

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 Norvelle C. Miller 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 Mary Clarke Dean.

Witness my hand this 3 day of November, 1971.

*Emmie D. Blackmer*  
Clerk

MARY CLARKE DEAN,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
NORVELLE C. MILLER,	X	AT LAW NO. <u>10,137</u>
Defendant.	X	

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Fifty Thousand Dollars (\$50,000.00) as damages for that heretofore on, to-wit, the 10th day of April, 1971, at a point on McKenzie Street at the intersection of Fern Street, which said point is a public street in Foley, Baldwin County, Alabama, the Defendant so negligently operated a motor vehicle as to cause or allow the same to run into, upon or against a motor vehicle in which the Plaintiff was riding as a passenger and as a proximate result of such negligence, the Plaintiff received a severe whiplash injury to her neck, as a result of which the Plaintiff has been caused to incur hospital and medical bills and expenses, she has experienced much mental and physical pain and suffering and she alleges that the injury to her neck is a permanent injury and

that she will continue to experience pain and discomfort in the future; she has been caused to suffer a loss of wages from her employment at South Baldwin Mills where she was gainfully employed at the time of her injury, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of Fifty Thousand Dollars (\$50,000.00) as damages for that heretofore on, to-wit, the 10th day of April, 1971, at a point on McKenzie Street at the intersection of Fern Street, which said point is a public street in Foley, Baldwin County, Alabama, the Defendant wilfully or wantonly injured the Plaintiff by so wilfully or wantonly operating a motor vehicle as to cause or allow the same to run into, upon or against a motor vehicle in which the Plaintiff was riding as a passenger and as a proximate result of such wilfull or wanton misconduct, the Plaintiff received a severe whiplash injury to her neck, as a result of which the Plaintiff has been caused to incur hospital and medical bills and expenses, she has experienced much mental and physical pain and suffering and she alleges that the injury to her neck is a permanent injury and that she will continue to experience pain and discomfort in the future; she has been caused to suffer a loss of wages from her employment at South Baldwin Mills where she was gainfully employed at the time of her injury, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

CHASON, STONE & CHASON

BY: John E. Chason

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

CHASON, STONE & CHASON

BY: John E. Chason

Defendant may be served with process at Route 1, Schillinger Road, Semmes, Alabama, or at Wilmer, Alabama.

FILED

DEC 3 1971

EUNICE B. BLACKMON CIRCUIT CLERK

REC'D. SHERIFF, DEPT.  
MOBILE COUNTY, ALA.

Dec 7 10 11 AM '71

Sherriff claims ~~\_\_\_\_\_~~ miles of  
Ten Cents per mile Total \$  
TAYLOR WILKINS, Sheriff  
BY ~~\_\_\_\_\_~~ DEPUTY SHERIFF

Received ~~\_\_\_\_\_~~ day of ~~\_\_\_\_\_~~ 19 ~~\_\_\_\_\_~~  
and on ~~\_\_\_\_\_~~ day of ~~\_\_\_\_\_~~ 19 ~~\_\_\_\_\_~~  
I served a copy of the within ~~\_\_\_\_\_~~  
on ~~\_\_\_\_\_~~  
By services on ~~\_\_\_\_\_~~  
TAYLOR WILKINS, Sheriff  
By ~~\_\_\_\_\_~~

EXECUTED  
This 21 day of Dec, 19 71  
by serving a copy of the within on  
Norvelle C. Miller  
By R. D. Bridges Sheriff  
D.S.

May 9026



MARY CLARKE DEAN,  
Plaintiff,

vs.

1221X  
NORVELLE C. MILLER,  
Defendant.

