

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Jodie Franklin Smith 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 Florence T. Lugo.

WITNESS my hand this 9 day of November, 1971.

Ernie B. Blackburn
Clerk

Defendant may be served at 302 Magnolia Street, Bay Minette, Alabama.

* * * * *


FLORENCE T. LUGO,)	
Plaintiff,)	IN THE CIRCUIT COURT OF
VS.)	BALDWIN COUNTY, ALABAMA
JODIE FRANKLIN SMITH,)	AT LAW
Defendant.)	10,106

C O M P L A I N T
COUNT ONE

The plaintiff claims of the defendant Ten Thousand Dollars (\$10,000.00) for that heretofore on to-wit, March 13, 1971, the defendant so negligently operated a motor vehicle on Hand Avenue in the Town of Bay Minette at a point where Hand Avenue intersects McMeans Avenue, which are both public streets or highways in Baldwin County, Alabama, so as to cause the same to run into, upon or against the automobile which plaintiff was driving at said time and place and as a proximate result of the negligence of the said defendant, plaintiff was injured as follows: she received a laceration of her right elbow; she received a severe muscle sprain of the neck and shoulders; she was made sick, sore and nervous and she continues to suffer pain and discomfort. Plaintiff avers that all of her injuries were the proximate result of the negligence of the defendant at said time and place, hence this suit.

COUNT TWO

The plaintiff claims of the defendant Ten Thousand Dollars (\$10,000.00) for that heretofore on to-wit, March 13, 1971, the defendant wilfully or wantonly operated a motor vehicle on Hand Avenue in the Town of Bay Minette at a point where Hand Avenue intersects McMeans Avenue, which are both public streets or highways in Baldwin County, Alabama, so as to cause the same to run into, upon or against the automobile which plaintiff was driving at said time and place and as a proximate result of the wilful or wanton negligence of the said defendant, plaintiff was wilfully or wantonly injured as follows: she received a laceration of her right elbow; she received a severe muscle sprain of the neck and shoulders; she was made sick, sore and nervous and she continues to suffer pain and discomfort. Plaintiff avers that all of her injuries were the result of the wilful or wanton negligence of the defendant at said time and place, hence this suit.


Attorney for Plaintiff

FILED

NOV 8 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

Case 10,106

Florence L. Lugo
vs
Jodie Franklin Smith

Sheriff's Office _____ miles at
Ten Cents per mile Total \$
TAYLOR WILKINS, Sheriff

NOV 8 1971
TAYLOR WILKINS
SHERIFF

FILED

NOV 8 1971

EUNICE B. BLACKMON
CIRCUIT CLERK

James R. Owens

Received _____ day of _____ 1971
and on _____ day of _____ 1971
I served a copy of the within _____
on _____
By service on _____
TAYLOR WILKINS, Sheriff

FLORENCE T. LUGO,)	
)	
Plaintiff,)	IN THE CIRCUIT COURT OF
)	
VS.)	BALDWIN COUNTY, ALABAMA
)	
JODIE FRANKLIN SMITH,)	AT LAW NO. 10106
)	
Defendant.)	

ANSWERS TO INTERROGATORIES

Now comes the plaintiff in the above styled cause and for answer to the interrogatories heretofore filed in said cause says:

1. Florence T. Lugo, 54, 5 South Spring Bank Road, Mobile, Alabama.

2. Housewife. (a) through (j) not applicable.

3. I received a laceration of my right elbow; muscle sprains of the neck and shoulders, continuing pain in my neck, shoulder and right arm. My neck was strained and kept me in continuing pain for about two weeks. It is still painful on instances when I make a quick motion involving the neck. My right shoulder was extensively sprained. The injury to my elbow still persists whenever the spot injured is touched by something; pain shoots through my arm and a hot feeling still occurs in my right shoulder. (a) through (e) answered above.

4. Dr. Russell Sherman, Bay Minette, Alabama. (a) March 13, 16, and 24, 1971. (b) See answer to interrogatory number 3 above. (c) See answer to interrogatory number 3 above. (d) March 24, 1971. He prescribed medicine for pain and hot feelings in my right shoulder and right arm. (e) \$99.00. (f) All have been paid by me. (g) No. (h) No. (i) No.

