

FLOYD COOKS, JR.,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
JOHN W. STEVENSON,	)	
Defendant.	)	CASE NUMBER 10,185

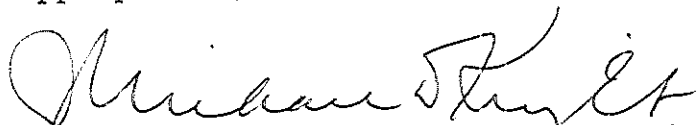
MOTION TO DISMISS  
OR FOR NONSUIT

Comes now the defendant in the above-styled cause, John W. Stevenson, and shows unto the Court as follows:

1. That heretofore and on, to-wit, February 15, 1972, interrogatories propounded by this defendant to the plaintiff were served by service on the plaintiff's attorney.

2. That more than sixty days have elapsed since service of said interrogatories, and no answers have been forthcoming.

Wherefore, the premises considered, the defendant moves the Court to dismiss the plaintiff's complaint or direct a nonsuit against the plaintiff for failure to answer said interrogatories or attach the plaintiff and cause him to answer the same fully in open court, to be taxed with costs as may be just, or to enter such judgment or decree as would be appropriate, the premises considered.

  
MICHAEL D. KNIGHT  
Attorney for the 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 motion to Wilson Hayes, Esquire, Attorney for the Plaintiff, by depositing a copy of same in the United States mail, postage pre-paid, addressed to said attorney at his office in Bay Minette, Alabama, on this, the 16 day of May, 1972.

Michael A. Knight

FILED

MAY 17 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

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

CABLE ADDRESS:  
HAB  
TELEPHONE  
432-5511  
AREA CODE 205

CHAS. C. HAND  
C. B. ARENDALL, JR.  
T. MASSEY BEDSOLE  
THOMAS G. GREAVES, JR.  
VIVIAN G. JOHNSTON, JR.  
PAUL W. BROCK  
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W. RAMSEY MCKINNEY, JR.  
LARRY U. SIMS  
A. CLAY RANKIN, III  
EDWARD A. HYNDMAN, JR.  
MICHAEL D. KNIGHT  
G. HAMP UZZELLE, III

May 15, 1972

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

Re: Floyd Cooks, Jr. vs.  
John Stevenson - Case No. 10,184  
Floyd Cooks, Jr. vs.  
John Stevenson - Case No. 10,185

Dear Mrs. Blackmon:

I have enclosed herein motion to dismiss and answer to be filed in each of these cases. Would you please acknowledge receipt and filing by signing the enclosed tissue copy of this letter and returning the same to me. I have also enclosed an additional answer which contains a plea of recoupment and set off, to be filed and served on the plaintiff by service on his attorney, Wilson Hayes, Esquire.

Thank you for your assistance.

Yours very truly,



For the Firm

MDK.er  
Enclosures

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

20TH FLOOR - FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:  
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May 15, 1972

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

Re: Floyd Cooks, Jr. vs.  
John Stevenson - Case No. 10,184  
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Dear Mrs. Blackmon:

I have enclosed herein motion to dismiss and answer to be filed in each of these cases. Would you please acknowledge receipt and filing by signing the enclosed tissue copy of this letter and returning the same to me. I have also enclosed an additional answer which contains a plea of recoupment and set off, to be filed and served on the plaintiff by service on his attorney, Wilson Hayes, Esquire.

Thank you for your assistance.

Yours very truly,

For the Firm

MDK.er  
Enclosures

FILED

MAY 17 1972

EUNICE B. BLACKMON CIRCUIT CLERK

Bay Minette, Ala., January 7, 1972

To the Sheriff of Mobile County, Mobile, Alabama

I enclose herewith 2 S+C to be served on John W.

Stevenson, (10,185 + 10,184)

4255 Harboethen Court, Mobile,

Thanks

Please serve and return as early as possible.

Gaylon Williams  
Sheriff, Baldwin County, Alabama

(If not found in your county, please advise promptly giving information as to present location if possible)

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

May 18, 1972

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

Re: Cooks v Stevenson  
Case #10,185 (Law)

Dear Mrs. Blackmon:

Please file the enclosed answers to Defendant's  
Interrogatories.

With kind regards, I am

Yours very truly,



Wilson Hayes

WH/mm  
Enc.

cc w/atch: Hand, Arendall, Bedsole, Greaves & Johnson

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon John W. Stevenson 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 Floyd Cooks, Jr.

Witness my hand this 2<sup>th</sup> day of January, 1972.

Defendant may be served:

4255 Horloesther Court  
Mobile, Alabama

Eunice B. Blackmon  
Clerk

\*\*\*\*\*

FLOYD COOKS, JR.,	Ø	IN THE CIRCUIT COURT OF
Plaintiff,	Ø	BALDWIN COUNTY, ALABAMA
Vs.	Ø	AT LAW
JOHN W. STEVENSON,	Ø	
Defendant.	Ø	NUMBER: <u>10,185</u>

The Plaintiff claims of the Defendant the sum of Five Thousand and No/100 (\$5,000.00) Dollars for that on to-wit the 15th day of January, 1971 at the point of intersection of U.S. Highway 31 and the Malbis Cutoff Road in Baldwin County, Alabama Defendant so negligently operated a motor vehicle as to cause or allow it to run into, over or against the automobile of Plaintiff and that as a proximate consequence of such negligence, Plaintiff's leg and foot were crushed, bruised and broken thereby requiring him to have medical treatment, drugs and hospitalization, hence this suit.

Wilson Hayes  
Wilson Hayes  
Attorney for Plaintiff  
P. O. Box 300  
Bay Minette, Alabama 36507

**FILED**

JAN 7 1972

REC'D SHERIFF  
MOORE COUNTY  
JAN 10 9 12 AM

BY

Baldwin  
Jude 10, 1852  
9073

A Lloyd Cook, Jr.

*[Signature]*  
O'Neil  
John W. Henderson

4255 Hawthorn St.

FILED

JAN 7 - 1972

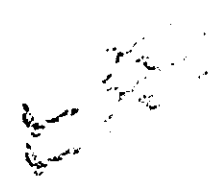
EUNICE B. BLACKMON  
CLERK

JAN 7 1972

JAY C. ...  
SHERIFF

EXECUTED  
This 11 day of May, 1972  
by serving a copy of this within on  
*[Signature]*  
RAY D. BRUGG S, Sheriff  
By *[Signature]* D.S.





FLOYD COOKS, JR.,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
JOHN W. STEVENSON,	)	
Defendant.	)	CASE NUMBER 10,185

D E M U R R E R

Comes now each of the following defendants,

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

1. That it does not state facts sufficient to constitute a cause of action against this defendant.
2. For that negligence is therein alleged merely as a conclusion of the pleader.
3. For that it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence defendant is called on to defend.
4. For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.
5. For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by defendant to the plaintiff.
6. For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.

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

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

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

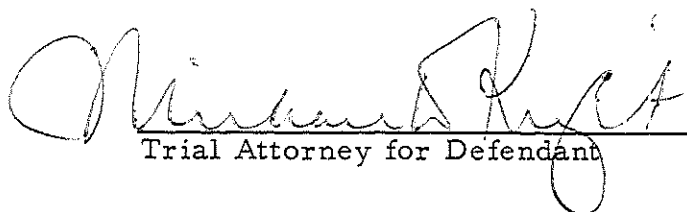
10. No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of this defendant.

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

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

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

14. For that said count is duplicitous.

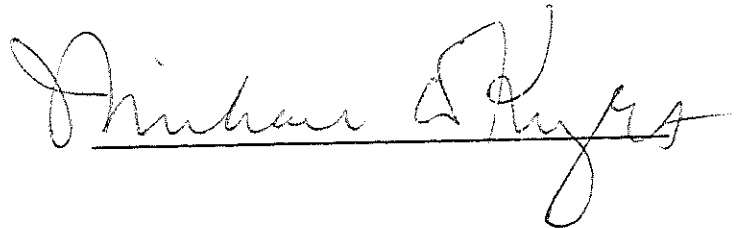
  
Trial Attorney for Defendant

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 "Demurrer" to Wilson Hayes, Esquire, Attorney for the Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Bay Minette, Alabama, on this, the 7 day of February, 1972.

  
\_\_\_\_\_

**FILED**

FEB 8 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

FLOYD COOKS, JR.,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
JOHN W. STEVENSON,	)	
Defendant.	)	CASE NUMBER 10,185

A N S W E R

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

1. Not guilty.

2. The material allegations are untrue.


3. The defendant avers that at the time and place alleged in the plaintiff's complaint, to-wit, January 15, 1971, the plaintiff was guilty of negligence which proximately contributed to his alleged injuries and damages in that at said time the plaintiff's motor vehicle was being operated on or upon U. S. Highway 31 at its intersection with the Malbis Cutoff Road in Baldwin County, Alabama which said roads are public roads in Baldwin County, Alabama, and at said time and place the plaintiff so negligently operated his motor vehicle as to cause or allow the same to collide with the defendant's motor vehicle; hence, plaintiff ought not recover.

4. As a further defense, the defendant claims of the plaintiff the sum of ONE HUNDRED FIFTY AND NO/100 (\$150.00) DOLLARS, by way of recoupment for that heretofore and on,

to-wit, January 15, 1971, defendant's motor vehicle was being operated on or upon U. S. Highway 31 at or near its intersection with the Malbis Cutoff Road in Baldwin County, Alabama, said road being public roads in Baldwin County, Alabama, and at said time and place the plaintiff so negligently operated his motor vehicle as to cause or allow the same to collide with the defendant's motor vehicle. Defendant further avers that as a proximate result of the negligence of the plaintiff as aforesaid, defendant's motor vehicle was broken, bent, smashed and damaged; hence, this plea of recoupment.

5. The defendant as a defense to the action of the plaintiff, saith that, at the time said action was commenced, the plaintiff was indebted to him in the sum of ONE HUNDRED AND FIFTY AND NO/100 (\$150.00) DOLLARS, for that heretofore and on, to-wit, January 15, 1971, the defendant's motor vehicle was being operated on or upon U. S. Highway 31 at the Malbis Cutoff Road in Baldwin County, Alabama, said roads being public roads in Baldwin County, Alabama, and at said time and place the plaintiff so negligently operated a motor vehicle as to cause or allow the same to collide with the automobile of the defendant. Defendant further avers that as a proximate result of the negligence of the plaintiff as aforesaid, defendant's motor vehicle was broken, bent, smashed and damaged and rendered less valuable. Defendant hereby offers to set off his said claim against the demand of the plaintiff, and claims

judgment for the excess.

  
MICHAEL D. KNIGHT  
Attorney for the Defendant

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

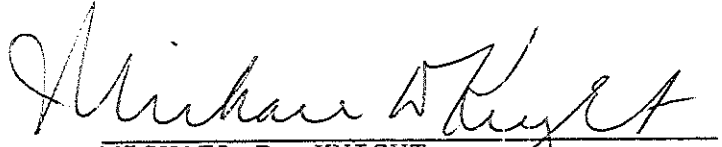
Plaintiff may be served with the plea of recoupment  
and plea of set off by serving his attorney, Wilson Hayes,  
P. O. Box 300, Bay Minette, Alabama.

FILED

MAY 17 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

judgment for the excess.

  
MICHAEL D. KNIGHT  
Attorney for the Defendant

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

Plaintiff may be served with the plea of recoupment and plea of set off by serving his attorney, Wilson Hayes, P. O. Box 300, Bay Minette, Alabama.

FILED  
MAY 17 1972  
EUNICE B. BLACKMON CIRCUIT  
CLERK

Personally on W. Hayes

W. Crook D.S.

5/17/90

Leyle W. W. W. W. W.

10, 185-

Lloyd Cook, Jr.

no.

John W. Stevenson

Amos

Place of receipt

and: Wilson Hayes

Atty for Pity.

Hand, Wendell, Redell

Shaver & Johnson



HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

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

February 7, 1972

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

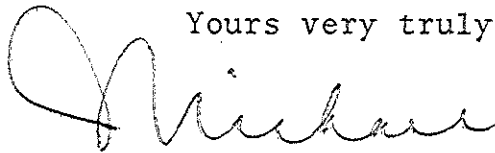
Re: Floyd Cooks, Jr. vs.  
John Stevenson - Case No. 10,185  
Floyd Cooks, Jr. vs.  
John Stevenson - Case No. 10,184

Dear Mrs. Blackmon:

I have enclosed herein copies of demurrers to be filed in each of these cases. Would you please acknowledge receipt and filing by signing the enclosed tissue copy of this letter and returning the same to me. I have likewise enclosed a set of interrogatories to be served on the plaintiff by service on his attorney, Wilson Hayes, Esquire.

Thank you for your assistance.

Yours very truly,



For the Firm

MDK.er  
Enclosures

FLOYD COOKS, JR.,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
JOHN W. STEVENSON,	)	
Defendant.	)	CASE NUMBER 10,185

### INTERROGATORIES TO THE PLAINTIFF

Comes now each of the following defendants, separately and severally, John W. Stevenson, 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

Plaintiff may be served by serving his attorney, Wilson Hayes, Esquire, Bay Minette, Alabama.



THE STATE OF ALABAMA:

COUNTY OF MOBILE :

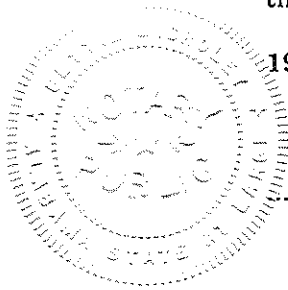
Before me, the undersigned authority in and for said county in said state, this day personally appeared Michael D. Knight who is known to me, and who, being by me first duly sworn, upon oath deposes and says that he is one of the attorneys for said specified defendant in the above entitled cause, and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

Michael D. Knight

Sworn to and subscribed before me on

this 7<sup>th</sup> day of January

1972



Bertie M. Craven  
Notary Public

**FILED**

FEB 8 1972

FUNICE B. BLACKMON CIRCUIT CLERK

*Same accepted  
Feb 15, 1972  
[Signature]*

FLOYD COOKS, JR.,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
Vs.	X	AT LAW
JOHN W. STEVENSON,	X	CASE NUMBER: 10,185
Plaintiff.	X	

## ANSWERS TO DEFENDANT'S INTERROGATORIES

Comes now the Plaintiff in the above styled cause and for answer to the interrogatories heretofore propounded by the Defendant in this cause, says as follows:

1. Floyd Cooks, Jr., Route 1, Box 43, Daphne, Alabama.
2. N/A.
3. My foot was crushed and I was unable to walk.
4. Dr. Russell Sherman, Bay Minette, Alabama, 3 times beginning the date of the accident and a week apart afterwards, total cost \$33.00.
5. No.
6. Yes.
7. N/A.
8. N/A.
9. I did not have to go to bed. I suffered a lot.
10. N/A.
11. My car was a 1965 Pontiac. I was the driver.
12. My car was crushed and bent by Defendant's running into me and tearing up my car. It was worth about \$1,000 before the accident and about \$200 after the accident.
13. I was the only person in my car.
14. See attached.
15. The accident happened at the intersection of Malbis Cut-off and Highway 31. Defendant's car ran into me. He was passing improperly around a lane of stopped cars when I was trying to make a turn.
16. He was going about 40-50 miles an hour before he hit me. I was going about 5 miles an hour.
17. See above.
18. No.

19. See above.

20. Defendant's car was traveling West, I was making a turn. I was turning South.

21. See above.

22. N/A.

23. The fronts of the cars.

24. The Defendant ran into me when I was trying to make a turn. My car moved a good bit when he hit me. His car glanced off. I do not know how much further he traveled or how much further I traveled.

25. I was going about 5 miles an hour and Defendant was going about 50 miles an hour.

26. N/A.

27. There were a number of cars present. They were all stopped. I was nearly stopped because I was making a turn. Defendant's car was passing improperly in the no passing zone and hit me. I do not know the names and addresses of the owners of the vehicles.

28. Both Parties talked to the Highway Patrol and to each other. He said what had happened which was that he had tried to pass all the cars in line. He said he was in a hurry to get home from school. He had been to school in Bay Minette and was trying to get home. He lived in Mobile.

Supplemental answer. In order to answer the interrogatories fully without evasion, Plaintiff says:

1. He is Floyd Cooks, Jr., Route 1, Box 43, Daphne, Alabama. He was the owner of a 1965 Pontiac sedan. An accident happened on January 15, 1971 in Baldwin County, Alabama at 12:10 P.M. at the intersection of Malbis Cut-off road and Highway 31. A number of vehicles were stopped at the traffic light on Highway 31. The other cars had signaled and Plaintiff had signaled for Plaintiff to pass through an opening left by the other cars to enter the highway. Plaintiff moved slowly to pass through the opening. Defendant's car attempted to pass the vehicles that

were parked and was in the paved median when he hit Plaintiff's automobile. There were a number of automobiles there at that time and place but Plaintiff does not know their names and addresses. Plaintiff was injured in that his foot was crushed and he was made lame for several weeks. He required X-rays and treatment. The speed of Plaintiff's car was not a factor in that he was only moving 5 miles an hour and was almost stopped at the time of the accident. There was no way for Plaintiff to avoid the accident. Defendant ran along side some parked cars and hit Plaintiff.

Floyd Cooks, Jr.  
Floyd Cooks, Jr.

STATE OF ALABAMA  
BALDWIN COUNTY

Before me the undersigned Notary Public in and for said State and County personally appeared Floyd Cooks, Jr., who is known to me and who being by me first duly sworn to speak the truth, deposes and says he has read the foregoing answers and knows the facts therein stated are true.

Floyd Cooks, Jr.  
Floyd Cooks, Jr.

Sworn to and subscribed before me this the 12 day of May, 1972.

W. H. Key  
Notary Public

FILED

MAY 19 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK