

KENNETH P. PIERCE,	)	IN THE CIRCUIT COURT OF
PLAINTIFF,	)	BALDWIN COUNTY, ALABAMA
-vs-	)	AT LAW
JAMES W. WILSON, et al,	)	CASE NO. 9251
DEFENDANTS.	)	

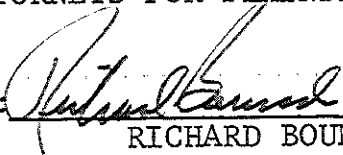
NOTICE OF TAKING OF ORAL DEPOSITION

TO: Mr. Fred G. Collins  
 Attorney at Law  
 P. O. Box 4492  
 Mobile, Alabama

Please take notice that on the 4th day of December, 1970, in the office of DR. WILLIAM G. RENFROE, 1919 North Pace Boulevard, Pensacola, Florida, the Plaintiff in the above cause will take the deposition of DR. WILLIAM G. RENFROE at 1:30 P.M. upon oral examination, before a Notary Public or some other officer authorized by law to administer oaths, at such time and place and thereafter from day to day as the taking of the deposition may be adjourned. You are notified to appear and take such part in the examination as you may deem advisable and as shall be fit and proper.

Dated this the 10th day of November, 1970.

CUNNINGHAM, BOUNDS & BYRD  
 ATTORNEYS FOR PLAINTIFF

BY:   
 RICHARD BOUNDS

**FILED**

NOV 12 1970

**ALICE J. DUCK** CLERK  
 REGISTER

KENNETH P. PIERCE, : IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
VS: : AT LAW  
JAMES W. WILSON, ETALS, :  
Defendants : CASE NO. 9251

Comes now the defendant J. M. Waters and for  
answer to the complaint says as follows:

1. Not guilty.


COLLINS, GALLOWAY & MURPHY

BY: 

Fred G. Collins  
ATTORNEYS FOR ABOVE NAMED DEFENDANT

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 16  
day of July, 1960, served a copy of  
the foregoing pleading on counsel for all  
parties to this proceeding by mailing the  
same by United States Mail, properly ad-  
dressed, and first class postage prepaid.

 7/16/60  
Reice Dock  
Hill

Case 9251

Kenneth P. Price

vs

James W. Wilson  
et al

COLLINS, GALLOWAY & MURPHY  
ATTORNEYS AT LAW  
958 DAUPHIN STREET  
MOBILE, ALABAMA 36604

FRED G. COLLINS  
THOMAS M. GALLOWAY  
M. THOMAS MURPHY (1924-1956)  
JAMES H. LACKEY

September 29, 1970

P. O. BOX 4492  
TELEPHONE  
432-0568  
AREA CODE 205

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

Re: Kenneth P. Pierce  
vs: James W. Wilson, et als  
Case No. 9251

Dear Mrs. Duck:

I enclose herewith interrogatories propounded by the defendant J. M. Waters to the plaintiff Kenneth Pierce. Please have a copy of these interrogatories served by the Sheriff upon Hon. Richard Bounds, attorney at law, attorney for the plaintiff.

Sincerely yours,

COLLINS, GALLOWAY & MURPHY

BY:

  
Fred G. Collins

FGC/brm

Encl.

KENNETH P. PIERCE,	)	
	)	IN THE CIRCUIT COURT OF
PLAINTIFF,	)	BALDWIN COUNTY, ALABAMA
-vs-	)	AT LAW
JAMES W. WILSON, et al,	)	CASE NO. 9251
DEFENDANTS.	)	

Comes the Plaintiff in the above cause and for answer to the interrogatories propounded by the Defendant, J. M. Waters, says as follows:

1. Kenneth P. Pierce, age 51, Baldwin County, Alabama.
2. No.
3. No.
4. 3531 Firestone Boulevard, Pensacola, Florida, for six years.
5. 3728 Navy Boulevard, Pensacola, Florida, fifteen years.
6. (a) In charge of rental and investment property owned by myself - making improvements and repairs, etc.
- (b) 3531 Firestone Boulevard.
- (c) \$500.00 monthly.
7. Same as above.
- (a) Same as above.
- (b) Same as above.
- (c) Twelve hours.
- (d) Same as above.
8. (a) 1949 - 1967, Pace-Holland Company, Pensacola, Florida. 1967-1968, Martha White Mills, Nashville, Tennessee. 1968 until present, Azalea Grocery, Inc., Mobile, Alabama.
- (c) Sales representative.
- (d) Pace-Holland Company - \$480.00 per month plus commission and expenses. Martha White - \$500.00 plus expenses and commissions. Azalea Grocery - \$185.00 per week.

(e) No.

(f) Not to my knowledge.

(g) Pace-Holland Company - B. V. Holland. Martha

White - Raymond Arbo. Azalea Grocery - Renee Vicknair.

9. Yes.

(a) Same as above.

(b) January 1969 until present time, \$185.00 per week.

(c) Answered above.

10. Yes.

(a) Azalea Grocery, Inc., Building 210, Brookley

Field, Alabama.

(b) Sales Representative.

(c) \$155.00 per week.

11. Yes.

(a) Azalea Grocery, Inc.

(b) Sales Representative.

(c) Fifty hours.

(d) \$185.00 and rental income.

(e) R. Vicknair

(f) No.

(g) Not to my knowledge.

12. No.

13. U. S. Air Force

(a) Same

(b) April, 1942 - April 1946.

(c) 34168881

(d) Varied.

(e) Fort McCullen, Alabama - April, 1942 and other examinations while in the service.

(f) April, 1946.

(g) Duration of World War II.

14. No.

15. No.

16. Excursion trip with relatives to New Orleans, Louisiana.

17. New Orleans, Louisiana.

18. See highway patrol report.

19. None.

20. The car was not driven until partially repaired in December, 1969.

21. English Paint and Body Shop, North Palafox Street, Pensacola, Florida.

(b) English Paint and Body Shop.

22. See highway patrol report.

23. Injured back and injured knee.

24. Sacred Heart Hospital, 5151 North 9th Avenue, Pensacola, Florida.

(b) July 30, 1969 - April 16, 1970.

(c) \$45.00 - \$166.58.

(d) Dr. William G. Renfro, 1919 North Pace Blvd., Pensacola, Florida; Dr. J. E. Balthrop, 25 West Avery Street, Pensacola, Florida; Dr. J. D. Hodnett, 1750 N. Palafox Street, Pensacola, Florida; Drs. Arenson, Hornsby & John, P. O. Box 151, Pensacola, Florida.

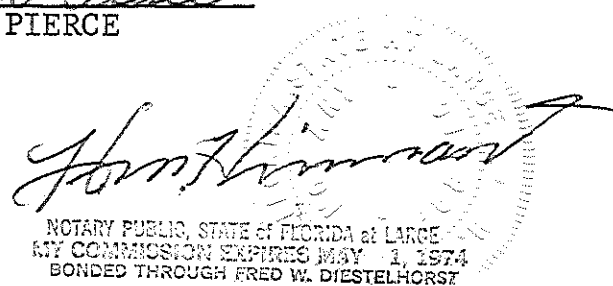
(e) Dr. Renfroe - \$194.00; Dr. Balthrop - \$60.00 - Dr.  
Hodnett - \$38.00; Drs. Arenson, Hornsby & John - \$37.00.

25. No.

26. Gillespie Brace & Limb Co. - \$25.00; wrecker  
service - \$70.00 ; \$44.45 - drugs.

Kenneth P. Pierce  
KENNETH P. PIERCE

Dec 3 1970



STATE OF Florida )  
COUNTY OF Escondido

Before me, the undersigned authority, personally appeared  
KENNETH P. PIERCE, who, on oath deposes and says that the  
above and foregoing answers to interrogatories are true and  
correct.

Kenneth P. Pierce  
KENNETH P. PIERCE

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

CUNNINGHAM, BOUNDS & BYRD  
ATTORNEYS FOR PLAINTIFF

BY: Richard Bounds  
RICHARD BOUNDS

FILED

DEC 8 1970

ALICE J. DICK CLERK  
REGISTER



SUMMONS AND COMPLAINT

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9257

TERM. 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon .....

James M. Wilson - J. M. Watson

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint

filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette against.....

James M. Wilson - J. M. Watson Defendant.....

by Kenneth P. Pierce

Plaintiff.....

Witness my hand this 11 day of May 1920

Alfred J. Smith Clerk

KENNETH P. PIERCE,

PLAINTIFF,

-vs-

JAMES W. WILSON, J. M. WATERS  
and A B C, a person, firm or  
corporation who was the owner  
or operator of the vehicle  
involved in the accident made  
the basis of this suit whose  
true legal name or names is  
otherwise unknown to the  
Plaintiff at this time but  
will be added by amendment  
when ascertained, individually  
and jointly,

DEFENDANTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW  
CASE NO. \_\_\_\_\_

COUNT ONE

Plaintiff claims of the Defendants the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS, damages, for that heretofore and on, to-wit, July 26, 1969, the Defendant, James W. Wilson, an agent, servant or employee of the Defendant, J. M. Waters, while acting within the line and scope of his authority as such, negligently operated a motor vehicle on U. S. Highway 90 at a point, to-wit: 50 feet East of Bay Branch Bridge, said highway being a public highway in Baldwin County, Alabama, so as to cause said motor vehicle to collide with the rear of a motor vehicle operated by the Plaintiff on said U. S. Highway 90 and as a direct and proximate result of the negligence of the Defendants as aforesaid, the Plaintiff's automobile was bent, broken and damaged and he lost the use thereof over a period of time and Plaintiff suffered the following personal injuries: he was made sick, sore and lame;

he was caused to suffer severe mental and physical pain and anguish and will so suffer in the future; his neck and back were injured; he was permanently injured; he was caused to be disabled for a period of time; he was caused to incur doctors bills, hospital bills and other medical expenses for the care and treatment of his injuries; and he was caused to lose time from his employment.

CUNNINGHAM, BOUNDS & BYRD  
ATTORNEYS FOR PLAINTIFF

BY:

  
RICHARD BOUNDS

Plaintiff demands a trial by jury.

  
RICHARD BOUNDS

Trial Attorney: Richard Bounds

Address of Defendants:

James W. Wilson  
Loxley, Alabama

J. M. Waters  
Rt. 1 Box 56 F  
Loxley, Alabama

KENNETH P. PIERCE,

PLAINTIFF,

-vs-

JAMES W. WILSON, J. M. WATERS  
and A B C, a person, firm or  
corporation who was the owner  
or operator of the vehicle  
involved in the accident made  
the basis of this suit whose  
true legal name or names is  
otherwise unknown to the  
Plaintiff at this time but  
will be added by amendment  
when ascertained, individually  
and jointly,

DEFENDANTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

CASE NO. 9451

COUNT ONE

Plaintiff claims of the Defendants the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS, damages, for that heretofore and on, to-wit, July 26, 1969, the Defendant, James W. Wilson, an agent, servant or employee of the Defendant, J. M. Waters, while acting within the line and scope of his authority as such, negligently operated a motor vehicle on U. S. Highway 90 at a point, to-wit: 50 feet East of Bay Branch Bridge, said highway being a public highway in Baldwin County, Alabama, so as to cause said motor vehicle to collide with the rear of a motor vehicle operated by the Plaintiff on said U. S. Highway 90 and as a direct and proximate result of the negligence of the Defendants as aforesaid, the Plaintiff's automobile was bent, broken and damaged and he lost the use thereof over a period of time and Plaintiff suffered the following personal injuries: he was made sick, sore and lame;

he was caused to suffer severe mental and physical pain and anguish and will so suffer in the future; his neck and back were injured; he was permanently injured; he was caused to be disabled for a period of time; he was caused to incur doctors bills, hospital bills and other medical expenses for the care and treatment of his injuries; and he was caused to lose time from his employment.

CUNNINGHAM, BOUNDS & BYRD  
ATTORNEYS FOR PLAINTIFF

BY: Richard Bounds  
RICHARD BOUNDS

Plaintiff demands a trial by jury.

Richard Bounds  
RICHARD BOUNDS

Trial Attorney: Richard Bounds

Address of Defendants:

James W. Wilson  
Loxley, Alabama

J. M. Waters  
Rt. 1 Box 56 F  
Loxley, Alabama

**FILED**

MAY 11 1970

**ALICE J. DUCK** CLERK  
REGISTER

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9251

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

James W. Wilson & J. M. Waters

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint

filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette against.....

James W. Wilson & J. M. Waters Defendant.....

by Kenneth P. Pierce

Plaintiff.....

Witness my hand this 11 day of May 1970

Alicia Duck Clerk

W.F. Wilson  
5-15-70

*Sofly*

No. 9251

Page.....

**THE STATE OF ALABAMA  
BALDWIN COUNTY**

**CIRCUIT COURT**

Kenneth P. Pierce

Plaintiffs

vs.

James W. Wilson  
J. M. Waters Defendants

**SUMMONS AND COMPLAINT**

Filed 5-11 1970

Cecil J. Woods Clerk

Cunningham, Bourdeau  
Byrd Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

May 11 1970

Taylor Wilkins Sheriff

I have executed this summons

this May 15th 1970

by leaving a copy with

James W. Wilson N.F.

J. M. Waters 5-15-70

Sofly 5-15-70

as to James W. Wilson

H. J. Brown Sheriff

Sheriff claims 10 miles at

Ten Cents per mile Total \$ 1.00

BY Brown DEPUTY SHERIFF

Taylor Wilkins Sheriff

H. J. Brown Deputy Sheriff

Moore Printing Co. - Bay Minette, Ala.

40 miles R.T.  
Sofly

KENNETH P. PIERCE, : IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
VS: : AT LAW  
JAMES W. WILSON, ETALS, :  
Defendants : CASE NO. 9251

Comes now the defendant J. M. Waters and desiring the testimony of the plaintiff Kenneth P. Pierce, propounds to said plaintiff the following interrogatories, as is provided under Section 477, et seq., of Title 7, of the Code of Alabama of 1940, to-wit:

1. State your full name, age, and place of birth.

2. Have you ever been known by any other name?

If so, give the other name or names and state where and when you used such names.

3. Has your name ever been legally changed? If so, state when, where and through what procedure.

4. State your present residence address and the period during which you have resided at said address.

5. List all other addresses at which you have resided during the past 10 years and the dates of the use of each.

6. If self-employed at the time of the incident referred to in the complaint, state:

(a) The nature of your work.

(b) Your business address.

(c) Your average weekly earnings for the preceding year.

7. If self-employed since the incident referred to in the complaint, state:

(a) The nature of your work.



(b) Your business address or addresses.

(c) The hours worked per week.

(d) Your average weekly earnings.

8. For the ten years immediately preceding the date of the incident referred to in the complaint, state:

(a) The names and addresses of each of your employers.

(b) The dates of commencement and termination of each such source of employment.

(c) A detailed description of the services or work performed for each source of employment.

(d) Your average weekly wages or earnings from each place of employment.

(e) For each employer, whether a physical examination was required, and if so, state the date, place and person giving the physical examination.

(f) For each employer, whether you made any representations in writing or answered in writing any questions concerning your physical condition.

(g) The name of your immediate foreman or other superior to whom you were responsible at each of the places of employment listed above.

9. What was your business or occupation at the time of the incident referred to in the complaint and are you still engaged in such business or occupation? If not, state:

(a) When you ceased working in such business or occupation.

(b) Your present business or occupation, the date you entered it and your present income from such business.

(c) Any other business or occupations prior to your present one and after the date set out in answer to paragraph (a) above.

10. If employed at the time of the incident referred to in the complaint, state:

(a) The name and address of the employer.

(b) The position held and the nature of the work performed.

(c) Average weekly wages for the preceding year.

11. If employed since the incident referred to in the complaint, state:

(a) Name and address of present employer.

(b) Position held and nature of work being performed.

(c) Hours worked per week.

(d) Present weekly wages, earnings, income and profit.

(e) Name of your immediate boss, foreman or other superior to whom you are responsible.

(f) Whether a physical examination was required and if so, state the date, place and person giving the examination.

(g) For each employer, whether or not you made any representations in writing or answered in writing any questions concerning your physical condition.

12. Are you now receiving or have you ever received any disability pension, income or insurance or any workmen's compensation from any agency, company, person, corporation, state or government? If so, state:

(a) The nature of any such payment.

(b) Dates you received such income.

(c) For what injuries or disability you received it and how such injury occurred or disability arose.

(d) By whom paid.

(e) Whether you now have any present disability as a result of such injuries or disability.

(f) If so, the nature and extent of such disability.

(g) Whether you had any disability at the time of the incident referred to in the complaint.

(h) If so, the nature and extent of such disability.

13. Have you ever served in the Armed Forces or performed services for any branch of any governmental agency? If so, state:

(a) The name of each such organization and the particular branch for whom you performed services.

(b) The dates and places of such service.

(c) Your serial or identification number.

(d) A detailed description of the services performed.

(e) Whether a physical examination was required, and if so, the dates and places of such examination.

(f) The date of termination of such services.

(g) A detailed description of the reason why the services were discontinued.

14. Have you ever been rejected for military or government service for physical reasons? If so, state:

(a) The date thereof.

(b) The condition for which rejected.

(c) The agency so rejecting you.

15. Have you ever received a discharge from military or government service for physical reasons? If so, state:

(a) the date thereof.

(b) The condition for which discharged.

(c) The agency so discharging you.

16. State the purpose of the automobile trip you were on at the time of the incident referred to in the complaint.

17. State your exact destination.

18. State your time and point of departure.

19. State the time and place of all stops and departures between the commencement of the trip and the time of the incident referred to in the complaint.

20. If the automobile which you were operating on the occasion described in the complaint was repaired, then please state:

- (a) The date of said repairs.
- (b) The name and address of the person or company making such repairs.
- (c) The nature of such repairs.
- (d) The cost of such repairs.
- (e) If written records or memorandum were made of such repairs, state where, when, and the names and addresses of the persons making such records or memoranda, the present whereabouts of the memoranda, and the name and address of the person in possession or custody of <sup>such</sup> records or memoranda.

21. If the vehicle described in the bill of complaint was not repaired, but an estimate of the necessary repairs were made, then please state:

- (a) The name of the person and address of person making such estimate.
- (b) If it was a written estimate, the name and address of any person having custody of a copy thereof.

22. State in detail the manner in which you assert that the incident referred to in the complaint occurred, specifying the speed, position, direction, and location of each vehicle involved during its approach to, at the time of and immediately after the collision.

23. State in detail the nature of the injury or injuries you allege that you suffered as a result of the incident referred to in the complaint.

24. If you received any treatment with respect to the injuries allegedly suffered, state:

- (a) The name and address of each hospital at which you were treated or admitted.

(b) The dates on which said treatment was rendered, including the dates of entry into and discharge from said hospital or hospitals.

(c) Itemize the charges rendered by each of the hospitals listed above.

(d) State the name and address of each doctor or medical practitioner of any type whatsoever who has examined or treated you or conferred with you with respect to the injuries alleged.

(e) Itemize the cost and expenses of such examinations or treatments by the doctors listed above.

25. Since the date of the incident referred to in your complaint, have you been treated by or examined by or have you conferred with or consulted with any other doctor or medical practitioner of any type whatsoever whose name you have not heretofore supplied? If so, state:

(a) The name and address of each doctor or medical practitioner of any type whatsoever who has examined, treated, conferred, or consulted with you and the dates of the same.

26. If you have incurred any medical bills in connection with the alleged injuries not heretofore listed, state:

(a) The total amount of such bill.

(b) The person to whom such amount was paid.

(c) The service or thing for which the bill was rendered.

COLLINS, GALLOWAY & MURPHY

BY: 

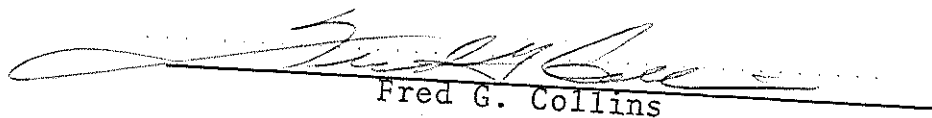
Fred G. Collins

ATTORNEYS FOR ABOVE NAMED DEFENDANT

STATE OF ALABAMA:

COUNTY OF MOBILE:

Before me, the undersigned authority in and for said county in said state, this day personally appeared Fred G. Collins, who is known to me, and who being by me first duly sworn, upon oath deposes and says that he is one of the attorneys for said specified defendant in the above entitled cause, and as such is authorized to make this affidavit; that the answers of the plaintiff to the foregoing interrogatories, when well and truly made and filed, will be material testimony for said defendant on the trial of this cause.

  
Fred G. Collins

Sworn and subscribed to before me on this the 29  
day of Sept, 1970.

  
Notary Public

PLEASE SERVE:

Hon. Richard Bounds  
1350 Dauphin Street  
Mobile, Alabama

Attorney for Plaintiff

FILED

SEP 30 1970

ALICE J. DICK

CLERK  
REGISTER

9251 8369

Kenneth P. Pierce

vs.

James W. Wilson et al

RECEIVED

OCT 1 1970

TAYLOR VALINS  
SHERIFF

EXECUTED

This 5 day of Oct, 1970  
by serving a copy of the within on  
Richard Bounds

RAY D. BRIDGES, Sheriff

By Hessneroll D.S.

Interrogatories

FILED

SEP 30 1970

ALICE J. DUCK

CLERK  
REGISTER

Deposited

X  
10/5

Serve Hon. Richard Bounds  
1350 Dauphin St - Mobile

MOBILE COUNTY, ALA.  
CLERK OF SUPERIOR COURT  
OCT 2 1970

made