5. Not hospitalized.

6. I was x-rayed by Dr. Russell Sherman on March 16, 1971, taking two views of the Dorsal spine, four views of cervical spine, two views of left shoulder and two views of right elbow. (b) All I know about the x-ray reading was that I understand that they were negative for fracture. (c) The x-ray bill was included

in the \$99.00 bill from Dr. Sherman referred to above.

7. None.

8. None.

9. None.

10. When I was a child, I suffered small injuries which is normal for childhood, however, I have never suffered any injuries to any extent since adulthood.

11. 1969 Buick Electra 225, Model 8439, 4 door, Serial No. 484399H271186, hard vinyl top, white body and black top.

(a) Frank M. Lugo, 5 South Spring Bank Road, Mobile, Alabama.

(b) Florence T. Lugo, see above for address. (c) Peacock Buick Company on November 5, 1969. (d) Not applicable. (e) Not applicable.

12. Not applicable.

13. I was the only person occupying the vehicle and I was driving.

14. See attached sketch.

15. (a) Alabama State Highway 59 and Baldwin County Road 47. (b) No. (c) 500 feet or more. (d) The accident happened in the center of the intersection in my lane of traffic. (e) There was a blinker signal and a stop sign on Baldwin County Road 47 entering into Alabama State Highway 59.

16. Approximately three or four car lengths East of the point of impact. (a) Yes. (b) Approximately 50 feet. (c) Approximately 150 feet. (d) About one-half car length East of the place of impact. (e) Approximately one-half vehicle East of the intersection. (f) The traffic signal was red, facing the defendant driver and was working normally at the time of the accident. (g) North of center line. (h) South of right edge of the street on which defendant's motor vehicle was travelling. (i) In the intersection.

17. I was travelling North on Highway 59, approaching the intersection of Highway 59 and Baldwin County Road 47 when I first observed the defendant driving toward the intersection of the

two highways from an Easterly direction. The defendant slowed down and stopped at the stop sign on the East side of the intersection and I proceeded in a Northerly direction on Highway 59. Just as I entered the intersection, the defendant accelerated his automobile and run into the right side of my vehicle. (a) Not applicable. (b) Failed to yield right of way. (c) Answered above. (d) Answered above.

18. I was not intoxicated and had not been drinking intoxicating beverages at the time of the said accident. I do not know if the defendant was drinking or not; however, he staggered considerably when he got out of his vehicle. (a) Unknown. (b) Unknown. (c) No.

19. (a) Five miles per hour. (b) Unknown. (c) Unknown. (d) Unknown. (e) Five miles per hour. (f) 0 (g) I am unable to estimate the speed of the defendant's automobile at a point 10 feet from place where the impact occurred; however, in my opinion, he was going as fast as his automobile would accelerate from the place where it stopped up to the time of impact. (h) See answer to subparagraph g above. (i) 0.

20. Answered above (a) Twenty-four feet. (b) Not applicable. (c) Not applicable. (d) Not applicable. (e) Not applicable. (f) Not applicable.

21. I was driving in a Northerly direction on Highway 59 in my lane of traffic and as I approached the intersection, I slowed to be sure the defendant would stop for the stop sign which was facing him, where Baldwin County Road 47 enters Highway 59. When I ascertained that he had stopped at the stop sign, I continued in a Northerly direction on Highway 59 in my lane of traffic up until the time of impact. (a) None. (b) None.

22. When I was approximately 100 or 150 feet from the intersection, I applied my brakes lightly. At that time I was travelling approximately 30 miles per hour. I then travelled approximately 30 feet as the vehicle slowed and I ascertained that the

defendant stopped at the stop sign at the intersection. (b)

Answered above. (c) Answered above.

23. The left front of defendant's vehicle came in contact with the right front of my vehicle. (a) I think the defendant's left rear hit the right rear of my vehicle. (b) Not applicable.

24. Fifteen to twenty feet. (a) My vehicle moved in a Northwesterly direction and the defendant's vehicle moved in a Northeasterly direction. (b) None that I know of. (c) None that I know of. (d) See map attached hereto.

25. Answered above.

26. None. (a) Not applicable. (b) Not applicable.
(c) Not applicable.

27. None that I know of.

28. No.

Florence T. Lugo
Florence T. Lugo

STATE OF ALABAMA)
 *
COUNTY OF MOBILE)

Before me, the undersigned authority, personally appeared Florence T. Lugo, who first being duly and legally sworn, deposes and says: That the foregoing answers to interrogatories are true and correct to the best of her knowledge and belief.

x Florence T. Lugo

Sworn to and subscribed before me
on this the 27 day of December, 1971.

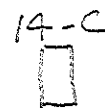
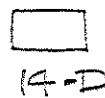
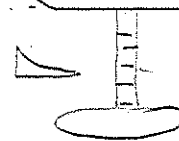
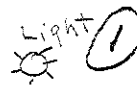
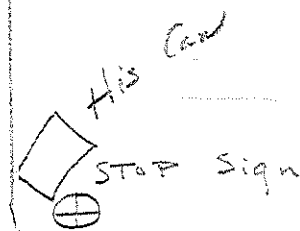
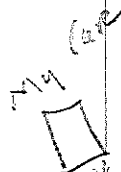
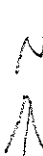
Dorothy M. Brade
Notary Public, Mobile County, Alabama

FILED

DEC 29 1971

EUNICE B. BLACKMON CIRCUIT CLERK

Interrogatory 14-
24




10.106

FLORENCE T. LUGO, § IN THE CIRCUIT COURT OF
Plaintiff, § BALDWIN COUNTY, ALABAMA
VS. §
JODIE FRANKLIN SMITH, § AT LAW
Defendant. § CASE NO. 10106

A N S W E R

Comes now the defendant in the above-styled cause,
Jodie Franklin Smith, and for separate and several answer
to each count of the complaint, the defendant files the
following separate and several pleas.

1. Not guilty.

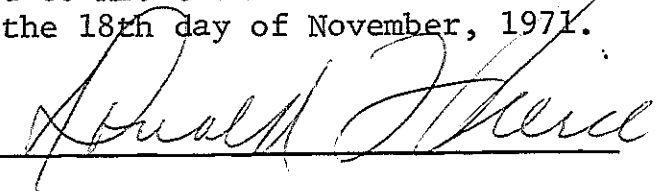

Donald F. Pierce
Trial Attorney for Defendant

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, Attorney for the
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 18th day of November, 1971.



FILED

NOV 19 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

FLORENCE T. LUGO,

Plaintiff

vs.

JODIE FRANKLIN SMITH,

Defendant

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY
) ~~XXXXXXXXXXXXXXXXXX~~

) ALABAMA.

) AT LAW

) CASE NO. 10106

)

INTERROGATORIES TO THE PLAINTIFF

Comes now each of the following defendants, separately and severally, JODIE FRANKLIN SMITH and, desiring the testimony of the plaintiff, pro- pounds to the 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 correct name, age, residence address and business address.

2. State the name and address of your employer at the time of the occurrence made the basis of this suit and the type of work you were doing. (a) State your average weekly earnings at the time of said occurrence. (b) State the number of days and the dates of the days you actually lost from work as a result of the injuries you allege you received. (c) State whether or not you continued to receive wages from your said employer during the period of your disability as a result of the occurrence made the basis of this suit. (d) State the amount lost in wages by you as a result of said occurrence. (e) Give the name and address of your present employer and the type of work you are doing. (f) State the amount of your present average weekly earnings. (g) Give the name and address of each and every other person by whom you have been employed since the date of the occurrence made the basis of this suit and your average weekly wage in each employment. (h) How much gross earnings from your employment did you report to the Collector of Internal Revenue for income tax purposes for the calendar year immediately prior to the year of said occurrence? (i) How much gross earnings from your employment did you report to the Collector of Internal Revenue for income tax purposes for the calendar year during which said occurrence happened? (j) How much gross earnings from your employment did you report to the Collector of Internal Revenue for income tax purposes for the calendar year next subsequent to the year of said occurrence?

3. Describe each and every injury received by you in the occurrence made the basis of this suit. (a) Describe and locate each and every laceration or cut you sustained in said occurrence. (b) Describe and locate each and every bruise, sprain, strain or contusion you sustained in said occurrence. (c) Describe and locate each and every fracture or dislocation suffered by you in said occurrence. (d) Specify which, if any, of said injuries are permanent in nature, and state the manner and degree in which each said injury disables you. (e) Specify and describe in detail any and all other ailments resulting from said occurrence which have not already been enumerated by you, and state how and to what degree said condition manifests itself.

4. Give the name and address of each and every doctor, if any, who has attended you for the injuries you allege to have received in the occurrence made the basis of this suit. (a) Give the dates of treatment or examination of you by each and every said doctor, respectively. (b) What was your condition with reference to said injuries and ailments when you were first attended by each of said doctors, separately and severally? (c) What was your condition with reference to said injuries and ailments when you were last attended by each of said doctors, separately and severally? (d) State the date on which you were last treated, examined or prescribed for by each of said doctors, separately and severally, and relate in substance what transpired at said time between you and each of said doctors, and include the substance of said doctor's instructions to you with reference to further treatment. (e) State the amount of the bill, separately and severally, of each respective doctor for the treatment rendered you or services performed for you, resulting from the occurrence made the basis of this suit. (f) State which of said doctors, separately, have been paid, and, if so, by whom. (g) State whether you had any form of medical insurance or other protection which took care of said doctors' bills, and, if so, to what extent? (h) Were you referred to any of the doctors heretofore mentioned by you in your answers to these interrogatories by the attorney or attorneys who represent you and, if so, state the name or names of such doctors. (i) Did any of the doctors heretofore mentioned by you refer you to the attorney or attorneys who represent you and, if so, state which of said doctors did so.

5. State whether or not you were hospitalized as a result of the occurrence made the basis of this suit. (a) If so, give the name and address of said hospital where you were confined. (b) Give the dates of your confinement. (c) State the amount of the hospital bill incurred for your confinement. (d) State whether or not any portion of said bill was taken care of by hospitalization insurance or by any other form of protection, and, if so, what portion? (e) State who paid or became obligated to pay said hospital bill or portion thereof.

6. State whether or not any X-rays were taken of you as a result of the occurrence made the basis of this suit. (a) Give the name and address of every radiologist who took said X-rays or who supervised their taking and state when all said X-rays, respectively, were taken. (b) State each X-ray reading or your understanding of what each of the X-rays revealed, respectively. (c) Give the amount of each said X-ray bill, and state by whom each was paid.

7. State whether or not special nurses, registered nurses or practical nurses attended you in the treatment of the injuries you allege you received in the occurrence made the basis of this suit. (a) If so, give the name and address of each. (b) Give the dates you were attended by each of said nurses, separately and severally, and state whether they were special nurses, registered nurses or practical nurses. (c) Give the amount of each of said nurse's bill, separately and severally. (d) State who paid said bills, and also whether your said expenses were taken care of by any form of medical insurance or protection.

8. State whether or not you incurred any ambulance bills, drug expense or miscellaneous expense of any nature whatsoever not already enumerated as a result of the occurrence made the basis of this suit. (a) Describe each of said expenses, separately and severally, stating the amount of each. (b) By whom were each of said expenses paid?

9. State how long you were confined to bed at home after, and as the result of, the occurrence made the basis of this suit, if you were so confined, and state the dates of said confinement. (a) State how many days elapsed from the date of said occurrence until you were able to be out of bed and up and

about your home. (b) State how many days elapsed from the date of the occurrence until you were able to leave your home and come to town or go other places. (c) State the number of days which elapsed from the date of said occurrence before you were able to resume your normal activities.

10. State whether or not, prior to the occurrence made the basis of this suit, you were ever at any time injured in any manner whatsoever to any extent. (a) If you were injured prior to the occurrence made the basis of this suit in any manner, please describe in detail how you were injured, giving the date of each such injury and the extent of each such injury. (b) Have you sustained any injuries of any nature whatsoever subsequently to the occurrence made the basis of this suit? (c) If so, describe the same fully and in detail. (d) Have you ever made claim or filed suit for any injury or damage arising out of any occurrence prior to the accident made the basis of this suit? (e) If so, state where each such occurrence happened, against whom each such claim was made and the outcome of each. (f) Give the name and address of each and every doctor who has treated or examined you during the five years next preceding the date of the occurrence made the basis of this suit. (g) Describe the condition for which you were so treated or examined.

11. Describe completely and in detail the vehicle involved in, and occupied, driven by or owned by you on the occasion of the accident made the basis of this suit, stating in your answer the make, year, model and body style of the same. (a) State the name and address of the owner of said motor vehicle on the date of said accident. (b) State the name and address of the driver of said vehicle on said occasion. (c) State by whom said motor vehicle had been purchased prior to said accident, and give the date of the purchase. (d) How much was paid for said motor vehicle at the time of said purchase? (e) Give the name and address of any other person who had any interest of any nature whatsoever in said motor vehicle at the time of said accident and describe that interest.

12. Describe completely and in detail every item of damage sustained by said motor vehicle on the occasion of said accident. State in your opinion the fair reasonable market value of said motor vehicle immediately prior to said accident and also immediately after said accident, before it was repaired. (a) Give the amount of each repair estimate obtained as to said damage, and give the name and address of the person or company making said repair estimate. (b) 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 that made said repairs. (c) State who paid for said repairs. (d) State how long the motor vehicle was in the repair shop. (e) State whether or not you have made any sworn statement as to the amount of the damage to said motor vehicle. (f) If so, give the name and address of the person or company to whom said sworn statement was made, when it was made and the amount that was stated in same. (g) State whether or not said motor vehicle has been sold subsequently to the date of the accident made the basis of this suit, and, if so, for what amount, and state the name and address of the person, firm or corporation to which said vehicle was sold. (h) Give the mileage reading of said motor vehicle at the time of the accident made the basis of this suit. (i) Give the mileage reading of said motor vehicle at the time of answering these interrogatories. (j) Describe the condition of the brakes, signal device, steering apparatus, tires and lighting equipment on said motor vehicle, separately, at the time of the accident made the basis of this suit. (k) When had the brakes, signal device, steering apparatus, lights and tires on said motor vehicle, separately, last been inspected prior to said accident, and by whom?

13. State the number of persons occupying the motor vehicle in or on which you also were riding or which you were driving at the time of the accident made the basis of this suit, and state specifically how and in what manner said occupants were located in or on said vehicle on said occasion. Give their names and addresses. (a) State fully the purpose of the trip you were making at the time of the accident made the basis of this suit. (b) From what point had you departed? (c) What was your destination? (d) Were you performing a mission, errand or duty for anybody whomsoever? If so, state the nature of same and the name and address of the person or company for whom you were performing it. (e) Give the name and address of each and every company or person who had any interest whatsoever in the trip you were making at said time, the nature of said interest and the connection of said company or person with the trip. (f) If you were not an occupant of the vehicle involved in said accident, but owned it, state the purpose of trip on which it was engaged and whether same was in connection with your business or for your benefit.

14. Prepare and attach to your answers to these interrogatories a sketch portraying the scene of the accident and the physical objects involved in the accident made the basis of this suit, and designate on said sketch, giving your best judgment as to distances, the following: (a) The point of impact and skid marks leading up to and from same. (b) The resting places of the vehicles and of any pedestrian after the accident. (c) Where you were located when you first saw the defendant's vehicle or other vehicle involved in the accident. (d) Where the defendant's or other 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.

15. 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 then 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 then see to the left and right on each of the streets entering the intersection and down each of the intersecting streets when you approached at a point 50 feet from said intersection immediately prior to said accident. (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 200 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.

16. State where the motor vehicle allegedly operated by or on behalf of the defendant (hereinafter sometimes called defendant's motor vehicle) was located with reference to the point of impact in the accident made the basis of this suit when you first observed same immediately prior to said accident. (a) Did you see the defendant's motor vehicle before the actual collision? (b) How many feet was the defendant's motor vehicle from the place of the impact when you first observed same? (c) How many feet were you from the place of impact when you first observed the defendant's motor vehicle? (d) Where was the defendant's motor vehicle when you first entered the intersection with reference to the place of impact? (e) Where was the defendant's motor vehicle with reference to the intersection when you first entered same? (f) Describe the condition of all automatic traffic signal lights located in the intersection at the time each of said motor vehicles entered same on the occasion of the accident made the basis of this suit, stating the condition, if you know, of the color of the light which was facing the approaching driver. (g) Where did the impact occur with reference to the center line of the street on which defendant's motor vehicle was traveling? (h) Where did the impact occur with reference to the right edge of the street on which defendant's motor vehicle was traveling? (i) How far distant were you from the nearest intersection when the impact occurred?

17. 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 the same as seen by you. (a) If you were a passenger in a vehicle involved in this accident, describe each and everything done by the operator of the said vehicle in which you were riding to avoid said accident. (b) Describe each and everything which the driver of the defendant's motor vehicle failed to do to avoid said accident. (c) Describe each and everything done by the driver of defendant's motor vehicle immediately prior to and at the time of said accident. (d) State each and everything done by you immediately prior to said accident.

18. State whether or not any of the operators of any of the vehicles involved in the accident made the basis of this suit were intoxicated, in your opinion, or were drinking intoxicating beverages at the time of the said accident. (a) Give the name and address of each of said operators who was drinking or who was intoxicated. (b) State what each of said persons was or had been drinking, where he or she had obtained same, the quantity or amount consumed and the time and place where same was drunk. (c) If you were an occupant of a vehicle involved in the accident made the basis of this suit, state whether either you or the driver of the vehicle (if different persons) in which you were riding pleaded guilty to a charge of reckless driving or of driving while intoxicated arising from said accident. If so, when and in what court was this done?

19. State, according to your best judgment, the speed of the defendant's motor vehicle 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 impact. (i) Immediately after the impact.

20. State in what direction and along what street or highway each of the motor vehicles involved in the accident made the basis of this suit was traveling on the occasion of said accident. (a) State in your best judgment, in number of feet, the width of each of said streets or highways. (b) If any 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. (c) If you were a passenger, then state at what point had the motor vehicle in which you were riding entered the street upon which you were traveling at the time of the said accident? (d) If you were a pedestrian, state from which corner you had started to cross the street, or if you were crossing at a point not in a cross-walk, state from where you started. (e) If you were a pedestrian, describe each and every precaution taken by you, if any, before attempting to cross the street. (f) If you were a pedestrian, state whether you were crossing the street at a point between intersections.

21. State fully, specifically and in detail each and every act or thing done by the operator of the vehicle occupied or driven 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. (a) Describe each change in the course of travel

made by the defendant's motor vehicle immediately prior to said accident. (b) Describe each change in the course of travel made by the vehicle in which you were immediately prior to said accident.

22. State whether or not the brakes on the vehicle occupied by you or driven by you at the time of said accident were applied prior to the collision. (a) If so, state in your best judgment the speed in miles per hour said vehicle was traveling at the moment the brakes were applied. (b) 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. (c) 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.

23. State specifically what portion of the vehicles involved in the accident made the basis of this suit first came in contact with each other. (a) Describe the portions which next came in contact after the initial impact. (b) If you were a pedestrian, describe what portion of the defendant's vehicle struck you and where on your body you were struck.

24. 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. (a) In what direction did each of said motor vehicles move from the point of said collision until they came to a complete stop? (b) Describe each and every skid mark which led up to the point of collision. (c) Describe each and every skid mark which extended from the point of the collision toward the place where either or both of the motor vehicles involved in the accident came to rest. (d) Locate the point where each motor vehicle came to rest with reference to the point of the impact, the center of the intersection, the four corners of same and the right edge of the street on which it had been traveling.

25. State the speed of the motor vehicle which you were driving or in which you were riding, 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 point of impact. (g) At the time of said impact. (h) When you first observed the other vehicle involved in said accident.

26. State whether any horn was sounded or any other signal was given as a warning by the operator of any of the vehicles involved in the accident made the basis of this suit prior to the time of the collision. (a) If so, describe each of said signals given by each respective driver specifically and in detail. (b) State how far distant from the point of collision each vehicle was located at the time each said signal was given, respectively. (c) If any signals for stopping or turning were given by any driver immediately prior to said collision, describe same, and state how far distant from the point of impact each said signal was given by each driver, respectively.

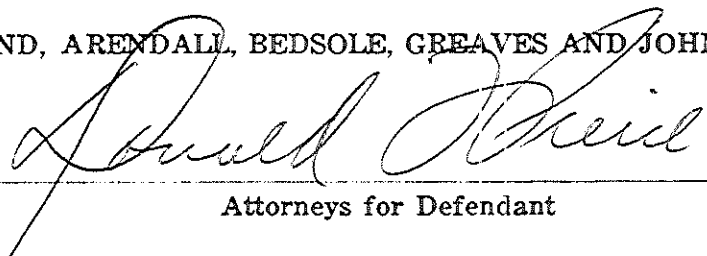
27. State whether or not there were any other vehicles at or near the scene of the accident at the time of and immediately prior to the occurrence of same. (a) If so, state the number of such other vehicles and where they were located with reference to the point of the accident at the moment same

occurred. (b) 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. (c) Give the name and address of each driver and owner of each of said vehicles, as fully as you can.

28. Did you make any statement or statements concerning said accident 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? (a) If so, state when, where and what, in substance, was said by you. (b) Did the driver of the defendant's motor vehicle make any statement in your presence concerning the accident following the occurrence of the accident, and, if so, state when, where and what, in substance, was said by said driver. (c) Did the operator of the vehicle in which you were riding at the time of said occurrence make any statement concerning the accident following the same? (d) If so, state when, where and what, in substance, was said. (e) Give the name and address of each and every person who was present when any and all of said statements, respectively, were made either by you, the driver of the vehicle in which you were riding or by the driver of the defendant's motor vehicle following the occurrence of the accident made the basis of this suit, and further identify each such person as to what statement was made in his or her presence.

HAND, ARENDALL, BEDSOLE, GREAVES AND JOHNSTON

By:

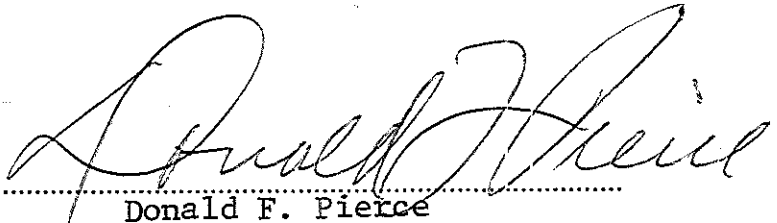


Attorneys for Defendant

THE STATE OF ALABAMA:

COUNTY OF MOBILE :

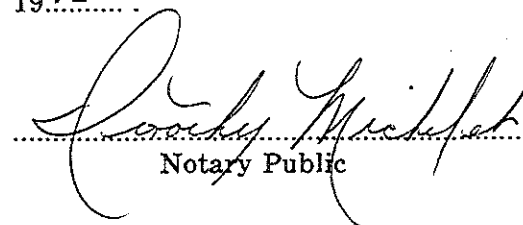
Before me, the undersigned authority in and for said county in said state, this day personally appeared Donald F. Pierce, who is known to me, and who, being by me first duly sworn, upon oath deposes and says that he is one of the attorneys for said specified defendant in the above entitled cause, and 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.


Donald F. Pierce

Sworn to and subscribed before me on

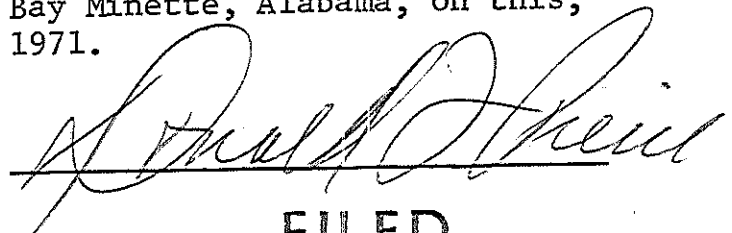
this 18th day of November

1971


Notary Public

CERTIFICATE OF SERVICE

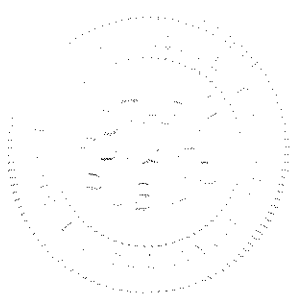
I hereby certify that I have mailed a true and correct copy of the foregoing interrogatories to James R. Owen, Attorney for the Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to Mr. Owen at his office in Bay Minette, Alabama, on this, the 18th day of November, 1971.



FILED

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EUNICE B. BLACKMON CIRCUIT CLERK



HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

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LARRY U. SIMS
A. CLAY RANKIN, III
EDWARD A. HYNOMAN, JR.
MICHAEL D. KNIGHT
G. HAMP UZZELLE, III

November 18, 1971

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

Re: Florence T. Lugo, Plaintiff, vs.
Jodie Franklin Smith, Defendant
Case No. 10106 - In the Circuit
Court of Baldwin County, Alabama

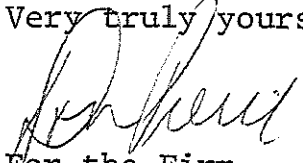
Dear Mrs. Blackmon:

Enclosed please find an answer and interrogatories to the plaintiff in relation to the above-referenced matter which I would appreciate your filing in the records of the Circuit Court of Baldwin County, Alabama. You will note that I have this day forwarded a copy of these pleadings to James R. Owen, Attorney for the Plaintiff.

Would you please indicate receipt of these pleadings and of this letter on the duplicate copy of this letter enclosed herewith and return same to me for my file.

Thank you for your cooperation.

Very truly yours,


For the Firm

DFP/dm
Encls.