

IRENE W. PAYNE,	)	
	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
RUDEE WARREN WHITE and	)	AT LAW BALDWIN NO. 9680
COASTAL CONCRETE COMPANY, INC.,	)	
a corporation,	)	
	)	
Defendants.	)	

AMENDED COMPLAINT

Now comes the plaintiff in the above styled cause and amends the complaint heretofore filed in said cause so that as amended, the said complaint will read as follows:

"COUNT ONE


Plaintiff claims of the defendants One Hundred Thousand Dollars (\$100,000.00) for that heretofore on to-wit, July 23, 1970, the defendant, Rudee Warren White, was then and there an agent, servant or employee of the defendant, Coastal Concrete Company, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee, so negligently operated a motor vehicle in the Town of Robertsedale, Baldwin County, Alabama, on Milwaukee Street, which was then and there a public street in Baldwin County, Alabama, at a point where said Milwaukee Street intersects Pennsylvania Street, so as to cause the said motor vehicle to run into, upon or against the automobile which the plaintiff was then and there operating and where she had a right to be and as a proximate result of the negligence of the said Rudee Warren White at said time and place and while he was acting as the agent, servant or employee of the defendant, Coastal Concrete Company, Inc., a corporation, and acting within the line and scope of his authority as such agent, servant or employee, the said plaintiff was injured as follows: she suffered a severe whiplash injury to her neck; she suffered myotasis of her back muscles; she suffered a contusion to her chest; she suffered and continues to suffer migraine headaches; she has had a loss of appetite and suffers from extreme nausea; she has suffered a bilateral conductive hearing loss; her hearing has been impaired and will be impaired;

*Filed: March 19, 1971.*  
*D. J. M.*


she was made sick, sore and nervous and was permanently injured as a result of said negligence, all to her damages aforesaid.


COUNT TWO

Plaintiff claims of the defendants One Hundred Thousand Dollars (\$100,000.00) for that heretofore on to-wit, July 23, 1970, the defendant, Rudee Warren White, who was then and there an agent, servant or employee of the defendant, Coastal Concrete Company, Inc., a corporation, acting within the line and scope of his authority as such agent, servant and employee, willfully or wantonly injured plaintiff by so willfully or wantonly operating a motor vehicle on Milwaukee Street, which was then and there a public street in Baldwin County, Alabama, in the Town of Robertsedale, Baldwin County, Alabama, at the point where Milwaukee Street intersects Pennsylvania Street, so as to cause it to run into, upon or against the automobile which plaintiff was operating at said time and place and where she had a right to be and as a proximate result of the willful or wanton negligence of the said defendant, Rudee Warren White, who was then and there an agent, servant or employee of the defendant, Coastal Concrete Company, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee, the said plaintiff was injured as follows: she suffered a severe whiplash injury to her neck; she suffered myotasis of her back muscles; she suffered a contusion to her chest; she suffered and continues to suffer migraine headaches; she has had a loss of appetite and suffers from extreme nausea; she has suffered a bilateral conductive hearing loss; her hearing has been impaired and will be impaired; she was made sick, sore and nervous and was permanently injured as a result of said negligence, all to her damages aforesaid.

  
Attorney for Plaintiff

Plaintiff demands a trial by jury  
of said cause.

  
Attorney for Plaintiff

  
Attorney for Plaintiff

**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 19<sup>th</sup> day of March, 19 71.

  
Attorney for Plaintiff

**FILED**

MAR 22 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

IRENE W. PAYNE, : IN THE CIRCUIT COURT OF  
: BALDWIN COUNTY, ALABAMA  
Plaintiff : AT LAW  
v. :  
RUDEE WARREN WHITE and :  
COASTAL CONCRETE COMPANY, :  
INC., a corporation, :  
Defendants : CASE NO. 9680

D E M U R R E R

Comes now each of the following defendants, RUDEE WARREN WHITE and COASTAL CONCRETE COMPANY, INC., a corporation, separately and severally, and demurs to the plaintiff's complaint filed herein and each count thereof, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

1. That it does not state facts sufficient to constitute a cause of action against this defendant.

2. For that negligence is therein alleged merely as a conclusion of the pleader.

3. For that it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence defendant is called on to defend.

4. For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.

5. For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by defendant to the plaintiff.

6) For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant failed to perform.