\* \* \* \* \*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 10,137

\* \* \* \* \*

SUMMONS AND COMPLAINT

FILED

\* \* \* \* \*

DEC 3 1971

EUNICE B. BLACKMON CIRCUIT  
CHASON, STONE & CHASON  
ATTORNEYS AT LAW  
P. O. Box 120  
BAY MINETTE, ALABAMA

DEC 6 1971

MARY CLARKE DEAN,	)	IN THE CIRCUIT COURT
Plaintiff,	)	OF BALDWIN COUNTY,
VS	)	ALABAMA
NORVELLE C. MILLER,	)	AT LAW
Defendant.	)	CASE NO. 10,137

DEMURRERS

Comes now the defendant and demurs to the plaintiff's complaint filed herein and each and every count thereof, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

1. For that insufficient facts are alleged to state a cause of action against this defendant.
2. The allegations of negligence are merely a conclusion of the pleader.
3. The said count is vague, indefinite and uncertain and does not apprise this defendant with sufficient certainty what act or acts of negligence the 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 negligently failed to perform.
7. For that the allegations of the said count are insufficient as a matter of law to state a cause of action against 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 alleged breach of duty and plaintiff's injuries and damages.

10. No facts are alleged to show that plaintiff sustained any injury or damages 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 the defendant.

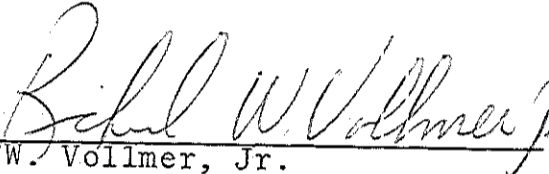
17. It is not alleged that the wanton conduct complained of proximately caused the accident and the injuries and damages complained of.

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

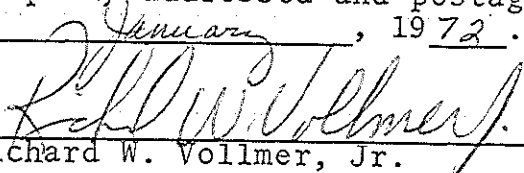
19. There is no allegation of either a willful or wanton injury committed by this defendant.

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.
23. For that insufficient facts are alleged to show wantonness on the part of the defendant.
24. For that no wanton injury is sufficiently alleged in said count.
25. For that the facts alleged do not constitute wantonness as a matter of law.

  
Richard W. Vollmer, Jr.  
Attorney for Defendant  
P. O. Box 2245  
Mobile, Alabama, 36601

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 4<sup>th</sup> day of January, 1972.

  
Richard W. Vollmer, Jr.

**FILED**

JAN 6 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

MARY CLARKE DEAN,	)	IN THE CIRCUIT COURT
Plaintiff,	)	OF BALDWIN COUNTY,
VS	)	ALABAMA
NORVELLE C. MILLER,	)	AT LAW
Defendant.	)	CASE NO. 10,137

ANSWER

Comes now the defendant in the above styled cause, and for answer to the plaintiff's complaint, and to each count thereof, separately and severally, files the following separate and several pleas:

1. For the defendant says that he is not guilty of the matters and things alleged in the said count.

*Richard W. Vollmer, Jr.*

Richard W. Vollmer, Jr.  
Attorney for Defendant  
P. O. Box 2245  
Mobile, Alabama 36601

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 State Mail, properly addressed and postage prepaid on this 13 day of January, 1972.

*Richard W. Vollmer, Jr.*

Richard W. Vollmer, Jr.

**FILED**

JAN 14 1972

EUNICE B. BLACKMON CIRCUIT CLERK





MARY CLARKE DEAN,	)	IN THE CIRCUIT COURT
Plaintiff,	)	OF BALDWIN COUNTY,
VS	)	ALABAMA
NORVELLE C. MILLER,	)	AT LAW
Defendant.	)	CASE NO. 10,137

INTERROGATORIES TO THE PLAINTIFF

Comes the defendant in the above entitled cause, and desiring the testimony of the plaintiff, propounds to the plaintiff the following interrogatories as provided under Section 477, et seq., of Title 7 of the Code of Alabama, to-wit:

1. State your full and complete name.
  - a. Have you ever been known by any other name?
  - b. If your answer is that you have, please state all other names by which you have been known.
  - c. Are you married at the time you answer these interrogatories; were you married on April 10, 1971?
  - d. What is your present address?
  - e. What was your address on April 10, 1971?
  - f. List all of the addresses of the places where you have resided since April 10, 1971, up to the present time.
2. State the name and address of your employer at the time of the occurrence made the basis of this suit and type of work you were doing.
  - a. State your average weekly earnings at the time of said occurrence.
  - b. State the number of 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 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 did you report to the Collector of Internal Revenue for income tax purposes during the year immediately prior to said occurrence.

