

JAN 9 1970

26304

STATE OF ALABAMA ~~JUDICIAL~~ ~~SUPREME~~ IN THE TENTH JUDICIAL CIRCUIT COURT
CLERK

JEFFERSON COUNTY) OF JEFFERSON COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA - Greetings:

You are hereby commanded to summon Ethel B. Miles; Clem Hicks; Defendants A and B, the owner and operator, respectively, of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendant C, the person for whose benefit the trip was being made; Defendant D, the employer of the operator of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendants E, F and G, the person, firm or corporation, respectively, responsible for the maintenance, inspection and repair of the motor vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit, all of whose true names are otherwise unknown to plaintiff but will be added by amendment when ascertained, to appear before the Circuit Court of said county, at the place of holding same, within thirty days from service of this process, then and there to answer the complaint of PHILIP LOVETTO.

Witness my hand this 9 day of Jan, 1970.

Julian King
Clerk

COMPLAINT

PHILIP LOVETTO,

Plaintiff

vs.

ETHEL B. MILES; CLEM HICKS; Defendants A and B, the owner and operator, respectively, of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendant C, the person for whose benefit the trip was being made; Defendant D, the employer of the operator of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendants E, F and G, the person, firm or corporation, respectively, responsible for the maintenance, inspection and repair of the motor vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit, all of whose true names are otherwise unknown to plaintiff but will be added by amendment when ascertained,

Defendants

COUNT ONE

Plaintiff claims of the defendants the sum of Twenty-five Thousand Dollars (\$25,000.00) as damages for that heretofore on to-wit, October 10, 1969, plaintiff was riding in a motor vehicle on a public highway in Baldwin County, Alabama on to-wit, Alabama Highway No. 59 at or near its intersection with Baldwin County Highway No. 32, and at the same time and place, the defendants caused or allowed a motor vehicle of which they were in charge or control to collide with the vehicle in which plaintiff was riding, and as a proximate consequence of said collision, the plaintiff was damaged and injured as follows:

VOL

68

PAGE 141

Microfilmed

JAN 27 1970

1 Copy

He was knocked, shocked, bruised and contused; he was made sick and sore; his arms, head and legs were injured; he was injured in the various and separate parts of his body; his ribs were pulled; his chest was injured; and he was cut in and about the area of his mouth; the automobile in which plaintiff was riding, the property of the plaintiff, was damaged and rendered of less value; he was internally injured and permanently injured, all to his detriment for which he claims.

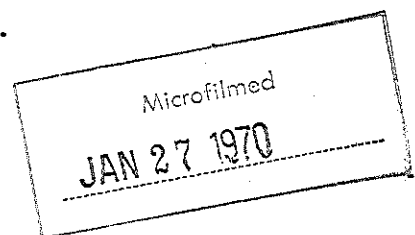
Plaintiff avers that the defendants negligently caused or negligently allowed the motor vehicle of which they were in charge or control to collide with the vehicle in which plaintiff was riding, and as a proximate consequence of said negligence, the plaintiff was damaged and injured as hereinabove set forth.

COUNT TWO

Plaintiff claims of the defendants the further and additional sum of Ten Thousand Dollars (\$10,000.00) as damages for that heretofore on to-wit, October 10, 1969, plaintiff's wife, Bertha Lovetto, was riding in an automobile on a public highway in Baldwin County, Alabama on to-wit, Alabama Highway No. 59 at or near its intersection with Baldwin County Highway No. 32, and at the same time and place, the defendants negligently caused or negligently allowed a motor vehicle of which they had charge or control to collide with the vehicle in which plaintiff's said wife was riding, and as a proximate consequence of said negligence of said defendants, plaintiff's said wife was damaged and injured as follows:

She was knocked, shocked, bruised and contused; she was made sick and sore; her arms, head and legs were injured; she was injured in the various and separate parts of her body; her neck was strained and pulled; her chest and sides were injured; her right leg was punctured and she was internally injured and permanently injured.

And plaintiff further avers that as a proximate consequence of his said wife's injuries, he was caused to incur great expense in and about his efforts to cure and heal his said wife, and plaintiff has lost the services and consortium of his said wife, all to his detriment for which he claims. Plaintiff avers that all of his said damages were a proximate consequence of the aforesaid negligence of the defendants.



26304

COUNT THREE

Plaintiff refers to and adopts all the words, phrases and figures of Count One of his complaint down to and including the words "all to his detriment for which he claims" and adds thereto the following:

Plaintiff avers that the defendants wantonly injured him by wantonly causing or wantonly allowing the motor vehicle of which they were in charge or control to collide with the vehicle in which the plaintiff was riding, and as a proximate consequence of said wanton conduct, the plaintiff was damaged and injured as hereinabove set forth.

HARE, WYNN, NEWELL and NEWTON
Attorneys for Plaintiff

By

James J. Thompson, Jr.

Plaintiff demands a trial by a struck jury in the above styled cause.

HARE, WYNN, NEWELL and NEWTON
Attorneys for Plaintiff

By

James J. Thompson, Jr.

Plaintiff's address:

1231 Center Point Road
Birmingham, Alabama

Microfilmed
JAN 27 1970

Serve defendant Ethel B. Miles at: General Delivery, Robertsedale, Alabama

Serve defendant Clem Hicks through Secretary of State at: VI-2, N.A.S.,
Whiting Field, Milton, Florida 32570

TRIAL COUNSEL: James J. Thompson, Jr.
700 City Federal Building
Birmingham, Alabama 35203

6

Original

26304

Received 30 day of Jan 19 70
and on 30 day of Jan 19 70
served a copy of the within 29C
on Latel S. Miles

By service on _____

TAYLOR WILKINS, Sheriff

By H. H. Brown D. S.

50 miles R. T.
R. Dale.

Microfilmed

2-10-70

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY Brown DEPUTY SHERIFF

No.

26304

This is a Branch of the original suit and all the summons constitute one suit, and are for one and the same cause of action.

Witness my hand, this 9 day of Jan, 19 20.

VOL

68

PAGE

143

Julian Swift
Circuit Clerk

6

PHILIP LOVETTO,	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
	X	BALDWIN COUNTY, ALABAMA
vs.	X	
	X	AT LAW
ETHEL B. MILES, CLEM	X	
HICKS, et al.,	X	
	X	
Defendants.	X	

DEMURRER

Come now 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 said complaint does not allege any duty owing by the Defendants to the Plaintiff.
3. That said complaint does not sufficiently set out the place where the accident occurred.
4. That said complaint does not allege whether the Plaintiff was driving the vehicle in which he was riding.
5. That said complaint does not allege which Defendant was driving the vehicle which collided with the car in which the Plaintiff was riding.
6. That said complaint does not allege which Defendant was the owner and which Defendant was the operator of the vehicle that collided with the car in which the Plaintiff was riding.
7. That there is a misjoinder of parties Defendant in said cause.
8. That Count 1 of said complaint does not allege in what manner the automobile which was owned by the Plaintiff was damaged

and rendered of less value.

Chason, Stone & Chason
Attorneys for Defendants

Defendants demand a trial of
this cause by a jury.

CHASON, STONE & CHASON

By: John Chason
Attorneys for Defendants

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 15 day
of April 1970.

John Chason

FILED

APR 21 1970

ALICE J. DUCK CLERK
REGISTER

PHILLIP LOVETTO,

Plaintiff,

vs.

ETHEL B. MILES, CLEM HICKS,
et al.,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

DEMURRER

* * * * *

JAN 9 1970

26304

STATE OF ALABAMA) IN THE TENTH JUDICIAL CIRCUIT COURT
 JULIAN SWIFT
 JEFFERSON COUNTY) CLERK OF JEFFERSON COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA - Greetings:

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Witness my hand this 9 day of Jan, 1970.

Julian Swift
 Clerk

COMPLAINT

PHILIP LOVETTO,

Plaintiff

vs.

ETHEL B. MILES; CLEM HICKS; Defendants A and B, the owner and operator, respectively, of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendant C, the person for whose benefit the trip was being made; Defendant D, the employer of the operator of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendants E, F and G, the person, firm or corporation, respectively, responsible for the maintenance, inspection and repair of the motor vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit, all of whose true names are otherwise unknown to plaintiff but will be added by amendment when ascertained,

Defendants

COUNT ONE

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FILED
 MAY 1 1970

VOL

68 PAGE 148

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JAN 27 1970

ALICE J. DICK
 CLERK
 REGISTER

26304

He was knocked, shocked, bruised and contused; he was made sick and sore; his arms, head and legs were injured; he was injured in the various and separate parts of his body; his ribs were pulled; his chest was injured; and he was cut in and about the area of his mouth; the automobile in which plaintiff was riding, the property of the plaintiff, was damaged and rendered of less value; he was internally injured and permanently injured, all to his detriment for which he claims.

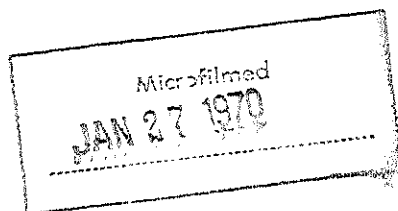
Plaintiff avers that the defendants negligently caused or negligently allowed the motor vehicle of which they were in charge or control to collide with the vehicle in which plaintiff was riding, and as a proximate consequence of said negligence, the plaintiff was damaged and injured as hereinabove set forth.

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She was knocked, shocked, bruised and contused; she was made sick and sore; her arms, head and legs were injured; she was injured in the various and separate parts of her body; her neck was strained and pulled; her chest and sides were injured; her right leg was punctured and she was internally injured and permanently injured.

And plaintiff further avers that as a proximate consequence of his said wife's injuries, he was caused to incur great expense in and about his efforts to cure and heal his said wife, and plaintiff has lost the services and consortium of his said wife, all to his detriment for which he claims. Plaintiff avers that all of his said damages were a proximate consequence of the aforesaid negligence of the defendants.



2

26304

COUNT THREE

Plaintiff refers to and adopts all the words, phrases and figures of Count One of his complaint down to and including the words "all to his detriment for which he claims" and adds thereto the following:

Plaintiff avers that the defendants wantonly injured him by wantonly causing or wantonly allowing the motor vehicle of which they were in charge or control to collide with the vehicle in which the plaintiff was riding, and as a proximate consequence of said wanton conduct, the plaintiff was damaged and injured as hereinabove set forth.

HARE, WYNN, NEWELL and NEWTON
Attorneys for Plaintiff

By James J. Thompson, Jr.

Plaintiff demands a trial by a struck jury in the above styled cause.

HARE, WYNN, NEWELL and NEWTON
Attorneys for Plaintiff

By James J. Thompson, Jr.

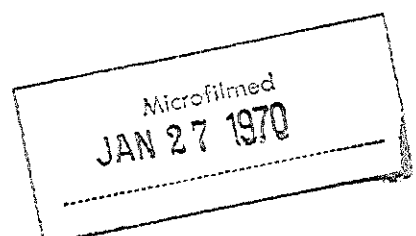
Plaintiff's address:

1231 Center Point Road
Birmingham, Alabama

Serve defendant Ethel B. Miles at: General Delivery, Robertsedale, Alabama

Serve defendant Clem Hicks through Secretary of State at: VI-2, N.A.S.,
Whiting Field, Milton, Florida 32570

TRIAL COUNSEL: James J. Thompson, Jr.
700 City Federal Building
Birmingham, Alabama 35203



1535 26304

RECEIVED IN OFFICE
JAN 30 1970
M. S. BUTLER, Sheriff

(3)

C H

Executed by serving 3 copies of
the within on Walt C. Amos
Secretary of State of The State of
Alabama.

This the 20 day of Apr 1970

Sheriff of Montgomery County
M. S. Butler,

By W. L. Moore D. S.

Microfilmed
2-6-70

M. S. Butler, Sheriff of Montgomery
County, Alabama, Claim \$1.50 each for
serving 1 process(es) and \$1.00
travel expense on each of
process(es) for a total of \$2.50

W. L. Moore Deputy Sheriff

FILED IN OFFICE

February 5, 1970

PHILIP LOVETTO, Plaintiff

FEB 9 1970

VS

JULIAN SWIEI
CLERK

IN THE CIRCUIT COURT, TENTH
JUDICIAL CIRCUIT OF ALABAMA

CLEM HICKS, et al, Defendants

CASE NO. 26304

TO THE CIRCUIT COURT, TENTH JUDICIAL CIRCUIT OF ALABAMA

I, Mabel Amos, Secretary of State, hereby certify that on January 30, 1970
I sent by certified mail in an envelope addressed as follows:

"Clem Hicks
VI-2 N. A. S.
Whiting Field, Milton, Florida 32570"

"Certified Mail—
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of
the State of Alabama in words and figures as follows:

"Clem Hicks
VI-2 N.A.S.
Whiting Field, Milton, Florida 32570

You will take notice that on January 30, 1970 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: PHILIP LOVETTO, Plaintiff VS CLEM HICKS, et al, Defendants

in the CIRCUIT COURT, TENTH JUDICIAL CIRCUIT OF ALABAMA and Interrogatories
Case No. 26304 a true copy of which summons and complaint is attached hereto
and the said service upon me as Secretary of State of the State of Alabama has the force and
effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 30th
day of January, 1970

Enclosure (1)

(Signed) Mabel Amos
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed
as above set forth had attached to it a true copy of the summons and complaint in the above styled
cause.