7) For that the averments set up, if true, do not show any liability on the part of this defendant.

8) For that the pleader sets out in what said negligence consisted, and the facts so set out do not show negligence.

9) For that there does not appear sufficient causal connection between this defendant's said breach of duty and plaintiff's injuries and damages.

10) No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of this defendant.

11) It is not alleged with sufficient certainty where said accident occurred.

12) For aught that appears, plaintiff had no right to be where plaintiff was at the time and place of said accident.

13) It is not alleged that the negligence complained of proximately caused the accident and the injuries and damages complained of.

14) For that said count is duplicitous.

15) For that each injury complained of in the alternative could not result from each alternative act allegedly causing such injury.

16) For that each alternative averment does not state facts sufficient to constitute a cause of action against this defendant.

17) It is not alleged that the wanton conduct complained of proximately caused the accident and the injuries and damages complained of.

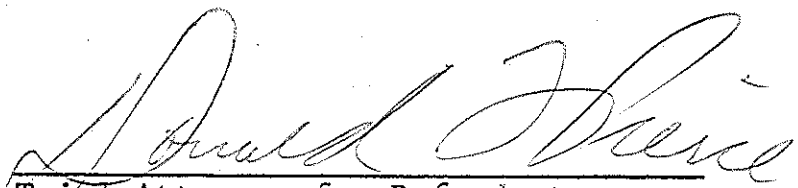
18) There is no allegation of either a willful or wanton act committed by this defendant.

19) There is no allegation of either a willful or wanton injury committed by this defendant.

20) For that there is a misjoinder of causes of action.

21) For that there is a misjoinder of parties plaintiff.

22) For that there is a misjoinder of parties defendant.

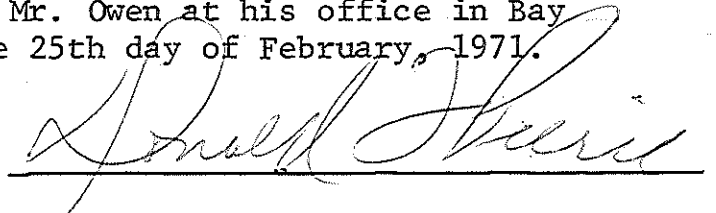
  
Trial Attorney for Defendants  
Donald F. Pierce

Of Counsel:

RAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing demurrer to James R. Owen, Esquire, Attorney for Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to Mr. Owen at his office in Bay Minette, Alabama, on this, the 25th day of February, 1971.



FILED

FEB 26 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

100-200

0896

Section 1.1.1

Section 1.1.2

Section 1.1.3

Section 1.1.4

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Coastal Concrete Company, Inc., a corporation, and Rudee Warren White to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of Irene W. Payne.

WITNESS my hand this 18<sup>th</sup> day of February, 1971.

*Eunice B. Blackmon*  
Clerk

The defendant, Coastal Concrete Company, Inc., may be served at Greeno Road, Fairhope.

The defendant, Rudee Warren White, may be served at Robertsdale, Alabama, or at the office of Coastal Concrete Company.

\* \* \* \* \*

IRENE W. PAYNE,	)	
	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
RUDEE WARREN WHITE and	)	STATE LAWYER
COASTAL CONCRETE COMPANY, INC.,	)	9680
a corporation,	)	
	)	
Defendants.	)	

C O M P L A I N T

COUNT ONE

Plaintiff claims of the defendants One Hundred Thousand Dollars (\$100,000.00) for that heretofore on to-wit, July 23, 1970, the defendant, Rudee Warren White, was then and there an agent, servant or employee of the defendant, Coastal Concrete Company, Inc., a corporation, acting within the line and scope of his authority, as such agent, servant or employee, so negligently operated a motor vehicle in the Town of Robertsdale, Baldwin County, Alabama, on Milwaukee Street, at a point where said Milwaukee Street intersects Pennsylvania Street, so as to cause the said motor vehicle to run into, upon or against the automobile which the plaintiff was then and there operating and where she had a right to




be and as a proximate result of the negligence of the said Rudee Warren White at said time and place and while he was acting as the agent, servant or employee of the defendant, Coastal Concrete Company, Inc., a corporation, and acting within the line and scope of his authority as such agent, servant or employee, the said plaintiff was injured as follows: she suffered a severe whiplash injury to her neck; she suffered myotasis of her back muscles; she suffered a contusion to her chest; she suffered and continues to suffer migraine headaches; she has had a loss of appetite and suffers from extreme nausea; she has suffered a bilateral conductive hearing loss; her hearing has been impaired and will be impaired; she was made sick, sore and nervous and was permanently injured as a result of said negligence, all to her damages aforesaid.