i. How much gross earnings did you report to the Collector of Internal Revenue for income tax purposes during the year said occurrence happened?

j. How much gross earnings did you report to the Collector of Internal Revenue for income tax purposes during the year next subsequent to 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 sustained by you in said occurrence.

c. Describe and locate each and every fracture of 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 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 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 when first attended by each of said doctors, separately and severally?

c. What was your condition 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 said doctors, and include the substance of said doctor's statements to you regarding your prognosis for the future, and his instructions to you with reference to further treatment.

e. Were any reports made by any doctor in connection with your alleged injuries. If you say there were, attach to the answers to these interrogatories the original of such record or an exact copy thereof.

f. Were any reports made by any hospital or hospitals to which you went for treatment or to which you were admitted in connection with the alleged injuries? If you say there were, attach to the answers to these interrogatories the original of such record or an exact copy thereof.

g. Please attach to your answers to these interrogatories, if you have not already done so, supporting vouchers for the alleged claimed expenses which you aver to sustain as a proximate result of your alleged injuries.

h. 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.

i. State if said doctors have been paid, and if so, by whom.

j. State whether or not you had any form of medical insurance or other protection which took care of said doctor's bills.

k. 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?

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.

e. State who paid or became obligated to pay said hospital bill.

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 the person who took said x-rays.

b. State the x-ray reading or your understanding of what the x-ray revealed.

c. Give the amount of said x-ray bills, and state by whom same were 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 names and addresses 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 same.

b. Who became liable for such expenses?

c. By whom were said expenses paid?

9. State how long you were confined to the hospital following the occurrence made the basis of this suit, if you were hospitalized.

a. State how long you were confined to bed as a result of said occurrence.

b. State how many days elapsed from the date of the occurrence until you were able to be out of bed and up and about your home.

c. 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.

d. State the number of days which elapsed from the date of the occurrence until 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 your said injury.

b. Give names and addresses of doctors treating you for such injuries.

c. Give names and addresses of hospitals in which you were confined for such injuries, and length of confinement.

d. Describe any permanent disability arising out of such injuries.

e. Have you sustained any injuries of any nature whatsoever subsequent to the occurrence made the basis of this suit?

f. If so, describe the same fully and in detail.

g. 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?

h. If so, state where each such occurrence happened, against whom each such claim was made, and the outcome of each, including the amount of any settlement or recovery.

i. 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, and describe the condition for which you were treated or examined.

11. 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, 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 occurrence.

b. State the name and address of the driver of said vehicle on said occasion.

13. State the number of persons occupying the motor vehicle in or on which you also were riding 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.

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 whatsoever?

e. Give the name and address of each and every 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 person with the trip.

f. If you were not the occupant of the vehicle involved in said accident, but owned it, state the purpose of the trip on which it was engaged, and if same was in connection with your business or for your benefit.

14. 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 or pedestrian after the accident.

c. Where you were located when you first saw the defendant's vehicle.

d. Where the defendant'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.

F. Did you attempt to warn the driver in any way? How?

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 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 50 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 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 controls faced.

16. State where the defendant's motor vehicle 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.

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 point of impact when you first observed the defendant's vehicle?

d. Where was the defendant's motor vehicle when you first entered the intersection with reference to the point 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 vehicle was traveling?

h. Where did the impact occur with reference to the right edge of the street on which defendant's 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 same as seen by you.

a. If you were a passenger in the vehicle involved in this accident, describe each and every thing done by the operator of the said vehicle in which you were riding to avoid said accident.

b. Describe each and every thing which the driver of the defendant's vehicle failed to do to avoid said accident.

c. Describe each and every thing done by the defendant's driver which contributed to cause said accident.

d. State each and every thing 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 defendant's driver on said occasion

f. If you were a passenger, describe each negligent act or omission of the driver of the vehicle in which you were riding on said occasion.

18. 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 said

accident.

a. Give the name and address of each of said persons who was drinking or who was intoxicated.

b. 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.

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 in which you were riding was found guilty or pled guilty to a charge of reckless driving, or driving while intoxicated, arising from said accident.

19. State, according to your best judgment, the speed of the defendant's 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 the impact.

i. Immediately after the impact.

20. 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.

a. State in your best judgment, in number of feet, the width of each of said streets or avenues or highway.

b. 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.

21. State fully, specifically and in detail each and every act or thing done by the operator of the vehicle 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.

a. Describe each change in the course of travel made by the defendant's vehicle immediately prior to said accident.

b. 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.

22. State whether or not the brakes on the vehicle occupied by you at the time of the accident sued on 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 the other.

a. Describe the portions which next came in contact after the initial impact.

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 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 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 in a distance of 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.

26. State whether any horn or 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 said signal was given.

c. 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.

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 or owner of each of said vehicles.

28. State whether or not you have been involved in an automobile collision prior to or since the collision made the basis of this suit.

a. Give the date, time, location and parties involved in such collision.

b. Were you the driver of one of the cars involved?

c. Were you convicted of any charge of improper driving arising out of such incident?

29. In answering these interrogatories, did you have any assistance or help?

a. If your answer is yes, please state the name and address of all persons giving such assistance.

b. Are your answers to these interrogatories framed in your own wordage?

c. Did you give the information for your answers to these interrogatories to anyone and let them frame answers for you, and if so,

(1) To whom did you give the answers?

(2) Who framed the answers?

(3) Did you read them over after they were so framed?

(4) Did you then adopt these answers in that form?

(5) Was there any substantial difference in the original answer which you made and the answer as finally prepared to these interrogatories, and, if so, in what particulars and to what extent?

30. 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?

a. If so, state when, where and what was said by you.

b. Did the operator of the defendant's vehicle 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.

c. Give the name and address of each and every person who was present when the accident made the basis of this suit occurred.

d. 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 defendant's vehicle following the occurrence of the accident made the basis of this suit.

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

BY Richard W. Vollmer, Jr.  
Attorney for Defendant

STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me, the undersigned authority, in and for said County in said State, Richard W. Vollmer, Jr., who being by me first duly sworn, on oath deposes and says that the answers to the above and foregoing interrogatories if well and truly made by the plaintiff will be material evidence for the defendant in this cause.

Richard W. Vollmer, Jr.

Subscribed and sworn to before me this 4<sup>th</sup> day of January, 1972.

Judith P. Williams  
Notary Public, Mobile County, Ala.

Please serve a copy of these interrogatories on the plaintiff's attorney of record:

Mr. John E. Chason  
119 Hoyle Avenue  
Bay Minette, Alabama

**FILED**

JAN 6 1972

EUNICE B. BLACKMON CIRCUIT CLERK

Service of interrogatories is hereby accepted this 6<sup>th</sup> day of January, 1972 -

John E. Chason

MARY CLARKE DEAN, X  
Plaintiff, X IN THE CIRCUIT COURT OF  
vs. X BALDWIN COUNTY, ALABAMA  
NORVELLE C. MILLER, X AT LAW NO. 10,137  
Defendant. X

ANSWERS TO INTERROGATORIES

Comes now the Plaintiff in the above styled cause and makes the following answers to the Interrogatories propounded to her by the Defendant in the above styled cause on January 6, 1972, to-wit:

1. Mary Clark Dean
  - a. Yes
  - b. Mary Ethel Clark
  - c. I am not married at this time, however, I was married on April 10, 1971, and my husband passed away in December, 1971.
  - d. Loxley, Alabama
  - e. Loxley, Alabama
  - f. Loxley, Alabama
2. South Baldwin Mills, Robertsdale, Alabama
  - a. \$70.00 to \$75.00
  - b. I have not been able to work since the accident.
  - c. No
  - d. I have lost all my wages since the accident.
  - e. None
  - f. None
  - g. None
  - h. \$3,570.00
  - i. \$800.00
  - j. I have not made a report for 1972.



3. I received a whiplash injury to my neck and spinal column and various bruises on my arms and legs.

a. None.

b. The back of my neck, between my shoulders, my hips, both knees and both elbows were bruised, sprained or strained.

c. None.

d. I don't know whether the injury to my neck is permanent but I can't straighten my left arm and have lost most of the grip in my left hand and some of the grip in my right hand and my left leg is longer than my right.

e. I can't move my legs as well as before the accident. I have difficulty in raising both legs, especially my left one and have difficulty with functions such as getting into an automobile or climbing steps.

