

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

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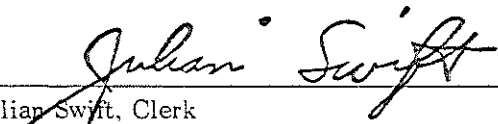
No. 26303  
      26304  
      26305  
      26306

Birmingham, Alabama January 29, 1970

To the Sheriff Montgomery County,  
                  Montgomery, Alabama

I enclose herewith a legal process to be served by you. Please serve and return direct to me. Claim any fee you may have directly under your return, and upon collection I will remit to you.

Please serve and return as early as possible.

  
\_\_\_\_\_  
Julian Swift, Clerk  
Jefferson County, Alabama  
307 Courthouse  
Birmingham, Alabama 35203

(If not found in your county please advise promptly, giving information as to present location, if possible.)

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 Clem Hicks, one of the Defendants in the above styled cause, and for answer to the interrogatories heretofore propounded to him in said cause and says, under oath, as follows:

1. a. Clem W. Hicks, 37, VT-2, NAS Whiting Field, Milton, Florida.
- b. Yes, except for initial.
- c. Initial.
2. Person
3. A. Chevrolet, 4 door 1966.
- b. self.
- c. Ethel B. Miles, P.O. Box 141, Robertsdale, Alabama.
- d. Severely damaged on front and right side.
- e. I will have to get you the requested information.
- f. Same as "e".
- g. Brakes, tire, lighting equipment, etc., in good condition.
- h. Inspection in September, 1969, by Burrell Chevrolet Company, Milton, Florida.
4. A. The driver of my vehicle and my present wife were with me as my guests.
- b. My driver was unemployed at the time.
- 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 am unable to prepare a map but I can answer any questions that you desire answered in regard to the location where the accident occurred.

7. No, but at Highway intersection.

a. Alabama 59 and Baldwin County 32.

b. No.

c. 100 yards or more.

d. Straight and level.

e. None.

8. a. Quarter of a mile.

b. Yes.

c. About 600 feet.

d. About 600 feet.

e. On Plaintiff's side.

f. On opposite side.

9. a. As my car was traveling toward Foley on Alabama 59 at a speed close to 50 miles an hour, I was talking to Eula Lysek, who is now my wife, and she was on my left in the front seat and I was looking at her. When my car was about three car lengths behind another vehicle, I saw it stopping in our lane of travel heading South. I did not see it when it stopped. It had on no signal lights but only two dim tail lights. My driver evidently saw the car at about the same time as she quickly applied our brakes and my car either skidded to the left or she drove it to the left in an attempt to avoid the car stopped in my lane of travel. The car in which the Plaintiff was riding was approaching in the North-bound lane of travel and drove into our car before we could get off the East side of the road, that car struck the right side of my vehicle and it stopped in the road but we continued to skid off the East side of the highway and when we stopped, we were headed back toward the highway.

b. The driver of the Plaintiff's vehicle should have slowed down when he saw or should have seen the car stopped in our lane of travel.

c. He continued to meet us and I could not tell whether he attempted to slow down.

d. Nothing.

e. Answered in "c.".

10. a. I had drunk two beers within the previous 24 hours and my present wife had consumed two beers in my presence during that period of time. My driver had not had anything to drink since I had been with her the previous four hours or more.

b. Answered above.

c. My present wife and I each had the beer at Midway Truck Stop on Highway 90 at about 6:00 P. M. I had another

beer at the same place at about 9:00 P. M.

11. a through i. I am unable to state how fast the vehicle in which the Plaintiff was riding was traveling at the points inquired about. It appeared to be approaching us at about the same speed we were traveling, which was about 50 miles per hours.

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

b. I do not know but I would say about 24 feet.

13. a. Answered in 9 "a".

b. None

c. Answered in 9 "a".

14. a. Yes.

b. Approximately 50 miles per hour.

c. About three car lengths.

d. About 150 feet.

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

b. Do not know.

16. a. We traveled about 100 feet and I have no idea as to the other car.

b. We moved in an Easterly direction and I do not know what the other car did.

c. I did not look at skid marks.

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 that was stopped in front of us and other cars behind the approaching vehicle.

b. Answered above.

c. Yes, the car that stopped in front of us caused the accident.

d. Unknown.

20. A. No.

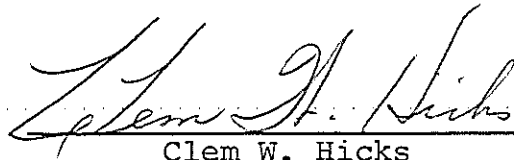
b. Answered above.

c. No

d. The parties to the suits and my present wife.

e. Answered above.

21. Yes.

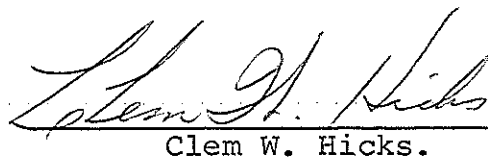
  
Clem W. Hicks

STATE OF ALABAMA

BALDWIN COUNTY

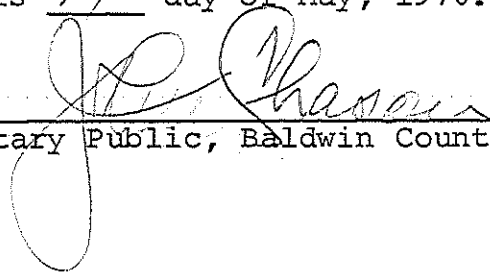
Before me, the undersigned authority, personally appeared Clem W. Hicks, who is known to me and who, after being by me first duly and legally sworn, deposes and says:

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

  
Clem W. Hicks.

Sworn to and subscribed before me

this 14<sup>th</sup> day of May, 1970.

  
Notary Public, Baldwin County, Alabama.

FILED

MAY 27 1970

ALICE J. DUCK CLERK  
REGISTER

9241

FILED

MAY 27 1970

ALICE J. DUCK CLERK  
REGISTER

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

PHILIP LOVETTO,

PLAINTIFF,

V.

ETHEL B. MILES;  
CLEM HICKS; et al

DEFENDANT .

No.  
IN THE CIRCUIT COURT  
FOR THE <sup>28th</sup> JUDICIAL  
CIRCUIT OF ALABAMA

NOTICE TO TAKE DEPOSITION UPON ORAL EXAMINATION

TO: CHASON, STONE & CHASON  
Attorneys for Defendants  
P. O. Box 120  
Bay Minette, Alabama 36507

Please take notice that at 1:00 o'clock, P. M., on the 20th day of May, 1970, ~~196~~,  
at 5532 First Avenue, South, Birmingham, Alabama 35212  
the plaintiff in the above styled cause will take the deposition of Dr. John B. Morris

whose address is 5532 First Avenue, South, Birmingham, Alabama 35212

upon oral examination, pursuant to Act No. 375 of the 1955 Legislature of Alabama (Title 7, 474 (1), et seq., of the Code of Alabama, Revised 1958), as amended, for the purpose of discovery or for use as evidence in the action, or for both purposes, before Paul Glass, a Notary Public, or before some other officer authorized by law to administer oaths. The oral examination will continue from time to time until completed. You are invited to attend and cross-examine.

This the 1st day of May, 1970. , ~~196~~ .

HARE, WYNN, NEWELL and NEWTON  
Attorneys for Plaintiff

By *James J. Thompson, Jr.*

I hereby certify that a copy of the above Notice has been served upon Chason, Stone & Chason,

attorneys of record for the defendant s, by U. S. Mail, postage prepaid.

This the 1st day of May, 1970. , ~~196~~

*James J. Thompson, Jr.*  
Of Counsel

LAW OFFICES

Cunningham, Bounds and Byrd

1350 DAUPHIN STREET

P. O. BOX 4486

MOBILE, ALABAMA 36604

ROBERT T. CUNNINGHAM

RICHARD BOUNDS

ROBERT L. BYRD, JR.

WARREN L. HAMMOND, JR.

AREA CODE 205

TELEPHONE 438-6188

December 6, 1971

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


Lovetto & Ard v. Miles, et al  
Case Nos. 26303-4-5-6

Dear Mrs. Duck:

Please dismiss the above causes on motion of the plaintiffs and forward your costs bill to Mr. John Chason.

Very truly yours,

CUNNINGHAM, BOUNDS & BYRD

  
RICHARD BOUNDS

RB/ac

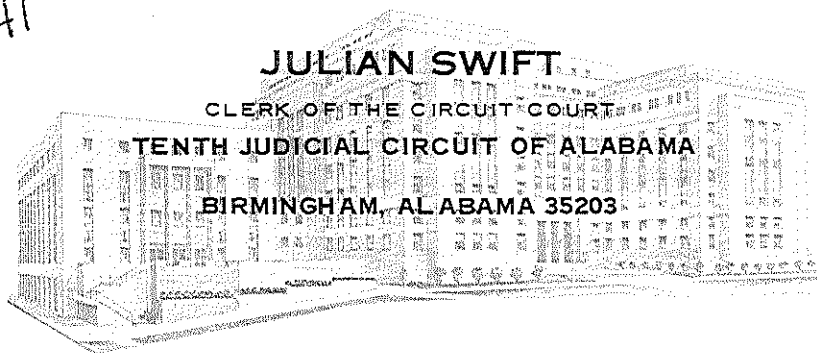
cc: Mr. John Chason

V  
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NO. 9241

MRS. BEATRICE PORTER,  
CHIEF CLERK



April 30, 1970

Honorable Alice J. Duck, Clerk:

MINUTE ENTRY

26304 Philip Lovetto ) Present and Presiding,  
vs ) Whit Windham,  
Ethel B. Miles, et als ) Judge of Circuit Court.

On this the 3rd day of April, 1970, came the parties by their attorneys, and the court having sustained the defendants' plea in abatement, whereupon,

It is ordered and adjudged by the court that this cause be and the same is hereby transferred to the Circuit Court of Baldwin County, holding at Bay Minette, Alabama, pursuant to Title 7, Section 64 (1&2).

I do hereby certify, that the above is a true and correct copy of the Minute Entry found in Minute Book 308, on Page 31.

FILED

MAY 1 1970

ALICE J. DUCK  
CLERK

*Julian Swift*  
Julian Swift, Clerk

EVOL

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