COUNT TWO

Plaintiff claims of the defendants One Hundred Thousand Dollars (\$100,000.00) for that heretofore on to-wit, July 23, 1970, the defendant, Rudee Warren White, who was then and there an agent, servant or employee of the defendant, Coastal Concrete Company, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee, willfully or wantonly injured plaintiff by so willfully or wantonly operating a motor vehicle on Milwaukee Street in the Town of Robertsedale, Baldwin County, Alabama, at the point where Milwaukee Street intersects Pennsylvania Street, so as to cause it to run into, upon or against the automobile which plaintiff was operating at said time and place and where she had a right to be and as a proximate result of the willful or wanton negligence of the said defendant, Rudee Warren White, who was then and there an agent, servant or employee of the defendant, Coastal Concrete Company, Inc., a corporation, acting within the line and scope of his authority as such agent, servant or employee, the said plaintiff was injured as follows: she suffered a severe whiplash injury to her neck; she suffered myotasis of her back muscles; she suffered a contusion to her chest; she suffered and continues to

suffer migraine headaches; she has had a loss of appetite and suffers from extreme nausea; she has suffered a bilateral conductive hearing loss; her hearing has been impaired and will be impaired; she was made sick, sore and nervous and was permanently injured as a result of said negligence, all to her damages aforesaid.

  
Attorney for Plaintiff

Plaintiff demands a trial by jury  
of said cause.

  
Attorney for Plaintiff

**FILED**

FEB 10 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

Case No: 96885

Laene W. Payne

vs:

Rudae Warren White  
& Coastal Concrete Co.,  
Inc. a corp.

Sheriff claims 70 miles at  
+ 50 miles at  
Total 120 miles  
TAYLOR WILKINS, Sheriff  
BY W. J. Cook  
DEPUTY SHERIFF

P. D. H.  
1/11

Received 10 day of June 1971  
and on 19 day of June 1971  
I served a copy of the writ on Rudae Warren White - 2-2071  
on 2-11-71 Coastal Concrete Co. ✓  
By service on \_\_\_\_\_

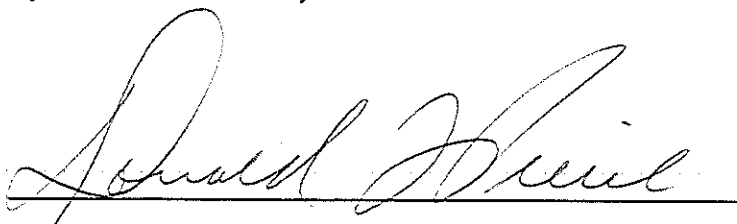
TAYLOR WILKINS, Sheriff  
By W. J. Cook  
N. J. Brown

IRENE W. PAYNE,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
VS.	)	AT LAW
RUDEE WARREN WHITE and	)	
COASTAL CONCRETE COMPANY,	)	
INC., a corporation,	)	
Defendants.	)	CASE NO. 9680

A N S W E R

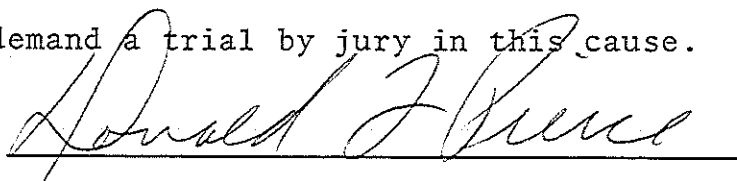
Comes now each of the defendants in the above styled cause, Rudee Warren White and Coastal Concrete Company, Inc., a corporation, separately and severally and for separate and several answer to each count thereof sets down and assigns the following pleas, separately and severally:

1. Not guilty.



Trial Attorney for Defendants

Defendants respectfully demand a trial by jury in this cause.