I further certify that on February 4, 1970 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at Milton, Fl.
on Feb. 3, 1970

WITNESS MY HAND and the Great Seal of the State of Alabama this the 5th
of February, 1970 day

Mabel S. Amos
MABEL S. AMOS
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.
and Interrogatories
CC: Honorable James J. Thompson, Jr.
Hare, Wynn, Newell and Newton
700 City Federal Building
Birmingham, Alabama 35203

FILED IN OFFICE

FEB. 17 1970

JULIAN SWIET
CLERK

PHILIP LOVETTO,

PLAINTIFF,

VS.

ETHEL B. MILES, et al,

DEFENDANTS.)

) IN THE CIRCUIT COURT FOR

) THE TENTH JUDICIAL CIRCUIT

) OF ALABAMA

) CASE NO. 26304

PLEA IN ABATEMENT

Come the Defendants, ETHEL B. MILES and CLEM HICKS, separately and severally, by and through their attorneys and appearing specially for the purpose of filing this plea in abatement and for no other purpose whatsoever and without submitting this defendant to the jurisdiction of this Court, aver that the motor vehicle collision made the basis of this suit occurred in Baldwin County, Alabama and that neither of the defendants are residents of Jefferson County, Alabama, the Defendant, ETHEL B. MILES residing in Baldwin County, Alabama, and the Defendant, CLEM HICKS, residing in the City of Milton, Florida, and that, therefore, this Honorable Court does not have jurisdiction of this cause and this cause was improperly filed in the Circuit Court for the Tenth Judicial Circuit of Alabama, and should be transferred to the Circuit Court of Baldwin County, Alabama.

WHEREFORE, PREMISES CONSIDERED, this defendant moves the Court to transfer this cause to the Circuit Court of Baldwin County, Alabama pursuant to the provisions of Title 7, Section 64(1) of the 1940 Code of Alabama.

RIVES, PETERSON, PETTUS, CONWAY & BURGE
Seventeenth Floor
Twenty-one Twenty-one Building
Birmingham, Alabama 35203
Telephone: 328-8141

By

Richard Peterson
Attorneys for Defendants,
ETHEL B. MILES and CLEM HICKS

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FEB 25 1970

VOL

68 PAGE 153

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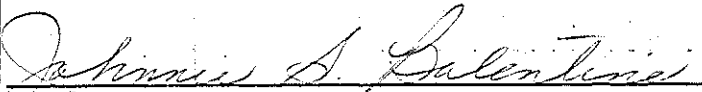
STATE OF ALABAMA)
(
JEFFERSON COUNTY)

Personally appeared before me, the undersigned authority in and for said county in said state, Herbert W. Peterson, who is known to me and being by me first duly sworn deposes and says that he is attorney for the Defendants, Ethel B. Miles and Clem Hicks, in the above styled cause and that the averments of the above and foregoing plea in abatement are true and correct.


Herbert W. Peterson

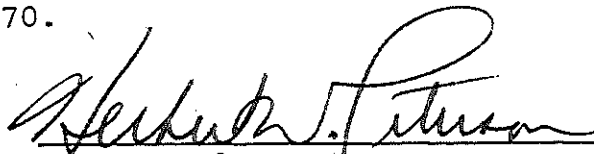
SWORN to and subscribed before

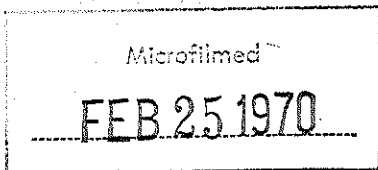
me, this 17th day of February, 1970.


NOTARY PUBLIC

CERTIFICATE AS TO SERVICE

I, Herbert W. Peterson, hereby certify that a copy of the above and foregoing Plea in Abatement has been served upon Messrs. Hare, Wynn, Newell & Newton, City Federal Building, Birmingham, Alabama, attorneys for plaintiff in the above styled cause, by mailing a copy of the same to the office of said attorneys, properly addressed and postage prepaid, on this the 17 day of February, 1970.


Of Counsel

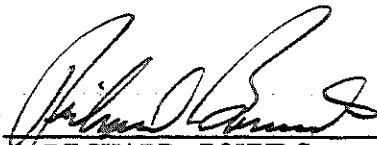


61-1

PHILIP LOVETTO,)
 PLAINTIFF,) IN THE CIRCUIT COURT OF
 -vs-) BALDWIN COUNTY, ALABAMA
 ETHEL B. MILES, CLEM) AT LAW
 HICKS, et al,) CASE NO. _____
 DEFENDANTS.)

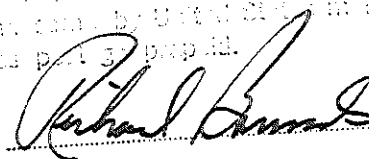
Comes now Cunningham, Bounds & Byrd and appear in the
 above cause as additional attorneys on behalf of the Plaintiff.

CUNNINGHAM, BOUNDS & BYRD

BY: 
 RICHARD BOUNDS

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 24
 day of April, 1970, served a copy of the
 foregoing pleading on several persons in the proceeding
 by mailing the same by United States mail, postage addressed,
 and first class post paid.



FILED

APR 27 1970

ALICE J. DUCK CLERK
 REGISTER

PHILLIP LOVETTO,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
ETHEL B. MILES, CLEM	X	LAW SIDE
HICKS, et al.,	X	
Defendants.	X	

Comes now Ethel B. Miles, one of the Defendants in the above styled cause, and for answer to the interrogatories heretofore propounded to her in said cause and says, under oath, as follows:

1. a. Ethel B. Miles, 55, P. O. Box 141, Robertsdale, Alabama.
- b. Yes.
- c. Answered above.
2. Person
3. a. Chevrolet, 4 door 1966.
- b. Clem W. Hicks, VT-2, NAS Whiting Field, Milton, Florida.
- c. Self.
- d. Severely damaged on front and right side.
- e. Unknown.
- f. Unknown.
- g. good.
- h. Unknown.
4. a. I was a friend of the owner and a guest.
- b. I was unemployed.
- c. Purely social.
- d. Unemployed.
5. a. Three.
- b. Social.
- c. Robertsdale, Alabama.
- d. Foley, Alabama.
- e. For self pleasure.

f. Answered above.

6. "a." through "e.". I have seen the copy of the Highway Patrolman's report and it is approximately correct except I do not think our car traveled as far South as he had it and it was heading a little more toward Highway 59.

7. No, but at Highway intersection.

a. Alabama 59 and Baldwin County 32.

b. No.

c. In the day time, I could see a long distance each way, but at night I could not see very far.

d. Straight and level.

e. None.

8. a. Approximately one-half mile.

b. Yes.

c. One quarter of a mile.

d. About a quarter of a mile.

e. On Plaintiff's side.

f. On opposite side.

9. a. When I came around a curve to the left on Highway 59 heading South, I saw dim tail lights on a car going South a little over a quarter of a mile ahead of me. I did not pay any particular attention to the car until I suddenly came upon it stopped in the intersection of Alabama 59 and Baldwin County 32. It did not have any stop sign or signal lights on and it did not have any light on its license plate, only two dim tail lights. It was still completely in my lane of travel. I was approximately three car lengths from it at that time and I applied my brakes and turned to my left in an attempt to cross over into Baldwin County 32 and avoid the accident. I had seen the car that we collided with while I was approximately one quarter of a mile North of the intersection and it was approximately one quarter of a mile South. I was traveling about 50 miles per hour at that time. I do not know his speed but I believe he was going about the same speed. I thought I could get across the road ahead of him but he was evidently going a little faster than I thought he was and I failed to make it across. He struck the right side of my automobile with the right front of his. His car stopped on the pavement and I skidded into Baldwin County 32 and South of it heading back toward Alabama 59.

b. Nothing so far as I could tell.

c. He should have slowed down and he would have avoided the accident.

d. Answered above.

e. Answered above.

10. a. I had not had anything alcoholic to drink. I

was with Mr. Hicks and his present wife when they each had a beer about 6:00 P. M. and another about 9:00 P. M.

b. Answered above.

c. Beer which was obtained by them at Midway Truck Stop.

11. I think that the other car that we were meeting was going at least as fast as we were but I could not give his speed limits at the points inquired about. I saw no evidence of that car slowing down to avoid the accident.

12. a. Both on Alabama Highway 59. We were going South and the other car was going North.

b. About 26 feet.

13. A. Answered above.

b. Answered above.

c. Answered in 9 "a.".

14. a. Yes.

b. Approximately 50 miles per hour.

c. Approximately 50 feet

d. Approximately 200 feet.

15. a. The right side of our vehicle and the right front of other vehicle.

b. Do not know.

16. a. I am not sure how far the other car went after the accident but I think I traveled about 150 feet.

b. We moved in a Southeasterly direction.

c. I did not notice any skid marks that night but the next day, I saw my skid marks and they were leading from my proper lane across the North bound lane of travel and then into Baldwin County 32.

d. Answered above.

e. Answered above.

17. a. Approximately 50 miles per hour.

b. Approximately 50 miles per hour.

c. Approximately 50 miles per hour.

d. Approximately 45 miles per hour.

e. Approximately 40 miles per hour.

f. Approximately 35 miles per hour.

g. Approximately 30 miles per hour.

h. Approximately 50 miles per hour.

18. a. No.
b. Answered above.
c. Answered above.
d. Answered above.

19. a. The car stopped in my lane of travel which caused the accident and there was one or more cars behind the car in which the Plaintiff was riding.

- b. Answered above.
c. Yes, the car that stopped in front of us caused the accident.
d. Unknown.

20. a. I did not talk to anybody but the Highway Patrolman.

- b. Answered above.
c. No.
d. The parties to the suits and Mrs. Hicks.
e. Answered above.

21. Yes.

Ethel B. Miles
Ethel B. Miles

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Ethel B. Miles, who is known to me and who, after being by me first duly and legally sworn, deposes and says:

That she read the foregoing Answers to the interrogatories propounded to her in the said cause, and that the answers are true to the best of her knowledge, information and belief, and that she does believe them to be true.

Ethel B. Miles
Ethel B. Miles

Sworn to and subscribed before me this 26 day of May, 1970.

Geo. B. Phamer
Notary Public, Baldwin County, Alabama.

FILED

MAY 27 1970

ALICE J. DICK CLERK
REGISTER

9248

FILED

MAY 27 1970

ALICE J. DUCK CLERK
REGISTER

NOTICE OF FILING OF INTERROGATORIES TO ADVERSE PARTY

Form No. 54

No. 26304

THE STATE OF ALABAMA, ||
JEFFERSON COUNTY.

CIRCUIT COURT
TENTH JUDICIAL CIRCUIT OF ALABAMA

Philip Lovetto

Plaintiff.

vs.

Ethel B. Miles; Clem Hicks; et al

Defendant.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You are hereby commanded to notify the Defts
in the above stated cause that interrogatories to Defts
have this day been filed in the office of the Clerk of said Court, a copy of which is hereto attached.

You are required to execute this Notice, and due return thereof make according to law.

Witness my hand, this 9 day of Jan, 19 70.

Julian Swift

Clerk Circuit Court.

No. _____

**THE STATE OF ALABAMA,
JEFFERSON COUNTY.**

CIRCUIT COURT

**NOTICE OF FILING OF INTERROGA-
TORIES TO ADVERSE PARTY**

vs. Plaintiff.

Defendant.

Served on _____

Executed this _____ day

of _____, 19____,

by leaving a copy of the within Notice and

Interrogatories with _____

Sheriff.

Deputy Sheriff.

No. 26304STATE OF ALABAMA
Jefferson CountyCIRCUIT COURT
Tenth Judicial Circuit*Philip Lovitto*

VS.

*Ethel B. Miles**Chas. Hiker*

CLERK'S FEES	RATE	AMOUNT
Filing suit for not over \$100	\$ 6.00	
Filing suit over \$100 & not over \$1,000	10.00	
Filing suit for not less than \$1,000	20.00	20 00
Transfers and appeals from Probate	20.00	
Filing detinue or ejectment	10.00	
Appeals from Civil Court of Jeff. Co.	15.00	
Appeals from courts of \$100 jurisdiction	6.00	
Appeals from Dept. of State	10.00	
Filing Mandamus, Cert., etc.	15.00	
Filing Workmen's Comp. Settlement	10.00	
Filing ancillary proceeding	6.00	
Filing motion to sell real property	6.00	
Execution issued by State	3.00	
Application Habeas Corpus	6.00	
Filing any proceeding not otherwise provided for	10.00	
Certified copies		
Making Transcript for appeals		
Filing Bond on appeal	.75	
Transcript of evidence	10.00	
Filing papers on appeal	.10	
Issuing notices of appeals	.75	
Copies	.75	
Certificate of appeal		
THIS AMOUNT CARRIED FOR'D.		
		20 00

SHERIFF'S FEES	RATE	AMOUNT
Serving any summons or other process	\$2.50	
Serving subpoenas	.75	
Levying Attachment	6.00	
Entering and returning same	.25	
Impaneling jury	.75	
Collecting cost under execution	1.50	
Approving Bond	2.00	
Serving Attachment for contempt	1.50	
Making deed	2.50	
Writ of Restitution	5.00	
Seizing Personal Property	7.50	
½ Commission		
Recording Levy		
Notice of Levy	1.50	
Publication		
Drayage and Storage		
Mileage (O.C.)		
THIS AMOUNT CARRIED FOR'D.		

RECAPITULATION	AMOUNT
4.3-70 Judgment <i>Reopened 85 B</i>	
10% Damages	
Interest from	
Clerk (County)	20 00
Clerk's ½ Commission	
Sheriff (County)	
Witnesses	
Court of General Sessions	
Probate Court	
Civil Court of Jefferson County	
Pliff's. Secy. State Fee	5 00
Commissioner	
Publisher	
Hospital Record	
Sheriff other Counties	13 00
" " "	5 00
" " "	
" " "	
Garnishee	
State Trial Tax	3 00
Library Tax	1 00
TOTAL JUDGMENT AND FEES	47 00

SEE.  FOR TOTAL

Make check for above amount payable to Julian Swift, Clerk Circuit Court, Birmingham, Alabama. Payable within thirty days.

SEE OTHER SIDE FOR TOTAL COST

Total Witness Fees \$.

Defendant's Witness Fees

Plaintiff's Witness Fees \$

PLAINTIFF'S WITNESS FEES

DEFENDANT'S WITNESS FEES

FILED IN OFFICE
IN THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT OF ALABAMA

JAN 9 1970

PHILIP LOVETTO

JULIAN SWIFT

: CLERK

:

:

PLAINTIFF,

:

:

VS.

No.

:

ETHEL B. MILES; CLEM HICKS;
 et al

:

:

:

DEFENDANTS

:

INTERROGATORIES TO DEFENDANTS

Comes the plaintiff in the above styled cause, and desiring the testimony of the defendants, propounds the following interrogatories to be answered separately and severally 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 a 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. (a) Describe completely and in detail the vehicle occupied or owned by you on the occasion of the accident made the basis of this suit, stating in your answer the make, model, year, and body style of same.
- (b) State the name and address of the owner of said motor vehicle on the date of said accident.
- (c) State the name and address of the driver of said vehicle on said occasion.
- (d) Describe completely and in detail every item of damage sustained by said vehicle.
- (e) Give the amount of each repair estimate obtained on said damage and give the name and address of the person making said repair estimate.
- (f) State whether or not any of said damage was repaired, and, if so, give the amount of the repair bill and the name and address of the person, firm, or corporation who made said repairs.
- (g) Describe the condition of the brakes, signal device, steering apparatus, tires, and lighting equipment on said motor vehicle at the time of the accident made the basis of this suit.
- (h) When had the brakes, signal device, steering apparatus, lights and tires on said motor vehicle last been inspected prior to said accident and by whom?
4. (a) If you have stated that the owner of the vehicle which collided with the vehicle in which plaintiff was riding was not the driver on the occasion of said accident, explain fully and in detail the presence of the driver in said vehicle.
- (b) State who was the employer of the driver of the vehicle which collided with the vehicle in which plaintiff was riding at the time that said accident occurred.

- (c) State on whose business or behalf said driver was acting at the time that said accident occurred.
 - (d) State the hours of work which said driver had at the time of said accident.
5. (a) State the number of persons occupying the motor vehicle which collided with the vehicle in which plaintiff was riding and state specifically how and in what manner each of said occupants were located in said vehicle on said occasion.
- (b) State fully the purpose of the trip you were making at the time of the accident made the basis of this suit.
 - (c) From what point had you departed?
 - (d) What was your destination?
 - (e) Were you performing a mission, errand, or duty for anybody whatsoever? If so, state the nature of same and the name and address of the person for whom you were performing it.
 - (f) Give the name and address of each and every person or firm who had any interest whatsoever in the trip that was being made by the driver of the vehicle which collided with the plaintiff on the occasion of said accident, and state the nature of said interest and the connection of said person or firm with the trip.
6. Prepare and attach to your answers to these interrogatories a map portraying the scene of the accident and the physical objects involved in the accident made the basis of this suit and designate on said map the following.
- (a) The point of impact and skid marks leading up to and from same;
 - (b) The resting place of the vehicles after the accident;
 - (c) Where you were located when you first saw the plaintiff's vehicle;
 - (d) Where the plaintiff's vehicle was located when first seen by you;
 - (e) The placement of any other vehicles or physical objects which had anything to do with said accident.
7. State whether or not the accident made the basis of this suit occurred at an intersection of streets or avenues, and if so, then state:
- (a) At what intersection of streets or avenues said accident occurred;
 - (b) Whether any buildings or objects were located within any of the four corners of the intersection which would obscure the vision of any person approaching the intersection;
 - (c) State how far you, in your judgment, could see to the left and right on each of the streets entering the intersection and down each of the intersecting streets when you approached from a point fifty feet from said intersection.
 - (d) Describe the locus of said accident with reference to the contour of the land, the grade or curve of the road, highway or intersection, and any physical structures located within two hundred feet of the place of the accident;
 - (e) Describe any traffic controls located at the scene of the accident and the operation of same, stating the directions in which said traffic signals or controls faced.
8. (a) State where the motor vehicle in which plaintiff was riding was located with reference to the point of the impact in the accident made the basis of this suit when you first observed same immediately prior to said accident.
- (b) Did you see the motor vehicle in which plaintiff was riding before the actual collision?
 - (c) How many feet was the motor vehicle in which plaintiff was riding from the place of the impact when you first observed same?
 - (d) How many feet were you from the point of impact when you first observed the vehicle in which plaintiff was riding?
 - (e) Where did the impact occur with reference to the center line of the street on which the vehicle in which plaintiff was traveling?

- (f) Where did the impact occur with reference to the right edge of the street on which your vehicle was traveling?
9. (a) State specifically and in detail exactly how the accident made the basis of this suit occurred and describe chronologically the events that occurred leading up to same as seen by you.
- (b) Describe each and everything which the driver of the vehicle in which plaintiff was riding failed to do to avoid said accident.
- (c) Describe each and everything done by the driver of the vehicle in which plaintiff was riding which contributed to the cause of said accident.
- (d) State each and everything done by you or which you omitted to do, which contributed proximately to cause the accident.
- (e) Describe each negligent act or omission of the driver of the vehicle in which plaintiff was riding on said occasion.
10. (a) State whether or not any of the occupants in any of the vehicles involved in the accident made the basis of this suit had drunk any alcoholic beverage within twenty-four hours prior to the time of the accident.
- (b) Give the name and address of each of said persons who had had any such beverage.
- (c) State what each of said persons was drinking, where he or she had obtained same, the quantity or amount consumed, and the time and place where same was drunk.
11. State, according to your best judgment the speed of the vehicle in which plaintiff was riding at the following points:
- (a) When you first observed same prior to the accident made the basis of this suit;
- (b) At a point 300 feet from the place where the impact occurred;
- (c) At a point 200 feet from the place where the impact occurred;
- (d) At a point 100 feet from the place where the impact occurred;
- (e) At a point 50 feet from the place where the impact occurred;
- (f) At a point 25 feet from the place where the impact occurred;
- (g) At a point 10 feet from the place where the impact occurred;
- (h) At the time of the impact;
- (i) Immediately after the impact.
12. (a) State in what direction and along what street or avenue each of the motor vehicles involved in the accident made the basis of this suit was traveling on the occasion of said accident.
- (b) State in your best judgment, in number of feet, the width of each of said streets or avenues or highways.
- (c) If either of the vehicles involved in the accident made the basis of this suit was engaged in making a turn from a direct line of travel, describe same, and the course followed with reference to the center of the intersection and also the four corners of same, and with reference to the center line of the street, avenue or highway on which said motor vehicle had been traveling prior to said turn.
13. (a) State fully, specifically and in detail each and every act or thing done by the operator of the vehicle owned or occupied by you at the time of the accident made the basis of this suit during the last 100 feet of said vehicle's approach to the point of said collision, stating in your answer the chronological order in which said operator did each of said acts or things.
- (b) Describe each change in the course of travel made by the vehicle in which plaintiff was riding immediately prior to said accident.
- (c) Describe each change in the course of travel made by the vehicle in which you were riding immediately prior to the accident herein sued on.
14. (a) State whether or not the brakes on the vehicle occupied by you or owned by you at the time of the accident sued on were applied prior to the collision.

- (b) If so, state in your best judgment the speed in miles per hour said vehicle was traveling at the moment the brakes were applied.
 - (c) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until said collision occurred
 - (d) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until it came to a stop after the occurrence of the accident made the basis of this suit.
15. (a) State specifically what portion of the vehicles involved in the accident made the basis of this suit first came in contact with each other.
- (b) Describe the portions which next came in contact after the initial impact.
16. (a) State in your best judgment the distance each of the vehicles involved in the accident made the basis of this suit traveled on said occasion from the moment of the collision to the point where each of said vehicles first came to a stop immediately thereafter.
- (b) In what direction did each of said motor vehicles move from the point of said collision until they came to a complete stop?
- (c) Describe each and every skid mark which led up to the point of collision.
- (d) Describe each and every skid mark which extended from the point of collision toward the place where either of the motor vehicles involved in the accident came to rest.
- (e) Locate the point where each motor vehicle came to rest with reference to the point of impact, the center of the intersection, the four corners of same and the right edge of the street on which it had been traveling.
17. State the speed of the motor vehicle which you owned or occupied, according to your best judgment, at the following points:
- (a) When you were within a distance of 300 feet from the point of impact in the accident made the basis of this suit;
 - (b) When you were 200 feet from the point of impact;
 - (c) When you were 100 feet from the point of impact;
 - (d) When you were 50 feet from the point of impact;
 - (e) When you were 25 feet from the point of impact;
 - (f) When you were 10 feet from the point of impact;
 - (g) At the time of said impact;
 - (h) When you first observed the other vehicle involved in said accident.
18. (a) State whether any horn or other signal was given as a warning by the operator of the vehicles involved in the accident made the basis of this suit prior to the time of the collision.
- (b) If so, describe each of said signals given by each respective driver specifically and in detail.
- (c) State how far distant from the point of collision each vehicle was located at the time said signal was given.
- (d) If any signals for stopping or turning were given by each driver immediately prior to said collision, describe same, and state how far distant from the point of impact said signal was given by each driver respectively.
19. (a) State whether or not there were any other vehicles at or near the scene of the accident at the time of and immediately prior to the occurrence of same
- (b) If so, state the number of such other vehicles and where they were located with reference to the point of the accident at the moment same occurred.
- (c) State whether or not any of the other vehicles located at or near the scene of the accident played any part, or contributed in any manner, to cause the collision made the basis of this suit.

- (d) Give the name and address of each driver or owner of each of said vehicles.
20. (a) Did you make any statements in the presence of the operator of any of the vehicles involved in the collision made the basis of this suit following the occurrence of same?
- (b) If so, state when, where and what was said by you.
- (c) Did the operator of the vehicle in which plaintiff was riding make any statement in your presence following the occurrence of the accident, and if so, state when, where and what was said by said driver.
- (d) Give the name and address of each and every person who was present when the accident made the basis of this suit occurred.
- (e) Give the name and address of each and every person who was present when any statements were made either by you or the driver of the vehicle in which plaintiff was riding following the occurrence of the accident made the basis of this suit.
21. Have you been informed that you are answering these interrogatories under oath, and that your answers may be used as evidence in the event of a trial?

HARE, WYNN, NEWELL and NEWTON,
Attorneys for the Plaintiff

By

STATE OF ALABAMA }
JEFFERSON 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 of 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.

Sworn to and subscribed before me this

8th day of January, 1970.

Mary Dell Jerry
Notary Public

James J. Thompson, Jr.
Of Counsel for Plaintiff

1535
RECEIVED IN OFFICE

JAN 30 1970

M. S. BUTLER, Sheriff

Executed by serving 3 copies of
the within on Mable Amos
Secretary of State of The State of
Alabama.

This the 31 day of Jan. 19 70

Sheriff of Montgomery County

M. S. Butler,

By W. L. Moore D. S.

M. S. Butler, Sheriff of Montgomery
County, Alabama, Claim \$1.50 each for
serving 1 process(es) and \$1.00
travel expense on each of 1
process(es) or a total of \$2.50

W. L. Moore Deputy Sheriff

NOTICE OF FILING OF INTERROGATORIES TO ADVERSE PARTY

Form No. 54

No. 26304

THE STATE OF ALABAMA, ||
JEFFERSON COUNTY. ||

CIRCUIT COURT
TENTH JUDICIAL CIRCUIT OF ALABAMA

Philip Lovetto

Plaintiff.

vs.

Ethel B. Miles; Clem Hicks; et al

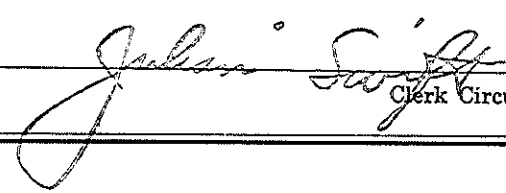
Defendant.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You are hereby commanded to notify the _____ Defts
in the above stated cause that interrogatories to _____ Defts
have this day been filed in the office of the Clerk of said Court, a copy of which is hereto attached.

You are required to execute this Notice, and due return thereof make according to law.

Witness my hand, this 9 day of Jan, 19 70.


Clerk Circuit Court.

No. _____

**THE STATE OF ALABAMA,
JEFFERSON COUNTY.**

CIRCUIT COURT

**NOTICE OF FILING OF INTERROGA-
TORIES TO ADVERSE PARTY**

vs. Plaintiff.

Defendant.

Served on _____

Executed this _____ day

of _____, 19____,

by leaving a copy of the within Notice and

Interrogatories with _____

Sheriff.

Deputy Sheriff.

IN THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT OF ALABAMA

FILED IN OFFICE

PHILIP LOVETTO

JAN 9 1970

PLAINTIFF, JULIAN SWIFT

CLERK

VS.

No. 26307

ETHEL B. MILES; CLEM WICKS;
et al

DEFENDANTS

INTERROGATORIES TO DEFENDANTS

Comes the plaintiff in the above styled cause, and desiring the testimony of the defendants, propounds the following interrogatories to be answered separately and severally 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 a 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. (a) Describe completely and in detail the vehicle occupied or owned by you on the occasion of the accident made the basis of this suit, stating in your answer the make, model, year, and body style of same.
- (b) State the name and address of the owner of said motor vehicle on the date of said accident.
- (c) State the name and address of the driver of said vehicle on said occasion.
- (d) Describe completely and in detail every item of damage sustained by said vehicle.
- (e) Give the amount of each repair estimate obtained on said damage and give the name and address of the person making said repair estimate.
- (f) State whether or not any of said damage was repaired, and, if so, give the amount of the repair bill and the name and address of the person, firm, or corporation who made said repairs.
- (g) Describe the condition of the brakes, signal device, steering apparatus, tires, and lighting equipment on said motor vehicle at the time of the accident made the basis of this suit.
- (h) When had the brakes, signal device, steering apparatus, lights and tires on said motor vehicle last been inspected prior to said accident and by whom?
4. (a) If you have stated that the owner of the vehicle which collided with the vehicle in which plaintiff was riding was not the driver on the occasion of said accident, explain fully and in detail the presence of the driver in said vehicle.
- (b) State who was the employer of the driver of the vehicle which collided with the vehicle in which plaintiff was riding at the time that said accident occurred.

- (c) State on whose business or behalf said driver was acting at the time that said accident occurred.
 - (d) State the hours of work which said driver had at the time of said accident.
5. (a) State the number of persons occupying the motor vehicle which collided with the vehicle in which plaintiff was riding and state specifically how and in what manner each of said occupants were located in said vehicle on said occasion.
- (b) State fully the purpose of the trip you were making at the time of the accident made the basis of this suit.
 - (c) From what point had you departed?
 - (d) What was your destination?
 - (e) Were you performing a mission, errand, or duty for anybody whatsoever? If so, state the nature of same and the name and address of the person for whom you were performing it.
 - (f) Give the name and address of each and every person or firm who had any interest whatsoever in the trip that was being made by the driver of the vehicle which collided with the plaintiff on the occasion of said accident, and state the nature of said interest and the connection of said person or firm with the trip.
6. Prepare and attach to your answers to these interrogatories a map portraying the scene of the accident and the physical objects involved in the accident made the basis of this suit and designate on said map the following.
- (a) The point of impact and skid marks leading up to and from same;
 - (b) The resting place of the vehicles after the accident;
 - (c) Where you were located when you first saw the plaintiff's vehicle;
 - (d) Where the plaintiff's vehicle was located when first seen by you;
 - (e) The placement of any other vehicles or physical objects which had anything to do with said accident.
7. State whether or not the accident made the basis of this suit occurred at an intersection of streets or avenues, and if so, then state:
- (a) At what intersection of streets or avenues said accident occurred;
 - (b) Whether any buildings or objects were located within any of the four corners of the intersection which would obscure the vision of any person approaching the intersection;
 - (c) State how far you, in your judgment, could see to the left and right on each of the streets entering the intersection and down each of the intersecting streets when you approached from a point fifty feet from said intersection.
 - (d) Describe the locus of said accident with reference to the contour of the land, the grade or curve of the road, highway or intersection, and any physical structures located within two hundred feet of the place of the accident;
 - (e) Describe any traffic controls located at the scene of the accident and the operation of same, stating the directions in which said traffic signals or controls faced.
8. (a) State where the motor vehicle in which plaintiff was riding was located with reference to the point of the impact in the accident made the basis of this suit when you first observed same immediately prior to said accident.
- (b) Did you see the motor vehicle in which plaintiff was riding before the actual collision?
 - (c) How many feet was the motor vehicle in which plaintiff was riding from the place of the impact when you first observed same?
 - (d) How many feet were you from the point of impact when you first observed the vehicle in which plaintiff was riding?
 - (e) Where did the impact occur with reference to the center line of the street on which the vehicle in which plaintiff was traveling?

- (f) Where did the impact occur with reference to the right edge of the street on which your vehicle was traveling?
9. (a) State specifically and in detail exactly how the accident made the basis of this suit occurred and describe chronologically the events that occurred leading up to same as seen by you.
- (b) Describe each and everything which the driver of the vehicle in which plaintiff was riding failed to do to avoid said accident.
- (c) Describe each and everything done by the driver of the vehicle in which plaintiff was riding which contributed to the cause of said accident.
- (d) State each and everything done by you or which you omitted to do, which contributed proximately to cause the accident.
- (e) Describe each negligent act or omission of the driver of the vehicle in which plaintiff was riding on said occasion.
10. (a) State whether or not any of the occupants in any of the vehicles involved in the accident made the basis of this suit had drunk any alcoholic beverage within twenty-four hours prior to the time of the accident.
- (b) Give the name and address of each of said persons who had had any such beverage.
- (c) State what each of said persons was drinking, where he or she had obtained same, the quantity or amount consumed, and the time and place where same was drunk.
11. State, according to your best judgment the speed of the vehicle in which plaintiff was riding at the following points:
- (a) When you first observed same prior to the accident made the basis of this suit;
- (b) At a point 300 feet from the place where the impact occurred;
- (c) At a point 200 feet from the place where the impact occurred;
- (d) At a point 100 feet from the place where the impact occurred;
- (e) At a point 50 feet from the place where the impact occurred;
- (f) At a point 25 feet from the place where the impact occurred;
- (g) At a point 10 feet from the place where the impact occurred;
- (h) At the time of the impact;
- (i) Immediately after the impact.
12. (a) State in what direction and along what street or avenue each of the motor vehicles involved in the accident made the basis of this suit was traveling on the occasion of said accident.
- (b) State in your best judgment, in number of feet, the width of each of said streets or avenues or highways.
- (c) If either of the vehicles involved in the accident made the basis of this suit was engaged in making a turn from a direct line of travel, describe same, and the course followed with reference to the center of the intersection and also the four corners of same, and with reference to the center line of the street, avenue or highway on which said motor vehicle had been traveling prior to said turn.
13. (a) State fully, specifically and in detail each and every act or thing done by the operator of the vehicle owned or occupied by you at the time of the accident made the basis of this suit during the last 100 feet of said vehicle's approach to the point of said collision, stating in your answer the chronological order in which said operator did each of said acts or things.
- (b) Describe each change in the course of travel made by the vehicle in which plaintiff was riding immediately prior to said accident.
- (c) Describe each change in the course of travel made by the vehicle in which you were riding immediately prior to the accident herein sued on.
14. (a) State whether or not the brakes on the vehicle occupied by you or owned by you at the time of the accident sued on were applied prior to the collision.

- (b) If so, state in your best judgment the speed in miles per hour said vehicle was traveling at the moment the brakes were applied.
 - (c) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until said collision occurred
 - (d) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until it came to a stop after the occurrence of the accident made the basis of this suit.
15. (a) State specifically what portion of the vehicles involved in the accident made the basis of this suit first came in contact with each other.
- (b) Describe the portions which next came in contact after the initial impact.
16. (a) State in your best judgment the distance each of the vehicles involved in the accident made the basis of this suit traveled on said occasion from the moment of the collision to the point where each of said vehicles first came to a stop immediately thereafter.
- (b) In what direction did each of said motor vehicles move from the point of said collision until they came to a complete stop?
- (c) Describe each and every skid mark which led up to the point of collision.
- (d) Describe each and every skid mark which extended from the point of collision toward the place where either of the motor vehicles involved in the accident came to rest.
- (e) Locate the point where each motor vehicle came to rest with reference to the point of impact, the center of the intersection, the four corners of same and the right edge of the street on which it had been traveling.
17. State the speed of the motor vehicle which you owned or occupied, according to your best judgment, at the following points:
- (a) When you were within a distance of 300 feet from the point of impact in the accident made the basis of this suit;
 - (b) When you were 200 feet from the point of impact;
 - (c) When you were 100 feet from the point of impact;
 - (d) When you were 50 feet from the point of impact;
 - (e) When you were 25 feet from the point of impact;
 - (f) When you were 10 feet from the point of impact;
 - (g) At the time of said impact;
 - (h) When you first observed the other vehicle involved in said accident.
18. (a) State whether any horn or other signal was given as a warning by the operator of the vehicles involved in the accident made the basis of this suit prior to the time of the collision.
- (b) If so, describe each of said signals given by each respective driver specifically and in detail.
- (c) State how far distant from the point of collision each vehicle was located at the time said signal was given.
- (d) If any signals for stopping or turning were given by each driver immediately prior to said collision, describe same, and state how far distant from the point of impact said signal was given by each driver respectively.
19. (a) State whether or not there were any other vehicles at or near the scene of the accident at the time of and immediately prior to the occurrence of same
- (b) If so, state the number of such other vehicles and where they were located with reference to the point of the accident at the moment same occurred.
- (c) State whether or not any of the other vehicles located at or near the scene of the accident played any part, or contributed in any manner, to cause the collision made the basis of this suit.

- (d) Give the name and address of each driver or owner of each of said vehicles.
20. (a) Did you make any statements in the presence of the operator of any of the vehicles involved in the collision made the basis of this suit following the occurrence of same?
- (b) If so, state when, where and what was said by you.
- (c) Did the operator of the vehicle in which plaintiff was riding make any statement in your presence following the occurrence of the accident, and if so, state when, where and what was said by said driver.
- (d) Give the name and address of each and every person who was present when the accident made the basis of this suit occurred.
- (e) Give the name and address of each and every person who was present when any statements were made either by you or the driver of the vehicle in which plaintiff was riding following the occurrence of the accident made the basis of this suit.
21. Have you been informed that you are answering these interrogatories under oath, and that your answers may be used as evidence in the event of a trial?

HARE, WYNN, NEWELL and NEWTON,
Attorneys for the Plaintiff

By James J. Thompson, Jr.

STATE OF ALABAMA }
JEFFERSON 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 of 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.

Sworn to and subscribed before me this

8th day of January, 1970.

Mary Dill Jerry
Notary Public

James J. Thompson, Jr.
Of Counsel for Plaintiff

Received 30 day of January 1970
and on 30 day of Jan 1970
I served a copy of the within Interrogation
on Ethel Wilkins

By service on _____

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By H. Brown D.S.

50 miles R.T.
R. Dale

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY Brown
DEPUTY SHERIFF

Original
Gm: Ethel S. Wilkins

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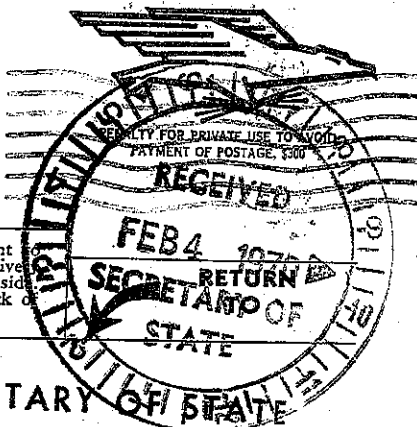
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