

MICHAEL F. BRICE, a minor	§	IN THE CIRCUIT COURT OF
seventeen ^{nineteen} (19) years of age,		
who sues by and through his	§	
father and next friend,		BALDWIN COUNTY, ALABAMA
CHARLES BRICE,	§	
Plaintiff,	§	AT LAW
vs.	§	
ELMER DAVIS; LEWIS BEAR	§	
COMPANY, INCORPORATED, a		
corporation; ABBIE DAVIS;	§	
and ST. BARTHOLOMEW CHURCH,		
jointly and separately,	§	
Defendants.	§	CASE NO. <u>9651</u>

C O M P L A I N T

Plaintiff claims of the defendants the sum of TWENTY THOUSAND AND NO/100 (\$20,000.00) DOLLARS, damages, for that heretofore and on, to-wit, May 26, 1969, the defendants so negligently operated a motor vehicle on State Road 298, commonly referred to as Lillian Highway, at a point thereon, to-wit, one-quarter mile west of the intersection of State Road 298 and Fairfield Drive, six miles west of Pensacola, Escambia County, Florida, at which point said road is a public road in Escambia County, Florida, as to cause same to collide with a motor vehicle then and there occupied by plaintiff on said Lillian Highway, and as a direct and proximate result of the negligence of the defendants as aforesaid, the plaintiff suffered the following injuries and damages: he was made sick, sore and lame; his body was bruised and broken;

he sustained lacerations of the scalp; he sustained a wound to the left leg; he sustained a comminuted supra-condylar fracture of the right femur; he was caused to suffer severe physical pain and mental anguish, still so suffers and will so suffer in the future and he was permanently injured.


Attorney for Plaintiff

FILED

JAN 28 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

DOCTOR'S PROGRESS NOTES

(Sign all notes)

Ortho. Clinic
Naval Hospital
Pensacola, Florida 32512

JUL 1970
23

- Patient returns to follow-up visit. Now 14 months post fracture. No pain at fracture site but continues to stiffen of the knee. The following physical findings are present at this date:
- (1) 1" leg length discrepancy - (R) leg shorter than (L) - wearing 5/8" build up on shoe
 - (2) 1 1/2" quadriceps atrophy on (R)
 - (3) ROM of (R) knee
Lacked last 20° of full extension
Flexion to 80°
No instability
 - (4) Moderate binding of quadriceps mechanism (R) knee

The above findings are considered permanent @ this date post fracture.

Caulfield

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JAN 28 1971

EUNICE B. BLACKMON CIRCUIT CLERK

Michael Price v. Lewis & Dear Co.

CLINICAL RECORD		NARRATIVE SUMMARY	
DATE OF ADMISSION	DATE OF DISCHARGE	NUMBER OF DAYS HOSPITALIZED	
26 MAY 1969	3 SEPTEMBER 1969		
(Sign and date at end of narrative)			

PAGE II.

APPROVED:

F. O. BARGATZE
CDR MC USN
CHIEF OF ORTHOPAEDIC SERVICE

A. S. BARRETTO
LCDR MC USNR

(Use additional sheets of this form (Standard Form 502) if more space is required)

SIGNATURE OF PHYSICIAN	DATE	IDENTIFICATION NO.	ORGANIZATION
PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first, middle; grade, date; hospital or medical facility)		REGISTER NO. 590438	WARD NO. F

BRICE, MICHAEL F.
DEP/SON/USN/RET 2505223
NAVHOSP, PNCLA, FLA.

NARRATIVE SUMMARY
Standard Form 502
502-105

CLINICAL RECORD		NARRATIVE SUMMARY	
DATE OF ADMISSION	DATE OF DISCHARGE	NUMBER OF DAYS HOSPITALIZED	
26 MAY 1969	3 SEPTEMBER 1969		

(Sign and date at end of narrative)

DIAGNOSIS: (1) HEMOPHILIA 2950
(2) FRACTURE, SUPRACONDYLAR, FEMUR, RIGHT 8210-825

This 17 year old white male is a known hemophiliac. He was involved in a bus-truck accident and was thrown into the forward seat hitting his right distal femur with consequent pain, tenderness and swelling of the right distal thigh with limitation of range of motion of the knee and the hip. The patient was seen in the Emergency Room and was given one unit of antihemophiliac globulins and a Steinman pin was inserted into the proximal tibia for purposes of skeletal traction.

Past medical history and family history reveals that his two brothers are also known hemophiliacs, ages 5 and 13. One brother, age 9, is non-hemophilic. Two sisters, ages 19 and 16, are non-hemophiliacs. He has stiffness of the right shoulder, left elbow and right knee. He is allergic to tincture of Benzoin which gives him a skin rash.

Physical findings revealed a small laceration of the vertex of the scalp which is clean and sutured. There is a puncture wound of the left thigh. The right lower extremity showed marked swelling of the knee joint with marked tenderness and marked limitation of range of motion of the knee. Neurovascular to the lower lateral extremity was intact.

Laboratory examinations including CBC, urinalysis, and serology were all within normal limits. Multiple clotting time determinations showed a fluctuating clotting time. Chest x-ray was within normal limits. X-ray of the right femur shows comminuted supracondylar fracture of the femur in acceptable position. Followup x-rays showed progressive healing of the supracondylar fracture of the right femur. Final x-ray shows good healing of the fracture of the supracondylar area of the right femur.

Hospital Course: On admission, the patient was placed on bedrest and a Steinman pin was inserted through the proximal tibia. The patient was placed in balanced skeletal traction with an attachment for motion of the knee joint. Isometric exercises of the muscles of the right lower extremity together with active range of motion exercises of the right knee in traction was advised. The Steinman pin was removed two months post fracture and range of motion exercises were started to the right knee. At the time of discharge, the patient had full extension to about 70° of flexion. The patient was discharged on 3 September 1969 and continued active range of motion exercises to the right lower extremity and progressive ~~pass~~ exercises were advised. The patient is to be followed up in the Orthopaedic Clinic.

(Use additional sheets of this form (Standard Form 502) if more space is required)

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PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first, middle; grade; date; hospital or medical facility)		REGISTER NO. 590438	WARD NO. F

BRICE, MICHAEL F.
DEP/SON/USN/RET 2505223
NAVHOSP, PNCLA, FLA.

NARRATIVE SUMMARY
Standard Form 502
502-108

FLORIDA TRAFFIC ACCIDENT REPORT 1022

MAIL TO: ACCIDENT 1 ROS BUREAU, DEPARTMENT OF PUBLIC SAFETY, LAHASSEE, FLORIDA

TIME LOC ATION	DATE OF ACCIDENT	5-26-69	DAY OF WEEK	Monday	TIME OF DAY	7:35 A. M.
	COUNTY	Escambia				
	CITY, TOWN OR COMMUNITY					
	If accident was outside city limits, indicate distance from nearest town _____ of _____ City, Village or Township					
	ROAD OR TRAIL NUMBER OR NAME <u>SR-298 (Lillian Hwy)</u> AT ITS INTERSECTION WITH _____					
	IF NOT AT INTERSECTION <u>1 mile</u> of <u>Fairfield Drive</u> (Specify street, highway, or other location)					
	IF ACCIDENT OCCURRED ON HIGHWAY, INDICATE MILEAGE FROM NEAREST TOWN OR CITY					

VEHICLE	YEAR	1964	MAKE	Plymouth	TYPE (load, truck, bus, etc.)	2 dr. Sedan	VEHICLE LICENSE PLATE NO.	5-15269	STATE	Alabama	YEAR	1969
	PARTS OF VEHICLE DAMAGED: Front ☐ Left Front ☐ Right Front ☐ Left Side ☐ Right Side ☐ Rear ☐ Left Rear ☐ Right Rear ☐ Top ☐											
	DAMAGE (approximate) None							VEHICLE REMOVED BY Owner				
	LIABILITY INSURANCE - Name of company: <u>Farm Bureau</u>											
	DRIVER - Name of driver: <u>James L. CRESAP</u>											
	ADDRESS - Number and street: <u>623 E. Myrtle</u> City and State: <u>Foley, Alabama</u>											
	DRIVER'S ADDRESS - Number and street: _____ City and State: _____											
	OCCUPATION: <u>Accountant</u> DATE OF BIRTH: <u>8-8-34</u> SEX: <u>M</u> AGE: <u>34</u>											
	DRIVER'S LICENSE NO.: <u>2309951</u> STATE: <u>Alabama</u>											
	COMPARTMENTS: _____											

VEHICLE OR PEDESTRIAN	YEAR	1966	MAKE	Chevrolet	TYPE (load, truck, bus, etc.)	Eco-Van-Truck	VEHICLE LICENSE PLATE NO.	9 G/H-745	STATE	Florida	YEAR	1969
	PARTS OF VEHICLE DAMAGED: Front ☒ Left Front ☐ Right Front ☐ Left Side ☐ Right Side ☐ Rear ☐ Left Rear ☐ Right Rear ☐ Top ☐											
	DAMAGE (approximate) 600.00							VEHICLE REMOVED BY Lewis Bear Co-Tow Truck				
	LIABILITY INSURANCE - Name of company: <u>Midwest Insurance Company</u>											
	DRIVER - Name of driver: <u>Louis Bear Company</u>											
	ADDRESS - Number and street: <u>1150 W. Blount Street</u> City and State: <u>Pensacola, Florida</u>											
	DRIVER'S ADDRESS - Number and street: _____ City and State: _____											
	OCCUPATION: <u>Salesman</u> DATE OF BIRTH: <u>1-29-44</u> SEX: <u>M</u> AGE: <u>25</u>											
	DRIVER'S LICENSE NO.: <u>2071835</u> STATE: <u>Alabama</u>											
	COMPARTMENTS: _____											

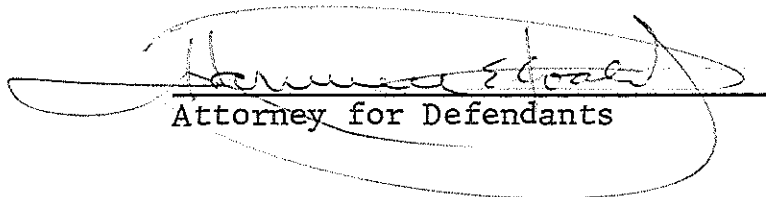
PROPERTY DAMAGE - Other than vehicles	AMOUNT	OWNER - Name	ADDRESS - Number and street	CITY AND STATE
None				
CODE FOR INJURY I - Used as coded, or injury report was made A - Victim died of injury, or known cause of death reported, or lost to the system B - Other death injury, or known cause of death, or lost to the system C - No death injury but reported as death or temporary incapacitation O - No indication of injury				
REPORT AND GIVEN BY	REPORTED TAKEN TO	BY		
McGovern Amb. Co	Sacret Heart/Navv Hospitals:	McGovern Amb Co:		
REPORTED BY	RADGE NO.	L.D. NO.	DEPARTMENT	DATE OF REPORT
Deputy Sheriff	M-3		Escambia Co Sheriffs Offs	5-26-69

MICHAEL F. BRICE, a minor	§	IN THE CIRCUIT COURT OF
seventeen (17) years of age,		
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father and next friend,		BALDWIN COUNTY, ALABAMA
CHARLES BRICE,	§	
Plaintiff,	§	AT LAW
vs.	§	
ELMER DAVIS; LEWIS BEAR	§	
COMPANY, INCORPORATED, a		
corporation; ABBIE DAVIS;	§	
and ST. BARTHOLOMEW CHURCH,		
jointly and separately,	§	
Defendants.	§	CASE NO. <u>9651</u>

A N S W E R

Comes now each of the above defendants, separately and severally, and for answer to the complaint heretofore filed herein, says as follows, separately and severally:

1. Not guilty.
2. The material allegations thereof are untrue.


 Attorney for Defendants

FILED

JAN 28 1971

EUNICE B. BLACKMON CIRCUIT CLERK