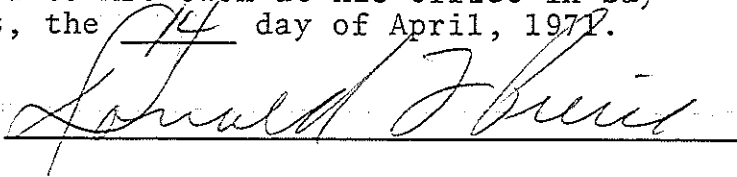


Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing answer to James R. Owen, Esq., Attorney for plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to Mr. Owen at his office in Bay Minette, Alabama, on this, the 14 day of April, 1971.



**FILED**

APR 15 1971

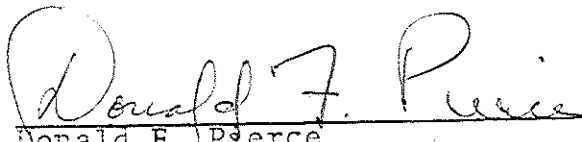
EUNICE B. BLACKMON CIRCUIT CLERK

IRENE W. PAYNE,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	
vs.	)	BALDWIN COUNTY, ALABAMA
RUDEE WARREN WHITE and	)	
COASTAL CONCRETE COMPANY,	)	AT LAW. NO. 9680.
INC., a corporation,	)	
Defendants.	)	

AMENDED ANSWER:

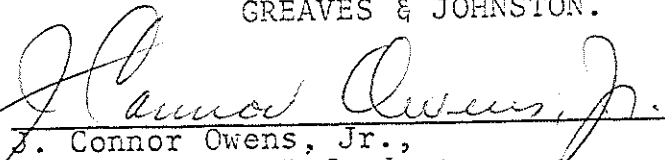
Come now each of the Defendants in the above styled cause Rudee Warren White and Coastal Concrete Company, Inc., a Corporation, separately and severally, and for separate and several amended answer to each count of the complaint, sets down and assigns the following pleas, separately and severally:

1. Not guilty.
2. The material allegations thereof are not true.
3. That at the time and place described in said counts, on, to-wit, July 23, 1970, on Milwaukee Street, at a point thereon where the same intersects Pennsylvania Street in the Town of Robertsdale, Alabama, which point was then and there a public street in Baldwin County, Alabama, the Plaintiff, herself, so negligently operated a motor vehicle as to contribute proximately and directly to the collision and to the injuries and damages described in said counts, hence Plaintiff ought not to recover.



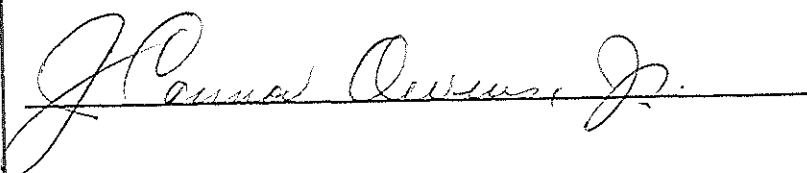
Donald F. Pierce

Of Counsel: HAND ARENDALL, BEDSOLE,  
GREAVES & JOHNSTON.



J. Connor Owens, Jr.,  
Attorneys for Defendants.

Defendants respectfully demand a trial of  
this cause by a Jury.



**FILED**

SEP 1 1971

I, the undersigned, one of the Attorneys of Record for the Defendants in the foregoing cause, do hereby certify that I have caused a copy of the foregoing amended answer to be served on James R. Owen, the Attorney of Record for the Plaintiff in said cause, by placing the same in the United States Mail, properly addressed, with postage prepaid, this 1st day of September, 1971.

*James Owen, Jr.*

**FILED**

SEP 1 1971

LUNICE B. BLACKMON CIRCUIT  
CLERK

IRENE W. PAYNE, : IN THE CIRCUIT COURT OF  
BALDWIN  
: ~~MOBILE COUNTY~~, ALABAMA.

Plaintiff : AT LAW

vs. :

RUDEE WHITE and :  
COASTAL CONCRETE COMPANY,  
Inc., a corporation, :

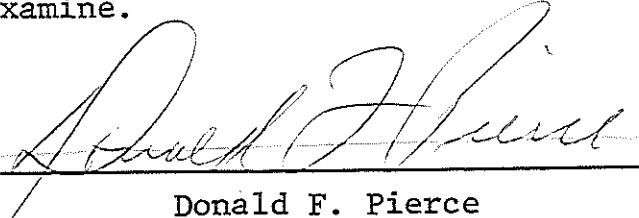
Defendant s : CASE NO. 9680

NOTICE

TO: James R. Owen, Esquire  
Bay Minette  
Alabama

Please take notice that on the 7th day of October,  
at 1359 Springhill Avenue, Mobile, Alabama  
1971, in the offices of ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~  
~~XX~~  
~~XX~~  
the defendants, Rudee Warren White and Coastal Concrete  
Company, Inc.  
will take the deposition of Doctor Donald Muller whose  
address is 1359 Springhill Avenue, Mobile, Ala, at 1:00 P.M.,  
upon oral examination pursuant to an Act of the Legislature of  
the State of Alabama, designated as Act. No. 375, Regular Session  
1955, Approved September 8, 1955, before Charles A. Howard,  
or another officer duly authorized to take depositions and swear  
witnesses in said County in said State. The oral examination  
will continue from day to day until completed and you are  
invited to attend and cross-examine.

Of Counsel:

  
Donald F. Pierce

~~FILED~~ ARENDALL, BEDSOLE, GREAVES & JOHNSTON

OCT 4 1971

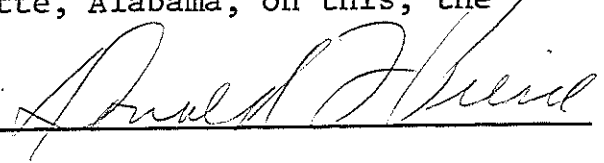
Certificate of Service

EUNICE B. BLACKMON ~~SHAW~~ I hereby certify that I have mailed a true and correct copy of  
the foregoing notice to James R. Owen, Esquire, by depositing a  
copy of same in the United States mail, postage prepaid, addressed  
to Mr. Owen at his office in Bay Minette, Alabama, on this, the  
1st day of October, 1971.

No Subpoena

VOL

68 PAGE 549



HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR-FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

April 14, 1971

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
WM. BREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEX F. LANKFORD, III  
EDMUND R. CANNON  
LYMAN F. HOLLAND, JR.  
J. THOMAS WINES, JR.  
DONALD F. PIERCE  
LOUIS E. BRASWELL  
HAROLD D. PARKMAN  
G. PORTER BROCK, JR.  
HARWELL E. COALE, JR.  
STEPHEN G. CRAWFORD  
JERRY A. MCDOWELL  
W. RAMSEY MCKINNEY, JR.  
LARRY U. SIMS  
A. CLAY RANKIN, III  
EDWARD A. HYNDMAN, JR.  
MICHAEL D. KNIGHT  
G. HAMP UZZELLE, III

MAILING ADDRESS:  
P. O. DRAWER C  
OR P. O. BOX 123

CABLE ADDRESS:  
HAS  
TELEPHONE  
432-5511  
AREA CODE 205

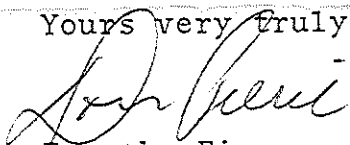
Mrs. Eunice B. Blackmon  
Circuit Court Clerk  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: Irene W. Payne vs. Rudee Warren White  
and Coastal Concrete Company, Inc.  
Circuit Court case No. 9680

Dear Mrs. Blackmon:

Please file the enclosed Answer in the above styled  
cause for the defendants. I have mailed a copy to Mr.  
Owen.

Yours very truly,



For the Firm

DFP.jp



HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON  
LAWYERS

30TH FLOOR-FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

February 25, 1971

MAILING ADDRESS:  
P. O. DRAWER C  
OR P. O. BOX 123

CABLE ADDRESS:  
HAB  
TELEPHONE  
432-5511  
AREA CODE 205

CHAS. C. HAND  
C. S. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
WM. BREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
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HARWELL E. COALE, JR.  
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LARRY U. SIMS  
A. CLAY RANKIN, III  
EDWARD A. HYNDMAN, JR.  
MICHAEL D. KNIGHT  
G. HAMP UZZELLE, III

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

Re: Irene W. Payne, Plaintiff, vs.  
Rudee Warren White and Coastal  
Concrete Company, Inc., a  
Corporation, Defendants  
Case No. 9680 - Circuit Court  
of Baldwin County, Alabama

Dear Mrs. Blackmon:

Would you please file the enclosed demurrer concerning the above-referenced case in the records of Baldwin County, Alabama. You will note I have forwarded a copy of this demurrer to James R. Owen, Attorney for the Plaintiff.

Would you also indicate receipt of this letter and demurrer on the carbon copy of this letter enclosed herewith and return same to me for my file.

Thank you for your consideration.

Very truly yours,

  
For the Firm

DFP/dm  
Encl.

IRENE W. PAYNE,

PLAINTIFF,

VS.

RUDEE WARREN WHITE and COASTAL  
CONCRETE COMPANY, INC., a  
corporation,  
DEFENDANTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 9680

### INTERROGATORIES TO DEFENDANT

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:

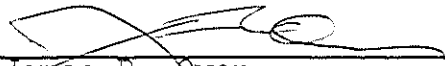
1. (a) State your correct name, age, residence address and business address.  
(b) Is your name correctly stated in the complaint on file in this cause?  
(c) If you state that your name is not correctly stated, then state the correct way that you could be designated as a party plaintiff or a party defendant 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 were intoxicated or drinking intoxicating beverages at the time of the said accident.
- (b) Give the name and address of each of said persons who was drinking or who was intoxicated.
- (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.

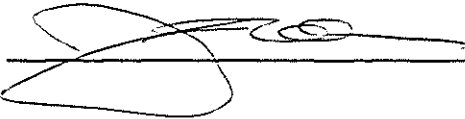
- (d) Give the name and address of each driver or owner of each of said vehicles.
20. (a) Did you make any statements in the presence of the operator of any of the vehicles involved in the collision made the basis of this suit following the occurrence of same?
- (b) If so, state when, where and what 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.

  
James R. Owen  
Attorney at Law  
110 Courthouse Square  
Bay Minette, Alabama 36507

Attorney for Plaintiff

STATE OF ALABAMA     )  
                              \*  
BALDWIN COUNTY        )

Before me, the undersigned authority in and for said County in said State, this day personally appeared James R. Owen, who is known to me, and who, being by me first duly sworn, upon oath, deposes and says that he is the attorney for the Plaintiff in the above entitled cause, and as such is authorized to make this affidavit; that the answers of the Defendant to the foregoing interrogatories, when well and truly made and filed, will be material testimony for said Plaintiff on the trial of this cause.

  
Sworn to and subscribed before me on  
this 23<sup>rd</sup> day of June, 19 71.

Ernestine R. Sims  
Notary Public, Baldwin County, Alabama

**FILED**

JUN 24 1971

EUNICE B. BLACKMON  
CIRCUIT CLERK

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

September 3, 1971

MAILING ADDRESS:  
P. O. DRAWER C  
OR P. O. BOX 123

CABLE ADDRESS:  
HAB  
TELEPHONE  
432-5511  
AREA CODE 205

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
WM. BREVARD HAND  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
ALEX F. LANKFORD, III  
EDMUND R. CANNON  
LYMAN F. HOLLAND, JR.  
J. THOMAS HINES, JR.  
DONALD F. PIERCE  
LOUIS E. BRASWELL  
HAROLD D. PARKMAN  
G. PORTER BROCK, JR.  
HARWELL E. COALE, JR.  
STEPHEN G. CRAWFORD  
JERRY A. McDOWELL  
W. RAMSEY MCKINNEY, JR.  
LARRY U. SIMS  
A. CLAY RANKIN, III  
EDWARD A. HYNDMAN, JR.  
MICHAEL D. KNIGHT  
G. HAMP UZZELLE, III

Mrs. Eunice B. Blackmon  
Circuit Clerk and Register of  
Baldwin County  
Bay Minette, Alabama

Re: Irene W. Payne, Plaintiff, vs.  
Rudee Warren White and Coastal  
Concrete Company, Inc., Defendants  
Case No: 9680 - In the Circuit  
Court of Baldwin County, Alabama

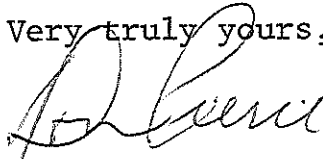
Dear Mrs. Blackmon:

Enclosed please find two sets of answers to interrogatories in the above-referenced case. Will you please file these pleadings in the records of Baldwin County, Alabama.

Will you also please indicate receipt of these pleadings and this letter on the duplicate copy of this letter enclosed herewith and return same to me in the self-addressed envelope.

Thank you for your cooperation in this regard.

Very truly yours,

  
For the Firm

DFP/dm  
Encl.

**FILED**

SEP 7 1971

IRENE W. PAYNE, EUNICE B. BLACKMON <sup>CIRCUIT</sup> CLERK IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
vs. : AT LAW  
RUDEE WARREN WHITE and :  
COASTAL CONCRETE COMPANY, : CASE NO. 9680  
INC., a corporation :  
Defendants. :

ANSWERS TO INTERROGATORIES

Comes now the defendants in the above styled cause and  
for answer to the interrogatories propounded by the plaintiff  
state as follows:

1. (a) Rudee Warren White, 21, P. O. Box 136, Robertsdale  
Alabama, Foley, Alabama ( Gulf Telephone Company)  
(b) Yes  
(c) Not applicable  
(1) Not applicable  
(2) Not applicable
2. (a) Person  
(b) Not applicable  
(c) Not applicable
3. (a) Concrete Mixer, Mack truck, 1956  
(b) Coastal Concrete Company, Inc., P. O. Box 564,  
Robertsdale, Alabama  
(c) Rudee Warren White, P. O. Box 136, Robertsdale,  
Alabama  
(d) No damage  
(e) Not applicable  
(f) Not applicable  
(g) Good  
(h) July 23, 1970, by Rudee Warren White



4. (a) The driver was employed by the owner (Coastal Concrete Company) to deliver concrete.  
(b) Coastal Concrete Company  
(c) Coastal Concrete Company  
(d) Eight hours on the day of the accident
5. (a) The driver in the driver's seat  
(b) Returning from delivering concrete  
(c) Returning from Fairhope plant  
(d) The Robertsdale plant  
(e) Yes. Delivering concrete for Coastal Concrete Company  
(f) Coastal Concrete Company, Inc., P. O. Box 564  
Robertsdale, Alabama
6. See attached diagram  
(a) See attached diagram  
(b) See attached diagram  
(c) See attached diagram  
(d) See attached diagram  
(e) See attached diagram
7. Yes  
(a) Intersection of Milwaukee and Highway 59  
(b) None  
(c) Not applicable  
(d) level  
(e) A four directional traffic signal light
8. (a) Plaintiff's vehicle was stopped approximately 20 feet south of signal light (signal was green)  
(b) Yes  
(c) Defendant has been following the plaintiff for two blocks

- (d) Same as 8-c
  - (e) Right of center line on the proper side of the highway
  - (f) West of the edge in legal traffic lane
9. (a) Defendant followed the plaintiff's vehicle from the preceeding traffic light at a speed of 25 miles per hour. Plaintiff suddenly stopped at intersection while traffic light was green.
- (b) Plaintiff gave no signal and failed to proceed through intersection
- (c) Stopped abruptly on a green traffic signal
- (d) Nothing
- (e) Plaintiff suddenly stopped at intersection while traffic light was green without giving any signal
10. (a) No
- (b) Not applicable
- (c) Not applicable
11. (a) 25 miles per hour
- (b) 25 miles per hour
- (c) 25 miles per hour
- (d) 25 miles per hour
- (e) 20 miles per hour
- (f) 20 miles per hour
- (g) 20 miles per hour
- (h) Stopped
- (i) Do not know
12. (a) Both vehicles were traveling north of highway 59
- (b) 25 feet for moving traffic

- (c) Both vehicles were traveling north on highway 59 when plaintiff suddenly stopped, giving no signal, upon entering intersection.
- 13. (a) Following plaintiff who suddenly stopped, I applied brakes in an attempt to avoid collision
  - (b) No change
  - (c) No change
- 14. (a) Yes
  - (b) 20 miles per hour
  - (c) 20 feet
  - (d) 20 feet, defendants vehicle did not move after the initial impact
- 15. (a) Defendants front bumper struck the rear of plaintiff's vehicle
  - (b) None
- 16. (a) Defendants vehicle stopped. Plaintiff's vehicle moved approximately 25 to 30 feet forward slightly to the right side of the intersection
  - (b) See 16-a
  - (c) None - pavement was wet
  - (d) None
  - (e) See attached diagram
- 17. (a) 25 miles per hour
  - (b) 25 miles per hour
  - (c) 20 miles per hour
  - (d) 20 miles per hour
  - (e) 20 miles per hour
  - (f) 20 miles per hour
  - (g) Do not know
  - (h) 25 miles per hour

18. (a) None  
(b) Not applicable  
(c) Not applicable  
(d) Not applicable
19. (a) None  
(b) Not applicable  
(c) Not applicable  
(d) Not applicable
20. (a) Yes  
(b) Immediately after the accident, I asked the plaintiff if she was hurt  
(c) Yes. Plaintiff said she did not know if she was hurt  
(d) None  
(e) None

Rudee Warren White  
RUDEE WARREN WHITE

STATE OF ALABAMA:

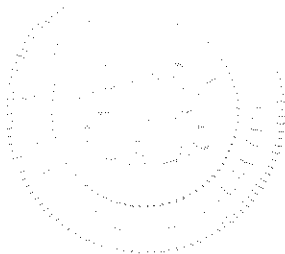
COUNTY OF BALDWIN:

Personally appeared before me, the undersigned authority, in and for said County in said State, Rudee Warren White, who being by me first duly sworn, or oath, deposes and says that the above answers to interrogatories are true and correct.

B. Eleanor Byrd

Subscribed and sworn to  
before me this 1<sup>st</sup> day  
of September, 1971

B. Eleanor Byrd  
Notary Public

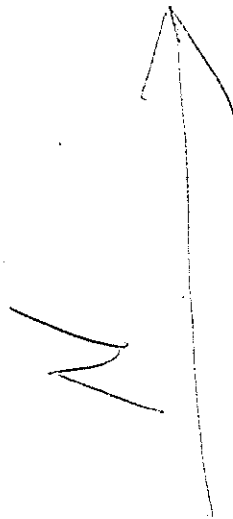


Height way 5'9" north

Landing light → O ← resting place plaintiff's

point of impact → O ← plaintiff  
resting place defendant → O ← defendant


app. 600 ft.



plaintiff → X ← point first seen plaintiff's car  
defendant → X (Kuba We... no... the driver)

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing answers to interrogatories upon James R. Owen, Esquire, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Bay Minette, Alabama on this 3rd day of September, 1971.

  
Attorney for Defendant

**FILED**

SEP 7 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

**FILED**

SEP 7 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

FILED

SEP 7 1971

IRENE W. PAYNE, EUNICE B. BLACKMON<sup>CIRCUIT</sup> CLERK IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
vs. : AT LAW  
RUDEE WARREN WHITE and :  
COASTAL CONCRETE COMPANY, :  
INC., a corporation, : CASE NUMBER 9680  
Defendants :

ANSWERS TO INTERROGATORIES

Comes now the defendants in the above styled cause and  
for answer to the interrogatories propounded by the plaintiff  
state as follows:

1. Not applicable
2. (a) Corporation  
(b) Not applicable  
(c) February 19, 1946, Robertsdale, Alabama
3. (a) 1956 Mack Truck, Model B-42, Concrete Mixer  
(b) Coastal Concrete Company, Inc., P. O. Box 564,  
Robertsdale, Alabama  
(c) Rudee Warren White, Robertsdale, Alabama  
(d) None  
(e) None  
(f) No  
(g) Good  
(h) July 23, 1970, 7:00 A.M. by Rudee Warren White
4. (a) Driver was employed by Coastal Concrete Company, Inc.  
(b) Coastal Concrete Company, Inc.  
(c) Coastal Concrete Company, Inc.  
(d) Eight hours on day of accident

QUESTIONS 5 THROUGH 20 DO NOT APPLY TO THIS DEFENDANT.



Coastal Concrete Company, Inc.

By: Ernest A. Clark

As its Manager

STATE OF ALABAMA:

COUNTY OF BALDWIN:

I, the undersigned Notary Public in and for said County, in said State, hereby certify that Ernest A. Clark, whose name as Manager of Coastal Concrete Company, Inc. is signed to the foregoing answers to interrogatories, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal on this, the 1<sup>st</sup> day of September, 1971.

C. Eleanor Byrd  
NOTARY PUBLIC

My commission Expires: 6-3-72

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing answers to interrogatories upon James R. Owen, Esquire, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Bay Minette, Alabama on this 3rd day of September, 1971.

Donald H. Hines  
Attorney for Defendant

**FILED**

SEP 7 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK