

ROBERT T. JERKINS, a
minor suing herein by
W. R. JERKINS, as his
Father and next friend,

Plaintiff,

vs.

POOLE TRUCK LINE, INC.,
a corporation, and LEE
FRED ODOM,

Defendants.

X

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 9945

INTERROGATORIES PROPOUNDED TO THE DEFENDANT
POOLE TRUCK LINE, INC.

Comes now the Plaintiff in the above styled cause and
propounds the following Interrogatories to the Defendant Poole
Truck Line, Inc.:

1. Please state your correct corporate name.
2. Were you, on the 21st day of June, 1971, the owner
of a 1966 Mack Truck, Identification Number R607T-1507, bearing
Alabama license tag number 21X7-263 for the year 1971 which was
involved in an accident in Baldwin County, Alabama on said date on
U. S. Highway Number 90 approximately 2 miles South of Loxley in
Baldwin County, Alabama, at the intersection of said Highway with
DuBose Road?
3. If the answer to the above Interrogatory is in the
affirmative, please state whether you were the owner of the
trailer attached to said truck.
4. If your answer to the foregoing Interrogatory is in
the affirmative, please state whether there was any cargo on said
trailer, the type of cargo, if any, and the owner of such cargo.
5. On June 21, 1971, was Lee Fred Odom your agent,
servant or employee?

6. If your answer to the foregoing Interrogatory is in the affirmative, then please state whether Lee Fred Odom was, on that day, involved in an accident on U. S. Highway Number 90 approximately 2 miles South of Loxley in Baldwin County, Alabama, at the intersection of said Highway with DuBose Road, while driving the tractor referred to in Interrogatory Number 2.

7. If your answer to the foregoing Interrogatory is in the affirmative, was Lee Fred Odom at said time and place acting within the line and scope of his employment as your agent, servant or employee?

CHASON, STONE & CHASON

By: 
Attorneys for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY


Before me, the undersigned authority, personally appeared Norborne C. Stone, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That he is one of the attorneys of record for the Plaintiff in the above styled cause and that the answers to the Interrogatories hereinabove propounded to the Defendant, Poole Truck Line, Inc., will be material evidence in the cause.


Norborne C. Stone, Jr.

Sworn to and subscribed before

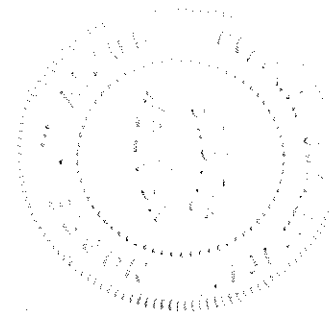
me this 22nd day of July, 1971.


Notary Public, Baldwin County, Alabama.

FILED

JUL 22 1971

EUNICE B. BLACKMON CIRCUIT CLERK



Received in office this the _____ day of _____, 19____

I have executed the within by leaving a copy thereof with Mr. Jim Price
Joel Truchant
defendant named herein, on this the 23
day of July, 1971

JAMES M. BROCK, Sheriff
By W. H. Weaver Deputy

9945

ROBERT T. JERKINS, a minor suing
herein by W. R. JERKINS, as his
Father and next friend,

Plaintiff,

vs.

POOLE TRUCK LINE, INC., a
corporation, and LEE FRED ODOM,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

INTERROGATORIES PROPOUNDED TO THE
DEFENDANT, POOLE TRUCK LINE, INC.

* * * * *

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

ROBERT T. JERKINS, a minor suing
herein by W. R. JERKINS, as his
Father and next friend,

Plaintiff,

vs.

POOLE TRUCK LINE, INC., a
corporation and LEE FRED ODOM,

Defendants.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9945

ANSWERS TO INTERROGATORIES

Comes now the defendant POOLE TRUCK LINE, INC. in the above
captioned cause and for answer to the interrogatories propounded to it
states as follows:

1. Poole Truck Line, Inc.
2. Yes.
3. Yes.
4. There was a cargo on the trailer. The cargo consisted of
bags of cement which were owned by Ideal Cement Company of Mobile.
5. Yes.
6. Yes.
7. Yes.

POOLE TRUCK LINE, INC.

By Walter Poole
As its President

STATE OF ALABAMA

COUNTY OF

Personally appeared before me, the undersigned authority in and
for said county in said state, Conecuh County, Alabama, whose name
as Walter Poole of Poole Truck Line, Inc., who is known
to me and who, after having been duly sworn, on oath, stated that he
has read the foregoing answers to interrogatories previously propounded
to Poole Truck Line, Inc. by the plaintiff in this law suit, and that the
answers are true to the best of his knowledge and belief.

Given this 4th day of May, 1972.

FILED

MAY 8 1972

EUNICE B. BLACKMON CIRCUIT
CLERK



Lorraine C. Goudin
Notary Public

ROBERT T. JERKINS, a minor suing
herein by W. R. JERKINS, as his
Father and next friend,

Plaintiff,

vs.

POOLE TRUCK LINE, INC., a
corporation and LEE FRED ODOM,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 9945

ANSWER

Come now the defendants in the above styled cause and for
answer to the plaintiff's complaint therein and to each count thereof,
separately and severally, make and file the following separate and
several pleas:

1. Not guilty.
2. Defendant denies the material allegations thereof.

INGE, TWITTY, DUFFY & PRINCE

By

Sydney R. Prince, III
Sydney R. Prince, III

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
5th day of June, 1972.

Sydney R. Prince, III
Attorney for Defendants

FILED

JUN 6 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

ROBERT T. JERKINS, a
minor suing herein by
W. R. JERKINS, as his
Father and next friend,

Plaintiff,

vs.

POOLE TRUCK LINE, INC.,
a corporation, and LEE
FRED ODOM,

Defendants.

) IN THE CIRCUIT COURT OF
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) BALDWIN COUNTY, ALABAMA
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) AT LAW
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CASE NO. 9945

DEMURRER

Comes now the defendants POOLE TRUCK LINE, INC. and LEE
FRED ODOM in the above captioned cause, and demurs to the complaint of
the plaintiff heretofore filed against him in said cause, and to each count
thereto, separately and severally, and for grounds of demurrer sets down
and assigns the following, separately and severally, to-wit:

1. That it does not state facts sufficient to constitute a cause
of action.
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 this defendant is called on to defend.
4. For that it does not appear with sufficient certainty what duty,
if any, defendant may have owed to the plaintiff.
5. For that it does not appear with sufficient certainty wherein
defendant violated any duty he may have owed to the plaintiff.
6. For that it does not sufficiently appear that the defendant owed
any duty to the plaintiff which defendant negligently failed to perform.
7. For that there does not appear sufficient causal connection
between defendants' said breach of duty and plaintiff's injuries and damages.
8. 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 the defendant.

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

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

11. The averments thereof are conflicting and repugnant.

12. For that no causal connection appears between the defendant's alleged negligence and the injuries and damages complained of by the plaintiff.

13. For that it is not alleged that the willful or wanton conduct complained of proximately caused the accident, the injuries and damages complained of.

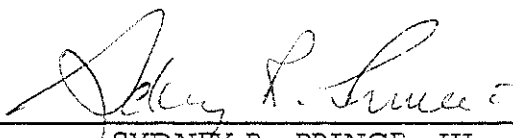
14. For that the facts averred in said complaint do not constitute willful or wanton negligence.

15. For aught that appears from said complaint, plaintiff's injuries and damages were not the direct and proximate result of any willful or wanton negligence on the part of this defendant.

16. For that it is not alleged that this defendant willfully or wantonly injured the plaintiff.

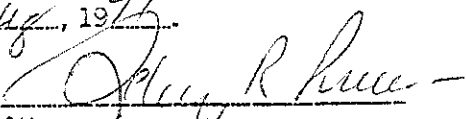
17. For that the willful or wanton conduct complained of is but the conclusion of the plaintiff with no facts alleged in support thereof.

INGE, TWITTY, DUFFY & PRINCE

BY: 
SYDNEY R. PRINCE, III

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 25 day of Aug, 1975.


Attorney for

FILED

AUG 26 1971

EUNICE B. BLACKMON CIRCUIT CLERK

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Poole Truck Line, Inc., a corporation, and Lee Fred Odom, 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 same, then and there to answer the complaint of Robert T. Jerkins, a minor suing herein by W. R. Jerkins, as his Father and next friend.

Witness my hand this 22 day of July, 1971.

Eunice B. Blackman
Clerk

ROBERT T. JERKINS, a
minor suing herein by
W. R. JERKINS, as his
Father and next friend,

Plaintiff,

vs.

POOLE TRUCK LINE, INC.,
a corporation, and LEE
FRED ODOM,

Defendants.

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X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

9945

COUNT ONE

The Plaintiff claims of the Defendants the sum of Fifty Thousand Dollars (\$50,000.00) as damages for that on heretofore, to-wit: the 21st day of June, 1971, at a point on U. S. Highway Number 90 approximately 2 miles South of Loxley in Baldwin County, Alabama, at its intersection with DuBose Road,

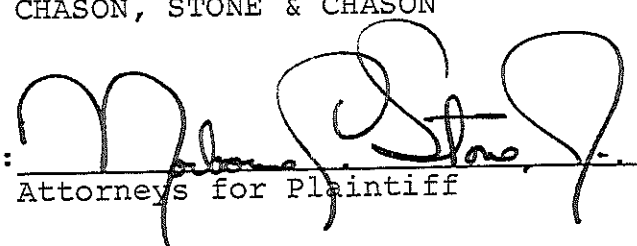
the Defendant Lee Fred Odom, the agent, servant or employee of the Defendant Poole Truck Line, Inc., a corporation, while acting within the line and scope of his employment as such so negligently operated a motor vehicle as to cause or allow the same to run into, upon and against an automobile in which the Plaintiff was then and there riding and as a proximate consequence and result of the negligence of the Defendant Lee Fred Odom aforesaid, while acting within the line and scope of his employment as the agent, servant or employee of the Defendant Poole Truck Line, Inc., a corporation, the Plaintiff was seriously and permanently injured in this: he suffered a concussion of the brain; the muscles in his neck and spine were injured and damaged; he received severe lacerations to his head and scalp; he was permanently scarred and disfigured about his face and head; his right elbow was lacerated; he suffered severe contusions to various parts of his body; he suffered shock and loss of memory; he was caused to be hospitalized; he suffered and continues to suffer pain and mental anguish; all to the damage to the Plaintiff, wherefore, he brings this suit and asks judgment in the above amount.

COUNT TWO

The Plaintiff claims of the Defendants the sum of Fifty Thousand Dollars (\$50,000.00) as damages for that on heretofore, to-wit: the 21st day of June, 1971, at a point on U. S. Highway Number 90 approximately 2 miles South of Loxley in Baldwin County, Alabama, at its intersection with DuBose Road, the Defendant Lee Fred Odom, the agent, servant or employee of the Defendant Poole Truck Line, Inc., a corporation, while acting within the line and scope of his employment as such, willfully or wantonly injured the Plaintiff by then and there so willfully or wantonly operating a motor vehicle as to cause or allow the same to run into, upon or against an automobile in which the

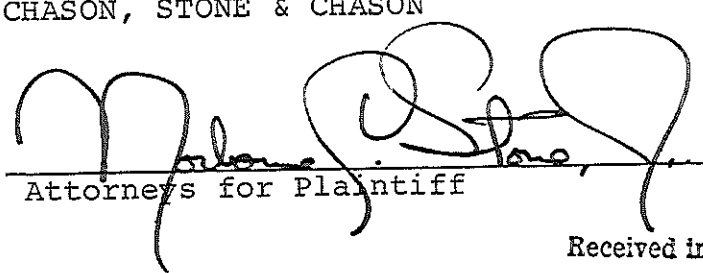
Plaintiff was then and there riding and as a proximate consequence and result of such willful or wanton misconduct of the Defendant Lee Fred Odom aforesaid, while acting within the line and scope of his employment as the agent, servant or employee of the Defendant Poole Truck Line, Inc., a corporation, the Plaintiff was seriously and permanently injured in this: he suffered a concussion of the brain; the muscles in his neck and spine were injured and damaged; he received severe lacerations to his head and scalp; he was permanently scarred and disfigured about his face and head; his right elbow was lacerated; he suffered severe contusions to various parts of his body; he suffered shock and loss of memory; he was caused to be hospitalized; he suffered and continues to suffer pain and mental anguish; all to the damage to the Plaintiff, wherefore, he brings this suit and asks judgment in the above amount.

CHASON, STONE & CHASON

By: 
Attorneys for Plaintiff

The Plaintiff respectfully
demands a trial of this
cause by a jury.

CHASON, STONE & CHASON

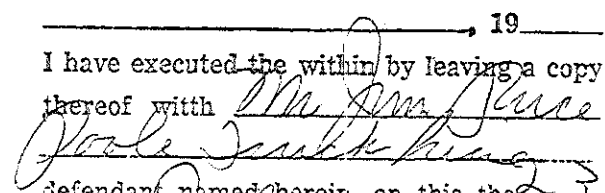
By: 
Attorneys for Plaintiff

Addresses for Service:

Poole Truck Line, Inc.
Evergreen, Alabama

Lee Fred Odom
Loxley, Alabama

Received in office this the _____ day of _____, 19____

I have executed the within by leaving a copy thereof with 

defendant named herein, on this the 23 day of July, 1971

JAMES M. BROCK, Sheriff

By  Deputy

9945

ROBERT T. JERKINS, a minor suing
herein by W. R. JERKINS, as his
Father and next friend,

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corporation, and LEE FRED ODOM,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

SUMMONS AND COMPLAINT

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

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

Received _____ day of _____ 1971
and on _____ day of _____ 1971
I served a copy of the within _____
on _____ Lee Fred Odom
By service on _____

TAYLOR WILKINS, Sheriff
By H. H. Brown D.S.
Bay Minette, Ala.