said Complaint fails to allege which Defendant owns the engines and trains referred to in the Complaint.
7. That Count 1. of the Complaint fails to allege any negligence on the part of either Defendant as to the manner in which the train was being operated at the time and place complained of in such Count.
8. That the Complaint fails to allege which Defendant was the principal and which was the agent.
9. The allegation in Count 1. of the Complaint that the

... grass and vegetation ... and obscured the vision ...

driver of the automobile is but a conclusion of the pleader.

10. That said Complaint fails to allege that the train was approaching the crossing at the point where it is alleged that the grass, weeds and vegetation blocked and obscured the vision of the driver of the automobile.

11. For aught that appears from said Complaint the train was actually crossing the highway prior to the time that it was struck by the automobile in which the Plaintiff's deceased was riding.

12. That said Complaint fails to allege any connection between A. C. Frost and the Louisville and Nashville Railroad Company.

13. That said Complaint does not allege any duty on the part of A. C. Frost to maintain the right-of-way.

14. That Count 1. of the Complaint does not allege any negligence on the part of both Defendants which was the proximate cause of the injury to the Plaintiff.

15. The place where the accident occurred is not sufficiently set out in the Complaint.

16. For aught that appeared from the Complaint the grass, weeds and vegetation referred to were growing on the highway right-of-way rather than the railroad right-of-way.

17. That said Complaint attempts to set out the quantum of the negligence of one Defendant but the facts as alleged in each Count of the Complaint fail to show negligence of such Defendant as a matter of law.

18. That said Complaint fails to allege the height or density of the grass, weeds and vegetation referred to in the Complaint.

19. For aught that appears from the Complaint the operator of the train was blowing its whistle and ringing its bell as it approached the crossing so that with reasonable diligence

driver of an automobile approaching the crossing would have known that such train was also approaching the crossing.

20. The allegation in Count 3. of the Complaint that one of the Defendants willfully and wantonly drove a train at an excessive rate of speed through the crossing is but a conclusion of the pleader and fails to allege at what speed the train was being driven.

21. That Count 3. of the Complaint does not allege who willfully and wantonly drove the train at an excessive rate of speed at the time and place complained of.

22. The allegation in Count 3. of the Complaint that the vision of the engineer was obscured by grass, weeds and vegetation is but a conclusion of the pleader and fails to allege in what manner the vision of such person was obscured.

23. That Count 3. of the Complaint does not allege that the willful and wanton conduct of one of the Defendants was the proximate cause of the death of the Plaintiff's intestate.

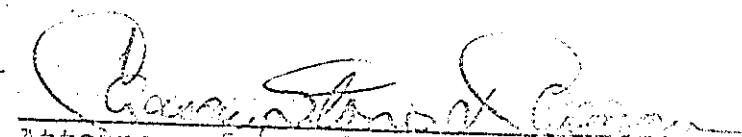
24. The allegation in Count 4. of the Complaint that one of the Defendants negligently operated a train at an intersection where vision was blocked so as to render it a blind intersection or crossing is but a conclusion of the pleader and fails to allege that the vision of the driver of the automobile in which the Plaintiff's intestate was riding was blocked at said time and place.

25. That Count 5. of the Complaint does not allege that the operator of the train was not blowing its whistle as required by the laws of the State of Alabama at a crossing of the kind where this accident occurred.

26. That Count 3. of the Complaint does not allege that either Defendant willfully or wantonly injured the Plaintiff's intestate.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing
has been served on all parties to this proceeding, by
mailing the same to each by First Class
United States Mail, properly addressed
and postage prepaid on this 22nd day
of May, 1970.


Attorneys for Defendants

114-1370

MARY ALLEN DUBOSE, Executrix	)	IN THE CIRCUIT COURT OF
of the Estate of Hobson Dubose,)	
	)	BALDWIN COUNTY, ALABAMA
Plaintiff)	
	)	AT LAW
VS.)	
)	
LOUISVILLE & NASHVILLE)	
RAILROAD COMPANY, a Corpora-)	
tion, and A. C. FROST)	
)	
Defendants)	CASE NO. 9096

MOTION TO REQUIRE MORE SPECIFIC ANSWERS TO
INTERROGATORIES

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2. Defendant's answer to question 17 is not responsive or sufficient.
3. Defendant's answer to question 18 is not responsive or sufficient and not a full answer.
4. Defendant's answer to question 20(d) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 is not responsive or sufficient and does not answer the question.
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6. Defendant's answer to question 22 is not responsive or sufficient and does not answer the question.
7. Defendant's answer to question 25 is not sufficient or responsive nor does it answer the question.
8. Defendant's answer to question 27 (a), (b), and (c) is not responsive or sufficient.
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- X 10. Defendant's answer to question 30 (a through l) is
not responsive or sufficient.
- X 11. Defendant's answer to question 37 is not responsive or
sufficient.
- X 12. Defendant's answer to question 40 is not responsive or
sufficient and does not answer the question.
- X 13. Defendant's answer to question 41 is not responsive or
sufficient and does not answer the question.
- X 14. Defendant's answer to question 47 is not responsive or
sufficient and does not answer the question.


HAYES & BOGGS

By 

William P. Boggs, Attorney
for Plaintiff

STATE OF ALABAMA)
)
BALDWIN COUNTY)

Personally appeared before me, a notary public, in and for said county, in said state, the undersigned, who, having been by me first duly sworn deposes and says that he is the counsel for Plaintiff and as such has authority to make this affidavit, and that answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Plaintiff upon the trial of this cause.

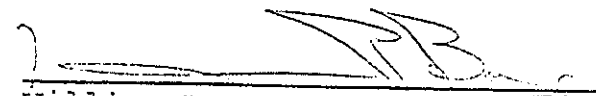

Attorney for Plaintiff

Sworn to and subscribed before me this 26th day of February, 1971.


Notary Public

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 26th day of February, 1971, served a copy of the foregoing interrogatories on counsel for the Defendant to this proceeding by mailing the same by United States mail, properly addressed, with first class postage prepaid.


William P. Boggs

FILED

MAY 10 1971

EUNICE B. BLACKMON CIRCUIT CLERK

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO SUMMON LOUISVILLE AND NASHVILLE RAILROAD COMPANY, A CORPORATION TO APPEAR WITHIN THIRTY 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 MARY ALLAN DUBOSE AS EXECUTRIX OF THE ESTATE OF HOBSON DUBOSE, DECEASED.

WITNESS MY HAND THIS THE 27 DAY OF June, 1970.

Alice J. Link
CLERK

MARY ALLAN DUBOSE AS
EXECUTRIX OF THE ESTATE
OF HOBSON DUBOSE, DECEASED

PLAINTIFF

VS

LOUISVILLE AND NASHVILLE
RAILROAD COMPANY, A
CORPORATION AND A. C.
FROST

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 9096

1. PLAINTIFF CLAIMS OF THE DEFENDANT EIGHT-HUNDRED THOUSAND AND NO/100 (\$800,000.00) DOLLARS FOR THAT DEFENDANT ON TO-WIT AUGUST 5, 1969 SO NEGLIGENTLY MAINTAINED ITS RIGHT-OF-WAY OVER AND THROUGH WHICH ITS ENGINES AND TRAINS RAN ON ITS TRACK AT OR NEAR THE INTERSECTION OF SUCH TRACKS WITH BALDWIN COUNTY HIGHWAY #36, ALSO KNOWN AS GREENWOOD ROAD, A PUBLIC HIGHWAY IN BALDWIN COUNTY, ALABAMA AS TO ALLOW GRASS, WEEDS AND VEGETATION TO GROW UPON AND OVER ITS SAID RIGHT-OF-WAY; THAT SUCH GRASS, WEEDS AND VEGETATION BLOCKED AND OBSCURED THE VISION OF THE DRIVER OF THE AUTOMOBILE IN WHICH PLAINTIFF'S DECEASED, HOBSON DUBOSE WAS RIDING AS A PASSENGER AT SAID TIME AND PLACE SO THAT THE SAID DRIVER WAS UNABLE TO SEE THE TRAIN OF DEFENDANT APPROACHING THE SAID INTERSECTION THEREBY CAUSING OR ALLOWING THE TRAIN OF DEFENDANT AND THE SAID AUTOMOBILE IN WHICH PLAINTIFF'S DECEASED, HOBSON DUBOSE WAS THEN AND THERE RIDING TO COLLIDE AND THAT AS A

PROXIMATE RESULT OF SUCH NEGLIGENCE PLAINTIFF'S DECEASED, HOBSON DUBOSE WAS KILLED, AD QUOD DAMNUM.

2. PLAINTIFF CLAIMS OF THE DEFENDANT EIGHT-HUNDRED THOUSAND AND NO/100 (\$800,000.00) DOLLARS FOR THAT ON TO-WIT AUGUST 5, 1969 DEFENDANT SO NEGLIGENTLY OPERATED ITS TRAIN AT THE INTERSECTION OF ITS TRACK WITH BALDWIN COUNTY HIGHWAY #36, ALSO KNOWN AS GREENWOOD ROAD, A PUBLIC HIGHWAY IN BALDWIN COUNTY, ALABAMA, WHERE VISION WAS OBSTRUCTED BY GRASS, WEEDS AND VEGETATION WHICH HAD THEN AND THERE BEEN ALLOWED TO GROW UP AND AROUND THE TRACK OF DEFENDANT, AS TO CAUSE OR ALLOW THE TRAIN OF DEFENDANT TO COLLIDE WITH THE AUTOMOBILE IN WHICH PLAINTIFF'S DECEASED, HOBSON DUBOSE WAS THEN AND THERE RIDING AND THAT AS A PROXIMATE RESULT OF SUCH NEGLIGENCE, PLAINTIFF'S DECEASED, HOBSON DUBOSE WAS KILLED, AD QUOD DAMNUM.

3. PLAINTIFF CLAIMS OF THE DEFENDANT EIGHT-HUNDRED THOUSAND AND NO/100 (\$800,000.00) DOLLARS FOR THAT DEFENDANT SO WILLFULLY AND WANTONLY DROVE ITS TRAIN ON TO-WIT THE 5TH DAY OF AUGUST, 1969 BY DRIVING THE SAID TRAIN AT AN EXCESSIVE RATE OF SPEED INTO AND THROUGH THE CROSSING OF DEFENDANT'S TRACKS WITH BALDWIN COUNTY HIGHWAY #36, ALSO KNOWN AS GREENWOOD ROAD, A PUBLIC HIGHWAY IN BALDWIN COUNTY, ALABAMA, WHERE THE VISION OF THE ENGINEER OR OPERATOR OF THE SAID TRAIN WAS OBSCURED BY GRASS, WEEDS AND VEGETATION, AS TO CAUSE OR ALLOW A COLLISION WITH THE VEHICLE IN WHICH PLAINTIFF'S DECEASED, HOBSON DUBOSE WAS THEN AND THERE RIDING THEREBY CAUSING HIS DEATH, AD QUOD DAMNUM.

4. PLAINTIFF CLAIMS OF THE DEFENDANT EIGHT-HUNDRED THOUSAND AND NO/100 (\$800,000.00) DOLLARS FOR THAT ON TO-WIT THE 5TH DAY OF AUGUST, 1969 DEFENDANT SO NEGLIGENTLY OPERATED ITS TRAIN AT THE INTERSECTION OF ITS TRACKS WITH BALDWIN COUNTY HIGHWAY #36, ALSO KNOWN AS GREENWOOD ROAD, A PUBLIC HIGHWAY IN BALDWIN COUNTY, ALABAMA, AT WHICH INTERSECTION VISION WAS BLOCKED OR OBSCURED BY GRASS, WEEDS AND VEGETATION SO AS TO RENDER IT A BLIND INTERSECTION OR CROSSING, BY NOT CONTINUOUSLY BLOWING ITS WHISTLE AS REQUIRED BY LAW AS A WARNING, AND THAT AS A PROXIMATE RESULT OF SUCH FAILURE TO WARN THE AUTOMOBILE IN WHICH PLAINTIFF'S DECEASED, HOBSON DUBOSE WAS THEN AND THERE RIDING AS A PASSENGER WAS CAUSED OR ALLOWED TO COLLIDE WITH SAID TRAIN OF DEFENDANT

THEREBY CAUSING THE DEATH OF PLAINTIFF'S DECEASED, HOBSON DuBOSE,
AD QUOD DAMNUM.

5. PLAINTIFF CLAIMS OF THE DEFENDANT EIGHT-HUNDRED
THOUSAND AND NO/100 (\$800,000.00) DOLLARS FOR THAT ON TO-WIT THE
5TH DAY OF AUGUST, 1969 DEFENDANT SO NEGLIGENTLY OPERATED ITS
TRAIN AT THE INTERSECTION OF ITS TRACK WITH BALDWIN COUNTY HIGHWAY
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COUNTY, ALABAMA, AT WHICH INTERSECTION VISION OF THE ENGINEER OR
OPERATOR OF THE TRAIN WAS BLOCKED OR OBSCURED BY GRASS, WEEDS AND
VEGETATION SO AS TO RENDER IT A BLIND INTERSECTION OR CROSSING,
BY NOT CONTINUOUSLY BLOWING ITS WHISTLE AS REQUIRED BY LAW AS A
WARNING, AND THAT AS A PROXIMATE RESULT OF SUCH FAILURE TO WARN
THE AUTOMOBILE IN WHICH PLAINTIFF'S DECEASED, HOBSON DuBOSE WAS
THEN AND THERE RIDING WAS CAUSED OR ALLOWED TO COLLIDE WITH THE
SAID TRAIN OF DEFENDANT CAUSING THE DEATH OF PLAINTIFF'S DECEASED,
HOBSON DuBOSE, AD QUOD DAMNUM.

HAYES & BOGGS, ATTORNEYS

BY: Wilson Hayes
WILSON HAYES
ATTORNEYS FOR PLAINTIFF

PLAINTIFF DEMANDS TRIAL
BY JURY THE 15th DAY
OF January, 1970

Wilson Hayes
ATTORNEY FOR PLAINTIFF

FILED

JAN 27, 1970

ALICE J. DICK CLERK
REGISTER

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

November 9, 1970

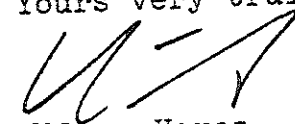
Clerk, Circuit Court
Baldwin County
Bay Minette, Alabama 36507

Dear Mrs. Duck:

Please put the enclosed interrogatories in the
file for Case #9096, Mary Allen DuBose Vs. L&N Railroad.

With kind regards, I am

Yours very truly,



Wilson Hayes

WH/ms
Enc.

In the Matter of the Removal to the
District Court of the United States
for the Southern District of Alabama,
Southern Division, of the case of:

MARY ALLAN DUBOSE, as
Executrix of the estate Plaintiff,
of HOBSON DUBOSE, Deceased,
v.

LOUISVILLE AND NASHVILLE
RAILROAD COMPANY, a corpora-
tion,

Defendant s.

TO: Honorable Eunice B. Blackmon
Clerk, Circuit Court of Baldwin
County, Alabama

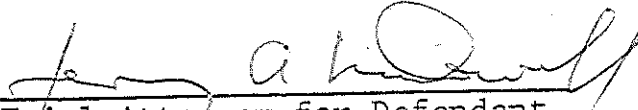
Pursuant to the provisions of law in such cases made
and provided, there is hereby filed with you a copy of the
petition of the defendant , Louisville and Nashville
Railroad Company, a corporation

in the above entitled cause to remove said cause to the
United States District Court for the Southern Division of
the Southern District of Alabama. The said petition,
accompanied by a bond with good and sufficient surety
conditioned as is required by law, has been this day filed
in the said United States District Court for the Southern
Division of the Southern District of Alabama.

Written notice of the filing of the aforesaid petition
and bond has been this day mailed to the attorney for the
plaintiff herein, and you are hereby notified that the filing
of a copy of the aforesaid petition with you as Clerk of the
Circuit Court of Baldwin County, Alabama, effects the

removal of said cause to the aforesaid District Court
of the United States.

DATED this 18 day of October, 1971.


Trial Attorney for Defendant,
Louisville & Nashville Railroad
Company, a corporation
30th Floor, First National Bank
Building, Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

*Filed
Oct. 20, 1971
per B. Blackmon*

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

September 29, 1971

Mrs. Eunice B. Blackmon, Clerk
Circuit Court, Baldwin County
Bay Minette, Alabama 36507

Re: Mary Allan DuBose v
L & N, Case #9096

Dear Eunice:

Please file the enclosed amended complaint in
the above styled cause.

With kind regards, I am

Yours very truly,


Wilson Hayes

mm
Enc.

cc w/atch: Chason, Stone & Chason

MARY ALLAN DuBOSE as	§	IN THE CIRCUIT COURT OF
Executrix of the estate		
of Hobson DuBose, Deceased	§	BALDWIN COUNTY, ALABAMA
Plaintiff,	§	AT LAW
Vs.	§	
LOUISVILLE and NASHVILLE	§	
RAILROAD COMPANY, a		
Corporation and A. C.	§	NUMBER: 9096
Defendants.	§	

Comes now Plaintiff in the above styled cause and strikes as a party defendant A. C. Frost.

MARY ALLAN DuBOSE as	§	IN THE CIRCUIT COURT OF
Executrix of the estate		
of Hobson DuBose, Deceased,	§	BALDWIN COUNTY, ALABAMA
Plaintiff,	§	AT LAW
Vs.	§	
LOUISVILLE and NASHVILLE	§	
RAILROAD COMPANY, a		
Corporation,	§	NUMBER: 9096
Defendant.	§	

Comes now Plaintiff in the above styled cause and amends her complaint to read as follows:

1. Plaintiff claims of the Defendant EIGHT HUNDRED THOUSAND and NO/100 (\$800,000.00) DOLLARS for that Defendant on to-wit August 5, 1969 so negligently maintained its right-of-way over and through which its engines and trains ran on its track at or near the intersection of such tracks with Baldwin County Highway #36, also known as Greenwood Road, a public highway in Baldwin County, Alabama as to allow grass, weeds and vegetation to grow upon and over its said right-of-way; that such grass, weeds and vegetation blocked and obscured the vision of the driver of the automobile in which Plaintiff's deceased, Hobson DuBose was riding as a passenger at said time and place so that the said driver was unable to see the train of Defendant approaching the said intersection thereby causing or allowing the train of Defendant and the said automobile in which Plaintiff's deceased, Hobson DuBose was then and there riding to collide and that as a

proximate result of such negligence Plaintiff's deceased, Hobson DuBose was killed, ad quod damnum.

2. Plaintiff claims of the Defendant EIGHT HUNDRED THOUSAND and NO/100 (\$800,000.00) DOLLARS for that on to-wit August 5, 1969 Defendant so negligently operated its train at the intersection of its track with Baldwin County Highway #36, also known as Greenwood Road, a public highway in Baldwin County, Alabama, where vision was obstructed by grass, weeds and vegetation which had then and there been allowed to grow up and around the track of Defendant, as to cause or allow the train of Defendant to collide with the automobile in which Plaintiff's deceased, Hobson DuBose was then and there riding and that as a proximate result of such negligence, Plaintiff's deceased, Hobson DuBose was killed, ad quod damnum.

Attorneys for Plaintiff
HAYES & BOGGS, Attorneys

By: W. L. Hayes
Wilson Hayes

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 29 day of Sept
served a copy of the foregoing pleading on counsel for all
to this proceeding by mail, air by United States
Mail, properly addressed, with first class postage prepaid.

W. L. Hayes

FILED

SEP 30 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

received, please acknowledge receipt of this letter by return mail.

Very truly yours,

W. J. [Signature]

Enclosed for you are two copies of the report of the [Committee]

on the [Subject] of the [Committee] on the [Subject] of the [Committee]

on the [Subject] of the [Committee] on the [Subject] of the [Committee]

on the [Subject] of the [Committee] on the [Subject] of the [Committee]

on the [Subject] of the [Committee] on the [Subject] of the [Committee]

on the [Subject] of the [Committee] on the [Subject] of the [Committee]

on the [Subject] of the [Committee] on the [Subject] of the [Committee]

on the [Subject] of the [Committee] on the [Subject] of the [Committee]

on the [Subject] of the [Committee] on the [Subject] of the [Committee]

Very truly yours,

W. J. [Signature]

Enclosed for you are two copies of the report of the [Committee]

Very truly yours,

W. J. [Signature]

Enclosed for you are two copies of the report of the [Committee]

Very truly yours,

W. J. [Signature]

Enclosed for you are two copies of the report of the [Committee]

Very truly yours,

W. J. [Signature]

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO SUMMON LOUISVILLE AND NASHVILLE RAILROAD COMPANY, A CORPORATION TO APPEAR WITHIN THIRTY 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 MARY ALLAN DuBOSE AS EXECUTRIX OF THE ESTATE OF HOBSON DuBOSE, DECEASED.

WITNESS MY HAND THIS THE 27 DAY OF Jan., 1970.

Alice J. Duck
CLERK

MARY ALLAN DuBOSE AS
EXECUTRIX OF THE ESTATE
OF HOBSON DuBOSE, DECEASED

PLAINTIFF

VS

LOUISVILLE AND NASHVILLE
RAILROAD COMPANY, A
CORPORATION AND A. C.
FROST

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 9096

1. PLAINTIFF CLAIMS OF THE DEFENDANT EIGHT-HUNDRED THOUSAND AND NO/100 (\$800,000.00) DOLLARS FOR THAT DEFENDANT ON TO-WIT AUGUST 5, 1969 SO NEGLIGENTLY MAINTAINED ITS RIGHT-OF-WAY OVER AND THROUGH WHICH ITS ENGINES AND TRAINS RAN ON ITS TRACK AT OR NEAR THE INTERSECTION OF SUCH TRACKS WITH BALDWIN COUNTY HIGHWAY #36, ALSO KNOWN AS GREENWOOD ROAD, A PUBLIC HIGHWAY IN BALDWIN COUNTY, ALABAMA AS TO ALLOW GRASS, WEEDS AND VEGETATION TO GROW UPON AND OVER ITS SAID RIGHT-OF-WAY; THAT SUCH GRASS, WEEDS AND VEGETATION BLOCKED AND OBSCURED THE VISION OF THE DRIVER OF THE AUTOMOBILE IN WHICH PLAINTIFF'S DECEASED, HOBSON DuBOSE WAS RIDING AS A PASSENGER AT SAID TIME AND PLACE SO THAT THE SAID DRIVER WAS UNABLE TO SEE THE TRAIN OF DEFENDANT APPROACHING THE SAID INTERSECTION THEREBY CAUSING OR ALLOWING THE TRAIN OF DEFENDANT AND THE SAID AUTOMOBILE IN WHICH PLAINTIFF'S DECEASED, HOBSON DuBOSE WAS THEN AND THERE RIDING TO COLLIDE AND THAT AS A

PROXIMATE RESULT OF SUCH NEGLIGENCE PLAINTIFF'S DECEASED, HOBSON DuBOSE WAS KILLED, AD QUOD DAMNUM.

2. PLAINTIFF CLAIMS OF THE DEFENDANT EIGHT-HUNDRED THOUSAND AND NO/100 (\$800,000.00) DOLLARS FOR THAT ON TO-WIT AUGUST 5, 1969 DEFENDANT SO NEGLIGENTLY OPERATED ITS TRAIN AT THE INTERSECTION OF ITS TRACK WITH BALDWIN COUNTY HIGHWAY #36, ALSO KNOWN AS GREENWOOD ROAD, A PUBLIC HIGHWAY IN BALDWIN COUNTY, ALABAMA, WHERE VISION WAS OBSTRUCTED BY GRASS, WEEDS AND VEGETATION WHICH HAD THEN AND THERE BEEN ALLOWED TO GROW UP AND AROUND THE TRACK OF DEFENDANT, AS TO CAUSE OR ALLOW THE TRAIN OF DEFENDANT TO COLLIDE WITH THE AUTOMOBILE IN WHICH PLAINTIFF'S DECEASED, HOBSON DuBOSE WAS THEN AND THERE RIDING AND THAT AS A PROXIMATE RESULT OF SUCH NEGLIGENCE, PLAINTIFF'S DECEASED, HOBSON DuBOSE WAS KILLED, AD QUOD DAMNUM.

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4. PLAINTIFF CLAIMS OF THE DEFENDANT EIGHT-HUNDRED THOUSAND AND NO/100 (\$800,000.00) DOLLARS FOR THAT ON TO-WIT THE 5TH DAY OF AUGUST, 1969 DEFENDANT SO NEGLIGENTLY OPERATED ITS TRAIN AT THE INTERSECTION OF ITS TRACKS WITH BALDWIN COUNTY HIGHWAY #36, ALSO KNOWN AS GREENWOOD ROAD, A PUBLIC HIGHWAY IN BALDWIN COUNTY, ALABAMA, AT WHICH INTERSECTION VISION WAS BLOCKED OR OBSCURED BY GRASS, WEEDS AND VEGETATION SO AS TO RENDER IT A BLIND INTERSECTION OR CROSSING, BY NOT CONTINUOUSLY BLOWING ITS WHISTLE AS REQUIRED BY LAW AS A WARNING, AND THAT AS A PROXIMATE RESULT OF SUCH FAILURE TO WARN THE AUTOMOBILE IN WHICH PLAINTIFF'S DECEASED, HOBSON DuBOSE WAS THEN AND THERE RIDING AS A PASSENGER WAS CAUSED OR ALLOWED TO COLLIDE WITH SAID TRAIN OF DEFENDANT

THEREBY CAUSING THE DEATH OF PLAINTIFF'S DECEASED, HOBSON DUBOSE,
AD QUOD DAMNUM.

5. PLAINTIFF CLAIMS OF THE DEFENDANT EIGHT-HUNDRED
THOUSAND AND NO/100 (\$800,000.00) DOLLARS FOR THAT ON TO-WIT THE
5TH DAY OF AUGUST, 1969 DEFENDANT SO NEGLIGENTLY OPERATED ITS
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THE AUTOMOBILE IN WHICH PLAINTIFF'S DECEASED, HOBSON DUBOSE WAS
THEN AND THERE RIDING WAS CAUSED OR ALLOWED TO COLLIDE WITH THE
SAID TRAIN OF DEFENDANT CAUSING THE DEATH OF PLAINTIFF'S DECEASED,
HOBSON DUBOSE, AD QUOD DAMNUM.

HAYES & BOGGS, ATTORNEYS

BY: Wilson Hayes
WILSON HAYES
ATTORNEYS FOR PLAINTIFF

PLAINTIFF DEMANDS TRIAL
BY JURY THE 16th DAY
OF January, 1970

Wilson Hayes
ATTORNEY FOR PLAINTIFF

FILED

JAN 27, 1970

ALICE J. DUCK CLERK
REGISTER

W 7968

NUMBER: 9096

Children has copy to home on
a.s. front

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR, WILKINS, Sheriff
BY *W. Wilkins*
DEPUTY SHERIFF

MARY ALLAN DUBOSE AS
EXECUTRIX OF THE ESTATE
OF HOBSON DUBOSE, DECEASED
PLAINTIFF

vs. *H. H. Wilkins, Supt.*
LOUISVILLE AND NASHVILLE
RAILROAD COMPANY, A
CORPORATION AND A. C.
FROST
DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW
FILED

JAN 27 1970

ALICE J. DUCK

CLERK
REGISTER
BALDWIN COUNTY
JAN 27 1970

Received 27 day of January 1970
and on 8 day of February 1970
I served a copy of the within to
on *W. Wilkins, Sheriff*

By service on *W. Wilkins, Sheriff*
TAYLOR, WILKINS, Sheriff
BY *W. Wilkins*
D. S.

10
68
101

MARY ALLAN DuBOSE as	X	
Executrix of the Estate		IN THE CIRCUIT COURT OF
of HOBSON DuBOSE, Deceased,	X	
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
vs.	X	
		AT LAW
LOUISVILLE and NASHVILLE	X	
RAILROAD COMPANY, a corpora-		
tion, and A. C. FROST,	X	NO. 9096
Defendants.	X	

DEMURRER

Come the Defendants in the above styled cause and demur to the Complaint filed in said cause and each and every count thereof, separately and severally, and assign the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That the suit is against two Defendants yet each count of the Complaint claims damages of only one Defendant without stating which Defendant is referred to.
3. That said Complaint does not allege which Defendant owns the right-of-way referred to in each count of the Complaint.
4. That there is a failure to claim damages of all Defendants sued in each count of the Complaint.
5. That said Complaint fails to allege any duty owing by both Defendants to the Plaintiff in each count of the Complaint.
6. That said Complaint fails to allege which Defendant owns the engines and trains referred to in the Complaint.
7. That Count 1. of the Complaint fails to allege any negligence on the part of either Defendant as to the manner in which the train was being operated at the time and place complained of in such Count.
8. That the Complaint fails to allege which Defendant was the principal and which was the agent.
9. The allegation in Count 1. of the Complaint that the weeds, grass and vegetation blocked and obscured the vision of the

THEREBY CAUSING THE DEATH OF PLAINTIFF'S DECEASED, HOBSON DuBOSE,
AD QUOD DAMNUM.

5. PLAINTIFF CLAIMS OF THE DEFENDANT EIGHT-HUNDRED
THOUSAND AND NO/100 (\$800,000.00) DOLLARS FOR THAT ON TO-WIT THE
5TH DAY OF AUGUST, 1969 DEFENDANT SO NEGLIGENTLY OPERATED ITS
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BY NOT CONTINUOUSLY BLOWING ITS WHISTLE AS REQUIRED BY LAW AS A
WARNING, AND THAT AS A PROXIMATE RESULT OF SUCH FAILURE TO WARN
THE AUTOMOBILE IN WHICH PLAINTIFF'S DECEASED, HOBSON DuBOSE WAS
THEN AND THERE RIDING WAS CAUSED OR ALLOWED TO COLLIDE WITH THE
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HOBSON DuBOSE, AD QUOD DAMNUM.

HAYES & BOGGS, ATTORNEYS

BY: Wilson Hayes
WILSON HAYES
ATTORNEYS FOR PLAINTIFF

PLAINTIFF DEMANDS TRIAL
BY JURY THE 16th DAY
OF January, 1970

Wilson Hayes
ATTORNEY FOR PLAINTIFF

FILED

JAN 27, 1970

ALICE J. DUCK CLERK
REGISTER

W 7968
NUMBER: 9096

Children has copy to serve on
A.D. Frost

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR, WILKINS, Sheriff
BY *W. Wilkins*
DEPUTY SHERIFF

MARY ALLAN DuBOSE AS
EXECUTRIX OF THE ESTATE
OF HOBSON DuBOSE, DECEASED

PLAINTIFF

vs.
H. H. Frost, Jr.
LOUISVILLE AND NASHVILLE
RAILROAD COMPANY, A
CORPORATION AND A. C.
FROST

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

FILED

JAN 27 1970

ALICE J. DUCK

CLERK
REGISTER
BALDWIN COUNTY

Received 27 day of January 19 70
and on 8 day of Feb 19 70
I served a copy of the within to
on 8:10 P.M. to A.C. Frost

By service on Mr. H. H. Frost, Jr.
Taylor, Wilkins, Sheriff
BY *W. Wilkins*
D.S.

10-68-01
VOL 1

driver of the automobile is but a conclusion of the pleader.

10. That said Complaint fails to allege that the train was approaching the crossing at the point where it is alleged that the grass, weeds and vegetation blocked and obscured the vision of the driver of the automobile.

11. For aught that appears from said Complaint the train was actually crossing the highway prior to the time that it was struck by the automobile in which the Plaintiff's deceased was riding.

12. That said Complaint fails to allege any connection between A. C. Frost and the Louisville and Nashville Railroad Company.

13. That said Complaint does not allege any duty on the part of A. C. Frost to maintain the right-of-way.

14. That Count 1. of the Complaint does not allege any negligence on the part of both Defendants which was the proximate cause of the injury to the Plaintiff.

15. The place where the accident occurred is not sufficiently set out in the Complaint.

16. For aught that appeared from the Complaint the grass, weeds and vegetation referred to were growing on the highway right-of-way rather than the railroad right-of-way.

17. That said Complaint attempts to set out the *quo modo* of the negligence of one Defendant but the facts as alleged in each Count of the Complaint fail to show negligence of such Defendant as a matter of law.

18. That said Complaint fails to allege the height or density of the grass, weeds and vegetation referred to in the Complaint.

19. For aught that appears from the Complaint the operator of the train was blowing its whistle and ringing its bell as it approached the crossing so that with reasonable diligence any

driver of an automobile approaching the crossing would have known that such train was also approaching the crossing.

20. The allegation in Count 3. of the Complaint that one of the Defendants willfully and wantonly drove a train at an excessive rate of speed through the crossing is but a conclusion of the pleader and fails to allege at what speed the train was being driven.

21. That Count 3. of the Complaint does not allege who willfully and wantonly drove the train at an excessive rate of speed at the time and place complained of.

22. The allegation in Count 3. of the Complaint that the vision of the engineer was obscured by grass, weeds and vegetation is but a conclusion of the pleader and fails to allege in what manner the vision of such person was obscured.

23. That Count 3. of the Complaint does not allege that the willful and wanton conduct of one of the Defendants was the proximate cause of the death of the Plaintiff's intestate.

24. The allegation in Count 4. of the Complaint that one of the Defendants negligently operated a train at an intersection where vision was blocked so as to render it a blind intersection or crossing is but a conclusion of the pleader and fails to allege that the vision of the driver of the automobile in which the Plaintiff's intestate was riding was blocked at said time and place.

25. That Count 5. of the Complaint does not allege that the operator of the train was not blowing its whistle as required by the laws of the State of Alabama at a crossing of the kind where this accident occurred.

26. That Count 3. of the Complaint does not allege that either Defendant willfully or wantonly injured the Plaintiff's intestate.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 20 day of February 1970.

Barbara Starns & Gerson
Attorneys for Defendants

VOL 68 PAGE 104

FEB 2 1970

REC'D J. B. BROWN
CLERK
REGISTER

9096

MARY ALLAN DuBOSE, as Executrix of
the Estate of HOBSON DuBOSE,
deceased,

Plaintiff,

vs.

LOUISVILLE and NASHVILLE RAILROAD
COMPANY, a corporation, and A. C.
FROST,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW NO. 9096

* * * * *

DEMURRER

* * * * *

FILED

FEB 24 1970

ALICE J. BROWN CLERK
AND STENOGRAPHER

CHASON, STONE & CHASON
ATTORNEYS AT LAW
P. O. Box 120
BAY MINETTE, ALABAMA

MARY ALLEN DUBOSE,
Executrix of the Estate
of HOBSON DUBOSE,

Plaintiff,

vs.

LOUISVILLE & NASHVILLE
RAILROAD COMPANY, a
Corporation, and
A. C. FROST,

Defendants.

X

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 9096

ANSWERS TO INTERROGATORIES

Comes the Defendant, Louisville & Nashville Railroad
Company and for answer to the Interrogatories heretofore propounded
to it in the above styled cause and says:

1. (a) Louisville & Nashville Railroad Company,
A Corporation; 908 West Broadway,
Louisville, Kentucky.
(b) Yes.
(c) Answered above.
2. (a) Corporation
(b) Answered Above.
(c) March 5, 1850, Commonwealth of Kentucky.
3. G. M. Coker, Claim Agent, P. O. Box 310,
Pensacola, Florida.
4. Louisville & Nashville Railroad Company.
5. Louisville & Nashville Railroad Company.
6. No. the automobile in which the Plaintiff's
intestate was riding ran into the engine owned by
the Defendant Railroad Company.
7. (a) J. F. Noblin was the Engineer who was operating
said locomotive and is now a resident of Flomation,
Alabama.
(b) There was no fireman on said locomotive at said
time.
(c) A. C. Frost, brakeman, 702 West Section Street,
Foley, Alabama. Still employed by us.

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Eunice B. Blackmon

CLERK

W. H. Spivey, Conductor, P. O. Box 35, Loxley,
Alabama. Still employed by us.

R. L. Jackson, Flagman, Montgomery, Alabama.
Still employed by us.

8. (a) No.
- (b) As above stated, the flagman was in the engine
at the time the accident occurred.
9. (a) Right side.
- (b) Neither
10. Yes. Mr. Noblin was on the right side of the engine
and Mr. Frost was on the left side of the engine as
it approached the crossing on said highway and each
of them were keeping a lookout on his side of the
engine as the train approached such crossing. Mr.
Frost would not have been able to see any thing
pertaining to the accident as he was on the left
side of the engine and the car approached from the
right side, traveling from East to West while the
train was going North. The Engineer, Mr. J. F.
Noblin, was operating the engine at a speed of
about 15 to 18 miles per hour in the Northerly
direction. He had the lights of the engine on, the
mars lights on and oscillating, the bell ringing
and he was blowing the whistle, all just prior to
going into the crossing. The engine was in the
crossing when Mr. Noblin first saw the vehicle in
which the Plaintiff's intestate was riding and al-
most immediately the car struck the right side of
the engine as the front of the engine was over the
crossing. The automobile struck the engine on its
right side about nine feet from the front of the
engine.
11. Answered above.

12. Yes, and he saw no obstruction on or near the crossing. The automobile which struck the engine was evidently traveling at a fairly high rate of speed as it came upon the scene rather quickly.
13. The locomotive was in the crossing when Mr. J. F. Noblin, the Engineer, first saw the car which struck it almost immediately.
14. All proper warnings that the train was about to enter the crossing had been given prior to the time that such locomotive entered the crossing and there was not time to give any additional warning after the Engineer discovered the approach of the automobile in which the Plaintiff's intestate was riding which automobile ran into the engine.
15. Yes. The bell began to ring approximately one quarter of a mile South of the crossing and it continued to ring until the time that the automobile struck the engine.
16. (a) The whistle on the locomotive on this occasion as on other occasions, began to blow at the Whistle Board. It blew two longs, one short and one long blow, which was concluded just as the engine was entering the crossing.
- (b) Answered above except as to seconds which vary.
17. Good.
18. Daylight and clear.
19. 4:50 P. M.
20. (a) 15 to 18 miles per hour.
- (b) Same speed.
- (c) It has a speedometer but no recording device.
- (d) Answered above.
21. Due to the form of this question, it is impossible to answer it accurately.

22. See answer to question 29 - approximately 300 feet to 400 feet.
23. The locomotive was struck on its right side by the front of the automobile.
24. About 40 feet in a Northeasterly direction.
25. Answered above.
26. (a) No.
- (b) Nothing but an Alabama stop sign at the point from which the automobile entered the track.
27. (a) Answered above.
- (b) Answered above.
- (c) Answered above.
28. Answered above.
29. The engineer applied the emergency brakes upon seeing the automobile just before the impact.
30. (a) through (1). Approximately 15 to 18 miles per hour from 2000 feet from point of impact up to point of impact.
31. Unknown.
32. (a) The tracks were sanded as soon as the automobile was observed.
- (b) Forward
- (c) No.
33. (a) EMD (General Motors), 244,330 pounds, Diesel, 16 Cylinder, 1500 Horse Power.
- (b) Two
- (c) Freight.
- (d) Two loaded.
34. North, level or nearly so.
35. Louisville & Nashville Railroad Company.
36. (a) Alabama stop sign located on the Northeast side of crossing and on the Southwest side of the crossing, Railroad crossing sign on the Southwest corner.

37. Answered above.
38. Mr. Frost was in the engine at said time and place.
The Engineer, J. F. Noblin, had no physical defect
or impairment of any sensory faculty.
39. General Motors. Model 567B
40. Air brakes on engine. The engine did not strike
the automobile but the automobile in which the
Plaintiff's intestate was riding ran into the engine.
41. The engine which was struck by Plaintiff's auto-
mobile was pulling two cars as above stated. One
car was a SAL 2807 loaded with fiber. The other
car was a SP 222324 loaded with aluminum.
42. Unknown.
43. No written record maintained as to the installation
and maintenance of railroad signs. They are re-
placed as needed. The Alabama stop signs were
placed by the State Highway Department.
44. Answered above.
45. Answered above.
46. 90 pound train line pressure.
47. Had slowed to about 10 miles per hour coming
through Summerdale and had resumed speed of 15 to
18 miles per hour at the time of accident.
48. Yes.
49. Two trains each day, six days a week.
50. Unknown.
51. (a) My attorney, John Chason, and his secretary.
(b) Yes.
(c) Yes.

LOUISVILLE & NASHVILLE RAILROAD
COMPANY, A Corporation,

By:

L. M. Coker

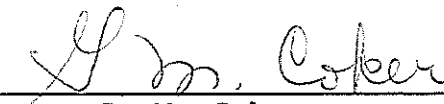
As One of Its Claim Agents

STATE OF ALABAMA

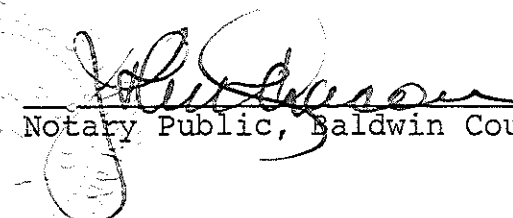
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared G. M. Coker, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is G. M. Coker; that he is a Claim Agent of the Louisville & Nashville Railroad Company, a corporation, and as such is duly authorized to execute the above Answers to Interrogatories. That such Answers are true and correct to the best of his knowledge, information and belief.


G. M. Coker

Sworn to and subscribed before
me this 16th day of January,
1971.


Notary Public, Baldwin County, Alabama.

MARY ALLEN DUBOSE,	)	IN THE CIRCUIT COURT OF
Executrix of the Estate of)	
Hobson Dubose	)	BALDWIN COUNTY,
)	
Plaintiff,	)	ALABAMA,
)	
VS.	)	AT LAW,
)	
LOUISVILLE & NASHVILLE)	
RAILROAD COMPANY, a Corpo-)	
ration, and A. C. FROST)	
)	
Defendants.	)	CASE NO. <u>9096</u>

INTERROGATORIES TO DEFENDANTS

Now comes the Plaintiff in the above styled cause and desiring the testimony of the defendants, separately and severally, propounds the following interrogatories to be answered in the manner and form provided by law, viz:

1. (a) State your correct name, age, residence address and business address.
- (b) Is your name correctly stated in the complaint on file in this cause?
- (c) If you state that your name is not correctly stated, then state the correct way that you could be designated as a party Plaintiff or party Defendant in an action at law:
 - (1) At the time that the accident which is made the basis of this suit occurred;
 - (2) At the time that you answer these interrogatories.
2. (a) State whether you are a person, firm, or corporation.
- (b) If you state that you are a partnership, then state the name of each and every partner composing said partnership and the name under which the partnership does business.
- (c) If you state that you are a corporation, state on what date you were incorporated and at what place.
3. Will the person answering these interrogatories please state his name and his address and connection with the Defendant railroad company, or any other railroad company operating the train involved in the collision made the basis of this suit, Plaintiff insisting that these interrogatories be answered in behalf of the railroad, as required by statute or the person having knowledge of the facts.
4. What railroad company or other company was the owner of the train involved in the accident made the basis of this suit?
5. What railroad company or other company was operating said locomotive or train involved in this accident?

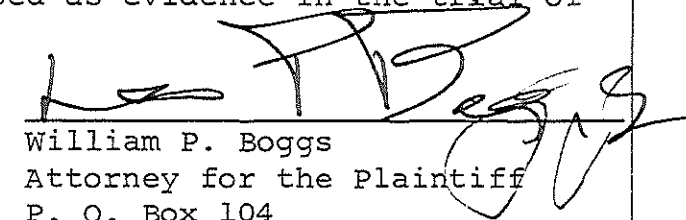
6. Please state if it is not a fact that the Defendant railroad company was operating a locomotive and train at the time and place alleged in the complaint which collided with ^{the automobile in which} Plaintiff's intestate, Hobson Dubose was riding.
7. (a) State the name and address of the engineer who was operating said locomotive and state whether he was, on the occasion of the accident, and if he is now, a resident of the State of Alabama.
- (b) State the name and address of the fireman on said locomotive and state whether he is still employed by you at this time.
- (c) List names, addresses, and job classifications of other members of train crew and state whether each is still employed by you at this time.
8. (a) State whether said locomotive involved in said accident stopped before crossing the highway where said accident occurred, and if so, state where, in relation to said highway, it stopped.
- (b) At the time of said accident, was anyone in the vicinity of said highway acting in the capacity of a flagman, and if so, state his name and address and state where he was and what he was doing immediately prior to the time said accident occurred.
9. (a) Was the engineer on the left or right side of the cab as the locomotive approached said highway?
- (b) Was the fireman on the left or right side of the cab as the locomotive approached said highway?
10. Was any employee of the Defendant railroad company keeping a lookout for traffic approaching said crossing on said highway at the time that the locomotive was approaching said highway, and if so, state the name of each employee and where he was in said locomotive or car and state in which direction he was keeping said lookout and what he saw.
11. Was the fireman looking out in the direction in which the train was going as it approached said highway and if so, state what he observed as he approached said highway.
12. Was the engineer looking in the direction in which the train was going as it approached said highway and if so state what he observed as he approached said highway.
13. State how far the locomotive was from said highway when any person on said locomotive or train, stating who, first saw the approaching vehicle and where vehicle was with relation to said crossing where said accident occurred when auto was first seen by such employee of the railroad, stating the distance in feet, to the best of their knowledge.
14. What did said employee of the railroad company say or do either in reference to the operation of said locomotive or train or giving of a warning on that subject upon discovering the approach of the auto in which Plaintiff intestate Hobson Dubose was riding as a passenger.

15. Was the bell on the locomotive ringing as it approached said highway or road and if so, where did it begin to ring in relation to said highway or road and how long did it ring?
16. (a) Did the whistle on the locomotive blow as it approached said highway or road on said occasion and if so, where did it begin blowing and how long did it blow and when did it cease blowing?
- (b) If you state that it was blowing, describe in detail the signals that were given from the time that the whistle first blew, stating how many times it blew, and how long in seconds each blast was, from the time that the whistle started blowing until the time that the whistle ceased blowing on said occasion.
17. What were the weather conditions so far as visibility was concerned at the time of the accident?
18. State whether it was light or dark at the time that said accident occurred and describe the time of day, as far as visibility was concerned to the best of your ability.
19. State to the best of your ability the time that said accident occurred.
20. At what speed was the locomotive traveling:
- (a) When the approaching auto was first discovered;
- (b) At the time of the impact.
- (c) Did the engine have a speed recording device on it?
- (d) If a speed recording device was on the train, please state what speeds it indicated the locomotive was traveling in miles per hour at the following points:
- (1) 2000 feet from the point of impact;
 - (2) 1000 feet from the point of impact;
 - (3) 500 feet from the point of impact;
 - (4) 400 feet from the point of impact;
 - (5) 300 feet from the point of impact;
 - (6) 200 feet from the point of impact;
 - (7) 100 feet from the point of impact;
 - (8) 75 feet from the point of impact;
 - (9) 50 feet from the point of impact;
 - (10) 25 feet from the point of impact;
 - (11) 10 feet from the point of impact;
 - (12) At the point of impact
21. Within what distance could said locomotive and train have been stopped by using all the means at hand in emergency, under the conditions existing on said occasion, if they had been applied when the auto in which deceased Hobson Dubose was riding as a passenger, was first seen or discovered?
22. What means were applied to stop the locomotive or train on said occasion and where was the locomotive and where was the auto with respect to the point of the accident when these means were applied and how far did the locomotive travel after they were applied and before it came to a stop?
23. What part of the locomotive came in contact with what part of the automobile?

24. In what direction and for what distance did the auto travel after the impact and where did it first come to a stop after the impact?
25. Describe and locate the physical signs of a blow which were apparent on the automobile's body after the impact and likewise on the train, if there were any signs of impact on the train or locomotive.
26. (a) Had the railroad used a flagman at this crossing at any time prior to the occasion of this accident?
(b) Did it have any mechanical bell, signal or warning installation at said crossing, and if so, describe it and describe its operation at the time of the accident.
27. (a) Please state what distance separated the front end of the locomotive from the automobile when each and every employee of the Defendant railroad company first became aware of the presence of said automobile and give your answer in feet to the best of your ability.
(b) Please state what distance separated the front of said locomotive from the automobile when the brakes were first applied on the locomotive and give your answer in feet to the best of your ability.
(c) Please state what distance separated the automobile in which deceased Hobson Dubose was riding as a passenger, from said railroad tracks upon which the locomotive was traveling when each and every servant, agent, or employee of the Defendant became aware of the presence of said automobile and give your answer in feet to the best of your ability.
28. Please state where the automobile in which deceased Hobson Dubose was riding as a passenger, was in relation to the track on which said locomotive or train was located at the time that said front end of said locomotive entered or started across said highway or road on which said accident occurred, and give your answer in feet, to the best of your ability.
29. Please state each and every type of brakes on the locomotive or cars that were applied on the occasion of said accident and state which brakes were applied on said occasion and give the point where they were applied with reference to the place where said accident occurred.
30. Please state the speed of said locomotive or train in miles per hour at the following points:
(a) 2000 feet from the point of impact;
(b) 1000 feet from the point of impact;
(c) 500 feet from the point of impact;
(d) 400 feet from the point of impact;
(e) 300 feet from the point of impact;
(f) 200 feet from the point of impact;
(g) 100 feet from the point of impact;
(h) 75 feet from the point of impact;
(i) 50 feet from the point of impact;
(j) 25 feet from the point of impact;
(k) 10 feet from the point of impact;
(l) At the point of impact.


31. Please state the speed of automobile in which Plaintiff intestate Hobson Dubose was riding as a passenger was at the following points:
- (a) 100 feet from the point of impact;
 - (b) 75 feet from the point of impact;
 - (c) 50 feet from the point of impact;
 - (d) 25 feet from the point of impact;
 - (e) 10 feet from the point of impact;
 - (f) At point of impact.
32. (a) Were the tracks on which said locomotive or train was traveling sanded on said occasion next preceding the occurrence of said accident?
- (b) Was said locomotive forward or backward at the time of said accident?
- (c) Did any agent, servant, or employee of the Defendant railroad company precede the engine or locomotive across said highway?
33. (a) Please describe said locomotive as to make, weight, motor, size and type.
- (b) How many cars or coaches were being pulled by said locomotive on said occasion?
- (c) Was said locomotive pulling passenger cars or freight cars or both on said occasion, and if so, state what kind.
- (d) State how many such cars were loaded and how many were empty on said occasion.
34. Please state the direction in which said locomotive was traveling at the time of said accident and if said locomotive or train was traveling upgrade or downgrade, state the percent of upgrade or downgrade at the place where said accident occurred.
35. Please give the name and address of the owner of the tracks and roadbed on which said locomotive and cars were operated upon the occasion of said accident.
36. (a) Please describe and locate any and all signs, signals or other markers adjacent to or close to where said railroad tracks crossed said highway or road on the date on which said accident occurred.
37. Please state if any agent, employee or servant of the defendant railroad saw automobile in which Plaintiff intestate Hobson Dubose was riding as a passenger, prior to said accident, and if so, state how fast it was traveling to the best of your ability while it was being observed.
38. Do your records indicate that engineer Frost had any physical defect or any impairment of any sensory faculty?
39. Who is the manufacturer of and what is the model number of the engine which struck the vehicle in which Plaintiff's intestate was riding as a passenger?
40. Describe in detail the braking equipment on the engine which struck the vehicle in which Plaintiff's intestate was riding as a passenger, stating the make and model number of each component.

41. State the consist of the train pulled by the engine which struck the vehicle in which Plaintiff's intestate was riding as a passenger on August 5, 1969, and state the lading and tonnage of each car, and state the length and describe the braking equipment of each car.
42. State the names and addresses of all persons injured in accidents at the Greenwood Road, Summerdale, Alabama, during the past ten years.
43. Describe the warning devices if any installed at Greenwood Road Crossing in Summerdale, Alabama and state the date of their installation, the dates of their last inspection, adjustment, repair, maintenance or cleaning, and state the names and addresses of the persons who performed each such service, particularly with respect to the period of five years next preceding the death of Plaintiff's intestate and the period of thirty days following August 5, 1969.
44. Was the engine which struck the Plaintiff's intestate equipped with an oscillating warning headlight? Was the light lighted? Was it oscillating as it approached the scene of the accident?
45. What distance did the train travel from the point of impact to the point at which it stopped?
46. What was the train-line pressure on the train involved in this accident at the time of the accident, according to the engine gauge, and according to the caboose gauge?
47. Describe in detail the operation of the train involved in this accident for the distance of two miles before the accident to the point of rest, stating the throttle settings and brake-valve positions for each 100 yards intervals.
48. Was the train air-coupled through all cars in the train?
49. How many trains, engines or other track vehicles passed over the Greenwood Road, Summerdale, Alabama, each day during the 10 days previous to August 5, 1969? What was the average daily train traffic?
50. What day was the last day before the accident, and what day was the first day after the accident on which repairs were made to the roadway at the crossing?
- 51.(a) State who is present with you at the time that you answer these interrogatories.
- (b) State if you have been advised that these interrogatories are to be answered under oath.
- (c) State if you have been advised that these answers to interrogatories may be used as evidence in the trial of this cause.

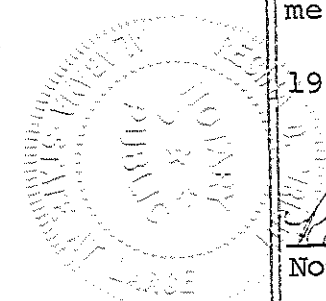
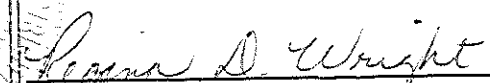

William P. Boggs
Attorney for the Plaintiff
P. O. Box 104
Spanish Fort, Alabama 36527

STATE OF ALABAMA)
MOBILE COUNTY)

Personally appeared before me, a Notary Public in and for said county in said state, the undersigned, who, having been by me first duly sworn, deposes and says that he is counsel for Plaintiff and as such authority to make this affidavit, and that answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Plaintiff upon the trial of this cause.


Attorney for Plaintiff

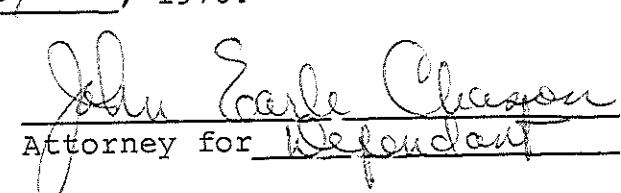
Sworn to and subscribed before
me this 5th day of August,
1970.



Notary Public

ACCEPTANCE OF SERVICE

I hereby accept service of a copy of the foregoing interrogatories,
and waive all other, different, and further service thereof.

This 9th day of November, 1970.


Attorney for Defendant

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REGISTER