4. Dr. R. H. Johnson, Fairhope, Alabama, Dr. F. H. Dietze, Fairhope, Alabama, and Dr. W. Frank Cope, Springhill Avenue, Mobile, Alabama.

a. Dr. Dietze, April 10, 1971, Dr. Johnson, numerous times beginning April 11, 1971, Dr. Cope, September 15, 1971 and January 24, 1972.

b. Dr. Dietze saw me immediately after the accident when I was partially paralyzed and quite upset. Dr. Johnson saw me first when I was in traction, partially paralyzed with the bruises and injuries described above in Answer 3. Dr. Cope has seen me twice to evaluate my condition.

c. Improving.

d. On January 24, 1972, Dr. Cope said that I had made some progress and wanted to see me again in April and that he could not rule out the possibility of surgery in the future.

I last saw Dr. Johnson January 5, 1972 for treatment for a cold and sore throat and we talked about my injuries and my progress.

e. On advice of counsel, I refuse to answer this interrogatory.

f. On advice of counsel, I refuse to answer this interrogatory.

g. See attachment.

h. See attachment.

i. Yes, by me.

j. Yes, it paid part of the bills.

k. No.

5. Yes.

a. Thomas Hospital, Fairhope, Alabama.

b. April 10, 1971 to April 14, 1971.

c. \$204.00.

d. Yes, all but \$68.00.

e. Blue Cross-Blue Shield of Alabama.

6. Yes.

a. Thomas Hospital.

b. Compression of 5th and 6th cervical vertebrae.

c. See hospital bill.

7. No.

a. N/A

b. N/A

c. N/A

d. N/A

8. Yes.

a. The ambulance bill was about \$25.00.

b. I don't know.

c. I don't know.

9. Four days.

a. Four days.

b. Four days.

- c. A couple of weeks.
- d. I still can't do normal activities.

10. No.

- a. N/A
- b. N/A
- c. N/A
- d. N/A
- e. None
- f. N/A
- g. No.
- h. N/A
- i. Dr. R. H. Johnson, Fairhope, Alabama.

11. 1957 Plymouth 4-door automobile.

- a. Garrie Dean, Loxley, Alabama, 36551.
- b. Garrie Dean, Loxley, Alabama, 36551.

13. Two. My husband was driving and I was in the passenger seat in front.

- a. Returning home from fishing trip.
- b. Hammock Creek.
- c. Loxley, Alabama.
- d. No.
- e. My late husband.
- f. N/A.

14. See attached map prepared by counsel which, as far as I know, is accurate.

- a. See map.
- b. See map.
- c. I did not see the Defendant's vehicle before impact.
- d. I never did see it.
- e. There was a pick up truck right in front of us.
- f. No.

15. Yes, but all cars involved were travelling in the

same direction.

a. Intersection of McKenzie Street and Fern Street  
in Foley, Alabama.

b. N/A

c. N/A

d. N/A

e. None

16. I didn't see it.

a. No.

b. N/A

c. N/A

d. N/A

e. N/A

f. None

g. I do not know.

h. I do not know.

i. About 20 to 30 feet.

17. My husband and I were returning from a fishing trip and just North of Foley, were in a line of traffic going North from 20 to 30 miles per hour and the vehicle in front of us turned right off the highway and my husband, who was driving, slowed down and at about that time, we were struck from the rear by another vehicle. The impact knocked us off the road and into the street or road to the right and into the vehicle which had turned.

a. As far as I know, there was nothing he could do.

b. I did not see the Defendant's vehicle but he later told me that he had failed to pay attention to the road ahead of him and did not see us slowing down. I suppose his inattention caused the accident.

c. See "17b"

d. Nothing. I was a passenger.

e. See "17b".

f. None.

18. None.

a. None

b. N/A

c. No.

19. I don't know, I didn't see him.

a through i. N/A.

20. North

a. 20 feet.

b. N/A

21. We were driving along following a pick up truck at a reasonable distance and when it started to turn off of the road, my husband slowed down and right after that, we were struck in the rear.

a. I didn't see him.

b. None.

22. I don't know.

a. N/A

b. N/A

c. N/A

23. I never did see the Defendant's vehicle but it was the rear of our car that was struck by the Defendant.

a. After we were struck by the Defendant, the front of our car collided with the rear of the pick up truck in front of us.

24. I would guess about 40 feet.

a. I think that our car went straight ahead across the intersection and over to the side of the road. I am not sure about the other cars as I was not able to look around after the accident.

b. I don't know whether there were any.

c. N/A

d. I do not know.

25.

a. Approximately 30 miles per hour.

b. Approximately 30 miles per hour.

c through g. I can only answer that during the last 100 feet before impact, he must have slowed down to about 5 miles per hour at the time of impact.

h. I didn't ever see him.

26. No.

a. N/A

b. N/A

c. I think that the pick up truck ahead of us had his turn signal on.

27. Yes

a. The pick up truck was ahead of us and the Defendant was right behind us. I don't know about any other vehicles.

b. Not in my opinion.

c. The pick up truck ahead of us I understand belonged to George P. Wilson of Foley, Alabama, and I understand it was being driven by Robert James Snow of Pensacola, Florida. I understand that the Defendant was the owner and driver of the automobile that struck us.

28. No.

a. N/A

b. N/A

c. N/A

29. Yes.

a. Norborne C. Stone, Jr. and John Earle Chason.

b. Yes, except where indicated.

c. On advice of counsel, I decline to answer these questions.

30. Yes.

a. On the day of the accident in the hospital, I told the Defendant, "Don't worry about it, maybe I'm not broke anywhere".

b. Yes, he said, "It was all my fault, I am so sorry".

c. I don't know.

d. There were possibly other people present who may have heard statements by me or the Defendant, but I do not know the names of any person who did hear these conversations.

Mary Clark Dean  
Mary Clark Dean

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Mary Clark Dean, 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 she has read the foregoing Answers to Interrogatories and the same are true and correct.

Mary Clark Dean  
Mary Clark Dean

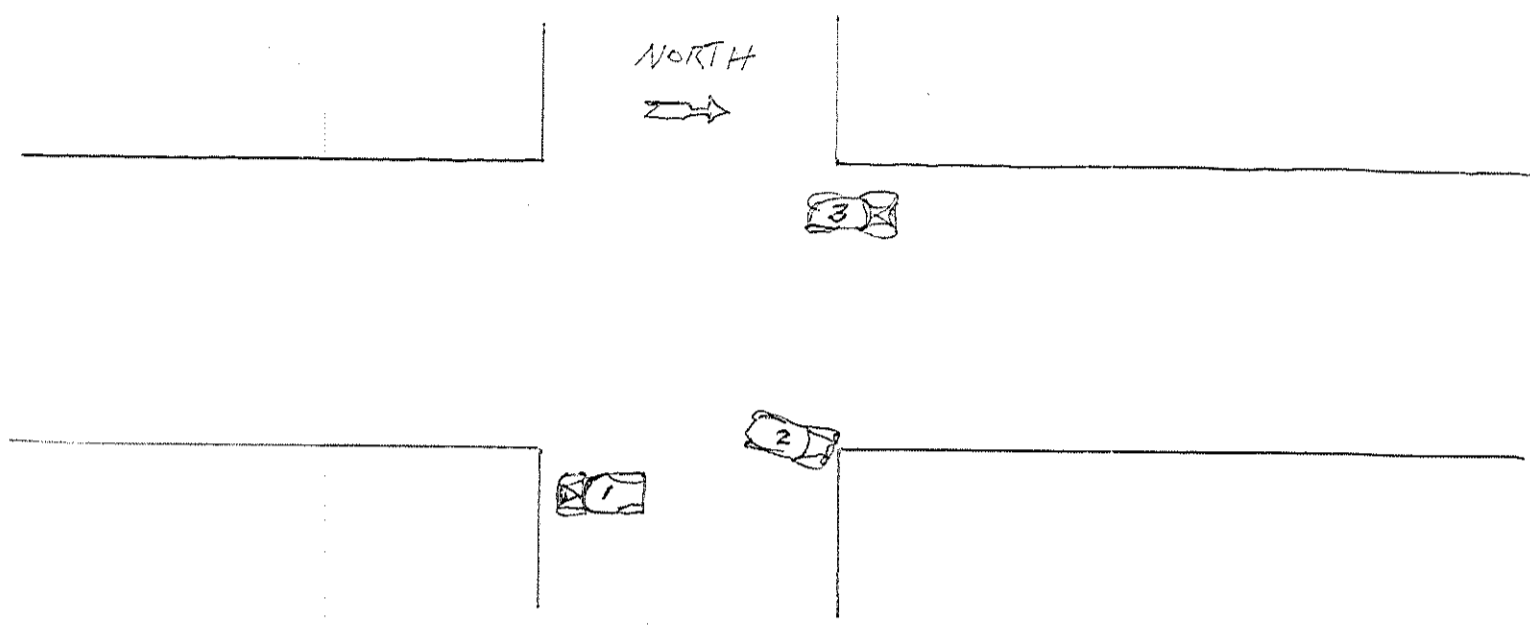
Sworn to and subscribed before  
me this 10 day of February,  
1972.

Geo. P. Hames  
Notary Public, Baldwin County, Alabama

FILED

FEB 17 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK



CAR 1 SNOW  
CAR 2 DEAN  
CAR 3 MILLER





SAY MEDICAL CLINIC P.A.  
 POST OFFICE DRAWER 506  
 FAIRHOPE, ALABAMA 36532

THIS IS A STATEMENT OF YOUR ACCOUNT AS OF THE DATE SHOWN BELOW.  
 ANY CHARGE OR PAYMENTS SUBSEQUENT TO THIS  
 DATE WILL APPEAR ON NEXT MONTH'S STATEMENT.

DATE

AMOUNT ENCLOSED \$

TO: Mrs Gerrie Dean  
 P O Box 255  
 Loxley, Alabama 36551

DATE	DESCRIPTION OF SERVICE	CHARGE	CREDIT	BALANCE
4/10/71	Treatment @ Emerg room of hospital	40.00		
4/10 thru 4/14/71	Professional care in hospital	45.00		
4/15/71	Office visit	7.00		
4/23/71	Office visit	22.00	& Pelvis xray 13.00)	
5/7/71	Office visit	7.00		
	Sonic treatment	5.00		
5/12/71	Sonic Treatment	5.00		
5/19/71	Office visit	7.00		
5/19/71	Office visit	7.00		
5/23/71	Office visit	7.00		
7/7/71	Office visit	7.00		
9/29/71	Office visit & Spine xray	22.00		
11/5/71	Office visit	7.00		
12/13/71	Office visit	7.00		
1/4/72	Office visit	7.00		
1/13/72	Office visit	7.00		179.00

Dr H Johnson M.D.  
 Fairhope, Alabama

Adm: 4-10-71	Disch: 4-14-72	
Blood Charge		
Anesthetic Fee		
Operating or Delivery Room Fee		
Basic Daily Care A Days @ 32.00.		128 00
Laboratory Fee		9 00
XRay Fee		16 80
Medical & Surgical Supplies		28 50
Oxygen		
Drugs & Pharmacy		17 00
IV Solutions		
ERG		
Anesthetic Materials		
Emergency Room Fee		5 00
Nursery Care		
Phone, Cot, Guest Meals		
Cardiac Monitor		
TOTAL		193 00
DEFENDS		150 00
PAID (RECEIPT)		20 00

THOMAS HOSPITAL  
 FAIRHOPE, ALABAMA  
 TELEPHONE 929-2375

DATE: 2-10-72

MRS. MARY O. DEAN  
 P. O. BOX 165  
 LOXLEY, ALA.

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

LAWYERS AND PROCTORS

VAN ANTWERP BUILDING

P. O. BOX 2245

MOBILE, ALABAMA

36601

CABLE ADDRESS PTAH  
TELEPHONE 432-3644

PALMER PILLANS  
W. DEWITT REAMS  
JOHN H. TAPPAN  
GEORGE F. WOOD  
BONNERRAE H. ROBERTS  
RICHARD W. VOLLMER, JR.  
ABRAM L. PHILIPS, JR.  
FRED W. KILLION, JR.  
DAVID W. GREEN  
JAMES D. BROOKS  
SIDNEY H. SCHELL  
GEARY A. GASTON  
VICTOR T. HUDSON  
WILLIAM W. STOUDEMIRE

December 30, 1971

Honorable Eunice B. Blackmon  
Clerk of the Circuit Court  
Baldwin County Courthouse  
Bay Minette, Alabama

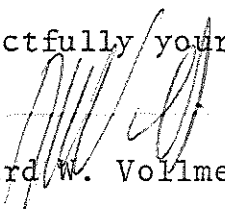
RE: Mary Clarke Dean vs  
Norvelle C. Miller  
At Law, No. 10,137

Dear Ms. Blackmon:

We enclose the demurrers to be filed on behalf of the defendant in this cause, and are willing for the demurrers to be submitted to the court without argument.

We would appreciate a note as to the Judge's ruling on the demurrers after he has had an opportunity to review them.

Respectfully yours,

  
Richard W. Vollmer, Jr.

RWVjr/jpw  
Enclosure

1/6/72; Demurrers Overruled.

Eunice B. Blackmon, Clerk.

↓  
copy sent Atty's 1-6-72

PILLANS, REAMS, TAPPAN, WOOD, ROBERTS & VOLLMER  
LAWYERS AND PROCTORS  
VAN ANTWERP BUILDING  
MOBILE, ALABAMA

PALMER PILLANS (OF COUNSEL)

W. DEWITT REAMS  
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GEARY A. GASTON  
VICTOR T. HUDSON  
WILLIAM W. STOUDEMIRE

CABLE ADDRESS PTAH  
TELEPHONE (205) 432-3644  
MAIL: P. O. BOX 2245 OR 2327  
(36601)

June 21, 1973

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

Re: Mary Clarke Dean vs  
Norville C. Miller  
Case No. 10137

Dear Ms. Blackmon:

Enclosed is our firm check in the amount of  
\$44.20 payable to your order in payment of the Court  
costs in the above styled cause.

Yours very truly,

  
Richard W. Vollmer, Jr.

RWVjr/jmr  
Enclosure

PILLANS, REAMS, TAPPAN, WOOD, ROBERTS & VOLLMER  
LAWYERS AND PROCTORS  
VAN ANTWERP BUILDING  
MOBILE, ALABAMA

PALMER PILLANS (OF COUNSEL)

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VICTOR T. HUDSON  
WILLIAM W. STODDENMIRE

CABLE ADDRESS PTAH  
TELEPHONE (205) 432-3644  
MAIL: P. O. BOX 2245 OR 2327  
(3660)

November 15, 1972

Honorable Eunice B. Blackmon  
Clerk of the Circuit Court  
Baldwin County Courthouse  
Bay Minette, Alabama

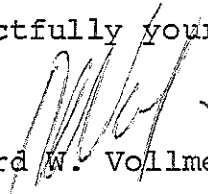
RE: Mary Clarke Dean vs  
Norvelle C. Miller  
At Law, No. 10137

Dear Ms. Blackmon:

Please have a subpoena with duces tecum issued to Dr. R. H. Johnson, 306 South Greeno Road, Fairhope, Alabama, as a party with knowledge in regard to the captioned litigation. The subpoena is for examination at the office of Dr. R. H. Johnson, located at 306 South Greeno Road, Fairhope, Alabama, at 1:30 p.m. on the 22nd day of November, 1972, by deposition upon oral examination under the provisions of Act 375 of the Regular Session of the 1955 Legislature, Mrs. Dorothy C. Leamy to act as Commissioner.

The records and documents which we wish subpoenaed with the witness are: any documents, photographs, x-rays, books, reports, papers or written instruments of any kind or any copies thereof, in his possession or under his control or available to him, which in any way relate to his treatment of Mrs. Mary Clarke Dean.

Respectfully yours,

  
Richard W. Vollmer, Jr.

RWVjr/jmr  
cc: Mr. Norborne E. Stone, Jr.

**FILED**

NOV 17 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK