

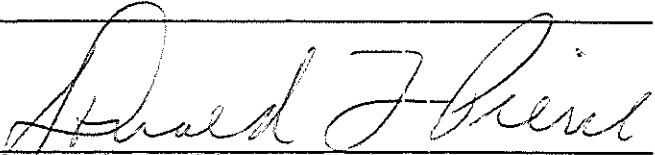
MARTHA J. LYONS,)	IN THE CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
DEBORAH ANN FITZSIMMONS)	
and RAYMOND FITZSIMMONS,)	
jointly and severally,)	
Defendants.)	CASE NO. <u>10,232</u>

C O M P L A I N T

COUNT ONE

Plaintiff claims of the defendants the sum of Thirty-Five Thousand and No/100 (\$35,000.00) Dollars as damages, for that heretofore on, to-wit, the 5th day of November, 1971, the defendant Deborah Ann Fitzsimmons, an agent, servant or employee of the defendant Raymond Fitzsimmons, while acting within the line and scope of her authority as such, so negligently operated an automobile on Greeno Road at or near its intersection with Fairhope Avenue, both said road and avenue being public streets in Baldwin County, Alabama, as to cause said automobile to collide with the automobile being operated by the plaintiff's husband on said Greeno Road, in which plaintiff was riding as a passenger, and as a direct and proximate result of the negligence of the defendants as aforesaid, the plaintiff suffered the following injuries and damages: she was made sick, sore and lame; her body was bruised and broken, her face was lacerated, she suffered injuries to her legs and ankles, she suffered a concussion and had a loss of memory for a period of time, she suffered physical pain and mental anguish and will so suffer in the future, she was hospitalized, caused to undergo medical treatment and

take drugs, she was permanently injured, for all of which she claims damages as aforesaid.


Donald F. Pierce Trial Attorneys
for the Plaintiff

Plaintiff demands a trial by jury



OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

The defendants may be served at
Summerdale, Baldwin County, Alabama, 36580
Telephone Number 928-9848

FILED
FEB 8 1972
EUNICE B. BLACKMON CIRCUIT
CLERK

MARTHA J. LYONS,

§

IN THE CIRCUIT COURT OF

Plaintiff,

§

BALDWIN COUNTY, ALABAMA

VS.

§

AT LAW

DEBORAH ANN FITZSIMMONS and
RAYMOND FITZSIMMONS, jointly
and severally,

§

§

CASE NO. _____

Defendants.

INTERROGATORIES TO DEFENDANT

Comes the Plaintiff in the above styled cause, and desiring the testimony of the Defendants, propounds the following interrogatories to be answered separately and severally in the manner and form provided by law, viz:

1. (a) State your correct name, age, residence address and business address.

(b) Is your name correctly stated in the complaint on file in this cause?

(c) If you state that your name is not correctly stated, then state the correct way that you could be designated as a party Plaintiff or a party Defendant in an action at law:

(1) At the time that the accident which is made the basis of this suit occurred;

(2) At the time that you answer these interrogatories.

(d) When and where did said accident occur, giving date and hour?

2. (a) State whether you are a person, firm, or corporation.

(b) If you state that you are a partnership, then state the name of each and every member or partner composing said partnership, and the name under which the partnership does business.

(c) If you state that you are a corporation, state on what date you were incorporated and at what place.

3. (a) Describe completely and in detail the vehicle occupied or owned by you or of which you were in charge on the occasion of the accident made the basis of this suit, stating in your answer the make, model, year, and body style of same.

(b) State the name and address of the owner of said motor vehicle on the date of the accident.

(c) State the name and address of the driver of said vehicle on said occasion.

(d) Describe completely and in detail every item of damage sustained by said vehicle.

(e) Give the amount of each repair estimate obtained on said damage and give the name and address of the person making said repair estimate.

(f) State whether or not any of said damage was repaired, and, if so, give the amount of the repair bill and the name and address of the person, firm, or corporation who made said repairs.

(g) Describe the condition of the brakes, stoplights, turn indicator or other signal device, steering apparatus, tires, and lighting equipment on said motor vehicle at and immediately prior to the time of the accident made the basis of this suit; state whether they were in proper working order and if they were used at the time of the accident.

(h) When had the brakes, signal device, steering apparatus, lights, and tires on said motor vehicle last been inspected prior to said accident and by whom?

4. (a) If you have stated that the owner of the vehicle which collided with the vehicle in which Plaintiff was riding was not the driver on the occasion of said accident, explain fully and in detail the presence of the driver in said vehicle.

(b) State who was the employer of the driver of the vehicle which collided with the vehicle in which Plaintiff was riding at the

- of said accident.
- (c) State on whose business or behalf said driver was acting at the time of said accident.
 - (d) State the hours of work which said driver had at the time of said accident.
5. (a) State the number of persons occupying the motor vehicle which collided with the vehicle in which Plaintiff was riding and state specifically how and in what manner each of said occupants were located in said vehicle on said occasion.
- (b) Was the trip a personal or business trip for you or the driver of your car?
 - (c) State fully the purpose of the trip you were making at the time of the accident made the basis of this suit.
 - (d) From what point had you departed?
 - (e) What was your destination?
 - (f) Were you performing a mission, errand, or duty for anybody whatsoever? If so, state the nature of same and the name and address of the person for whom you were performing it.
 - (g) Give the name and address of each and every person or firm who had any interest whatsoever in the trip that was being made by the driver of the vehicle which collided with the Plaintiff on the occasion of said accident, and state the nature of said interest and the connection of said person or firm with the trip.
 - (h) Where did you go and what did you do immediately after the accident occurred?
6. Prepare and attach to your answers to these interrogatories a map portraying the scene of the accident and the physical objects involved in the accident made the basis of this suit and designate on said map the following:
- (a) The point of impact and skid marks leading up to and from same;
 - (b) The resting place of the vehicles after the accident;
 - (c) Where you were located when you first saw the Plaintiff's vehicle;
 - (d) Where the Plaintiff's vehicle was located when first seen by you;
 - (e) The placement of any other vehicles or physical objects which had anything to do with said accident.
7. (a) 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:
- (1) At what intersection of streets or avenues said accident occurred;
 - (2) 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;
 - (3) State how far you, in your judgement, could see to the left and right of each of the streets when you approached from a point of fifty feet from said intersection.
- (b) Describe the locus of said accident with reference to the contour of the land, the grade or curve of the road, highway or intersection, and any physical structures located within two hundred feet of the place of the accident:
 - (c) Were there any obstructions to your view? Describe in detail.
 - (d) Describe any traffic controls located at the scene of the accident and the operation of same, stating the directions in which said traffic signs, signals or controls faced, and state the color of the control light facing your vehicle and that facing Plaintiff's vehicle as you entered the area controlled by said signal.
 - (e) Did your vehicle stop at the traffic signal or sign prior to the accident?
8. (a) State where the motor vehicle in which Plaintiff was riding was located with reference to the point of the impact in the accident made the basis of this suit when you first observed same immediately prior to said accident.
- (b) Did you see the motor vehicle in which Plaintiff was riding before the actual collision.

(c) How many feet was the motor vehicle in which Plaintiff was riding from the place of the impact when you first observed same?

(d) How many feet were you from the point of impact when you first observed the vehicle in which Plaintiff was riding?

(e) Where did the impact occur with reference to the center line of the street on which the vehicle in which Plaintiff was traveling?

(f) Where did the impact occur with reference to the right edge of the street on which your vehicle was traveling?

9. (a) State specifically and in detail exactly how the accident made the basis of this suit occurred and describe chronologically the events that occurred leading up to same as seen by you.

(b) Describe each and everything which the driver of the vehicle in which Plaintiff was riding failed to do to avoid said accident.

(c) Describe each and everything done by the driver of the vehicle in which Plaintiff was riding which contributed to the cause of said accident.

(d) State each and everything done by you or which you omitted to do, which contributed proximately to cause the accident.

(e) Describe each negligent act or omission of the driver of the vehicle in which Plaintiff was riding on said occasion.

10. (a) State whether or not any of the occupants in any of the vehicles involved in the accident made the basis of this suit were intoxicated or drinking intoxicating beverages at the time of the said accident.

(b) Give the name and address of each of said persons who were drinking or who were intoxicated.

(c) State what each of said persons was drinking, where he or she had obtained same, the quantity or amount consumed, and the time and place where same was drunk.

(d) Had you consumed any alcoholic beverages within the last 24 hours stating when, where, and what and how much you drank?

11. State, according to your best judgment the speed of the vehicle in which Plaintiff was riding at the following points:

(a) When you first observed same prior to the accident made the basis of this suit;

(b) At a point 300 feet from the place where the impact occurred;

(c) At a point 200 feet from the place where the impact occurred;

(d) At a point 100 feet from the place where the impact occurred;

(e) At a point 50 feet from the place where the impact occurred;

(f) At a point 25 feet from the place where the impact occurred;

(g) At a point 10 feet from the place where the impact occurred;

(h) At the point of impact;

(i) Immediately after the impact;

12. (a) State in what direction and along what street or avenue each of the motor vehicle involved in the accident made the basis of this suit was traveling on the occasion of said accident.

(b) State in your best judgment, in number of feet, the width of each of said streets or avenues or highways.

(c) If either of the vehicles involved in the accident made the basis of this suit was engaged in making a turn from a direct line of travel, describe same, and the course followed with reference to the center of the intersection and also the four corners of same, and with reference to the center line of the street, avenue or highway on which said motor vehicle had been traveling prior to said turn.

13. (a) State fully, specifically and in detail each and every act or thing done by the operator of the vehicle owned or occupied by you at the time of the accident made the basis of this suit during the last 100 feet of said vehicle's approach to the point of said collision, stating in your answer the chronological order in which said operator did each of said acts or things.

(b) Describe each change in the course of travel made by the vehicle in which Plaintiff was riding immediately prior to said accident.

- (c) Describe each change in the course of travel made by the vehicle in which you were riding immediately prior to the accident made the basis of this suit.
14. (a) State whether or not the brakes on the vehicle occupied by you or owned by you at the time of the accident sued on were applied prior to the collision.
- (b) If so, state in your best judgment the speed in miles per hour said vehicle was traveling at the moment the brakes were applied.
- (c) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until said collision occurred.
- (d) State in your best judgment the distance in number of feet said came to a stop after the occurrence of the accident made the basis of this suit.
15. (a) State specifically what portion of the vehicles involved in the accident made the basis of this suit first came in contact with each other, stating which part of the several vehicles came into contact with which part of the others.
- (b) Describe the portions which next came in contact after the initial impact.
16. (a) State in your best judgment the distance each of the vehicles involved in the accident made the basis of this suit traveled on said occasion from the moment of the collision to the point where each of said vehicles first came to a stop immediately thereafter.
- (b) In what direction did each of said motor vehicles move from the point of said collision until they came to a complete stop?
- (c) Describe each and every skid mark which led up to the point of collision.
- (d) Describe each and every skid mark which extended from the point of collision toward the place where either of the motor vehicles involved in the accident came to rest.
- (e) Locate the point where each motor vehicle came to rest with reference to the point of impact, the center of the intersection, the four corners of same and the right edge of the street on which it had been traveling.
17. State the speed of the motor vehicle which you owned or occupied or were in charge of according to your best judgment, at the following points:
- (a) When you were within a distance of 300 feet from the point of impact in the accident made the basis of this suit;
- (b) When you were 200 feet from the point of impact;
- (c) When you were 100 feet from the point of impact;
- (d) When you were 50 feet from the point of impact;
- (e) When you were 25 feet from the point of impact;
- (f) When you were 10 feet from the point of impact;
- (g) At the time of said impact;
- (h) When you first observed the other vehicle involved in said accident.
18. (a) State whether any horn or other signal was given as a warning by the operator of any of the vehicles involved in the accident made the basis of this suit prior to the time of the collision.
- (b) If so, describe each of said signals given by each respective driver specifically and in detail.
- (c) State how far distant from the point of collision each vehicle was located at the time said signal was given.
- (d) If any signals forstopping or turning were given by each driver immediately prior to said collision, describe same, and state how far distant from the point of impact said signal was given by each driver respectively.
19. (a) State whether or not there was any other vehicles or pedestrians at or near the scene of the accident at the time of and immediately prior to the occurrence of same.
- (b) If so, state the number of such other vehicles and pedestrians and

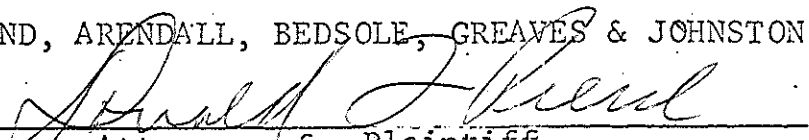
where they were located with reference to the point of the accident at the moment same occurred.

- (c) State whether or not any of the other vehicles or pedestrians located at or near the scene of the accident played any part, or contributed in any manner, to cause the collision made the basis of this suit.
 - (d) Give the name and address of each driver or owner of each of said vehicles and said pedestrians.
20. (a) Did you make any statements in the presence of the operator of any of the vehicles involved in the collision made the basis of this suit following the occurrence of same?
- (b) If so, state when, where, and what was said by you.
- (c) Did the operator of the vehicle in which Plaintiff was riding make any statement in your presence following the occurrence of the accident, and if so, state when, where, and what was said by said driver.
- (d) Give the name and address of each and every person who was present when the accident made the basis of this suit occurred.
- (e) Give the name and address of each and every person who was present when any statements were made either by you or the driver of the vehicle in which Plaintiff was riding following the occurrence of the accident made the basis of this suit.
21. Did the driver of your vehicle possess a currently valid drivers license at the time of the accident?
22. Did the said drivers license have any restrictions thereon? If so, please list them.
23. On and shortly prior to the date of the accident, did the driver of the vehicle colliding with Plaintiff or the vehicle in which Plaintiff was riding:
- (a) Normally wear glasses?
 - (b) Did said driver have his glasses on at the time of the accident?
 - (c) Was the said driver's eyesight 20/20 or normal? If not, please explain.
 - (d) Did the vision of said driver in anyway contribute to, cause, or affect the collision or accident? How?
24. Describe the condition of visibility as to darkness, etc. at the time of the accident.
25. Describe the weather conditions at the time of the accident.
26. (a) Describe the condition of the surface of the road, as to type of pavement, smooth or rough, etc.
- (b) Was the road wet or dry?
27. Please state what damage you observed to the vehicle in which Plaintiff was riding, stating where the damage was and its extent.
28. Please state in detail the condition of Plaintiff as you observed it immediately prior to the accident, at the time, of the accident and immediately after the accident.
29. How far was your vehicle from the Plaintiff when you first applied your brakes?
30. Did your brakes take hold immediately?
31. How hard did you apply your brakes?
32. In approximately how many feet will your vehicle stop with a full application of the brakes traveling at the speed you were going at the time of the accident?
33. Please state the names and addresses of all persons who have furnished statements, signed or unsigned to you, your representative, or attorney or adjuster, or any other person in regard to this accident.
34. Describe the position that and where your automobile was in relation to the center line of the road when you first knew that you had hit the vehicle the Plaintiff was riding in.
35. State how many automobile accidents you have been involved in giving the time, date, and description of each.
36. Have you recently reviewed any signed statements you have made in regard to this accident? If so, when, where, and in the presence of whom?

37. Have you said anything in a signed statement that has not been covered in answering these interrogatories? If so, what?
38. Have you ever been in the armed service?
39. If so, what type of discharge did you receive from the armed forces?
40. State the name and last known address of the eye-witness or anyone who knows something about the occurrence of the accident.
41. Are any of these witnesses personally acquainted with you, and if so, in what way and for how long?
42. Do you suffer from night-blindness?
43. Attach a copy of your written statement to your adjuster or investigator you made concerning this accident to the answers to these interrogatories.
44. If you have not already answered, what remarks were made by the Plaintiff at the scene of the accident and to whom were they made?
45. Was there any debris on the highway, if so, describe it and show where it was by making a diagram. (Attach same to answer)
46. On what part of the road did the impact take place?
47. Did any of the vehicles in the accident have their lights on at the time of the accident?
48. Where did each vehicle come to rest after the accident with reference to the point of impact?
49. State in detail the exact position of your vehicle on your position when you first observed the other vehicle in this accident, and state your distance from it in feet.
50. State in detail the exact amount of artificial lighting at the scene of the accident at the time the accident occurred.
51. Please state in your own words the facts and circumstances of this accident, giving who was involved, how it happened, what caused the accident and the results.
52. Did the driver of your vehicle suffer from any physical defects or illnesses such as poor vision, deafness, muteness, seizures, paralysis or other, stating in detail.
53. Had you taken any medicines, drugs, narcotics, or tranquilizers within the last 24 hours prior to the accident, if so, designate and explain.
54. Was the radio in your car playing at the time of the accident?
55. (a) Were your windows open or closed at the time of the accident?
(b) Was the air conditioning unit in your car in operation at the time of the accident?
56. (a) How far had the driver of your car driven on the day of the accident?
(b) How much rest had he had in the preceeding 24 hours?
57. (a) Was the driver of your car charged with a traffic violation or any criminal charge growing out of this accident?
(b) How did said driver plead in the charge made against you?
(c) What was the decision or order made by the court on said charge or case?
58. (a) Were pictures made of the accident or any of the persons or vehicles involved, if so, by whom?
(b) Do you or your insurance company or attorney have such pictures?
59. If the defendant answering these interrogatories is a corporation, please:
 1. State the name of the person answering the interrogatories and his position with the Defendant.
 2. Please state the names of each person in the employ of the Defendant who has personal knowledge of the facts inquired about, and his address and position with the company, and who has furnished what information upon which these answers are based and prepared.

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

By

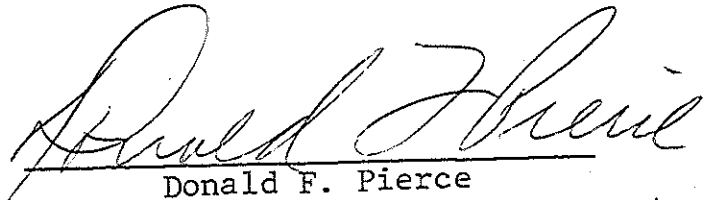

Attorneys for Plaintiff

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, the undersigned authority in and for said county in said state, this day personally appeared

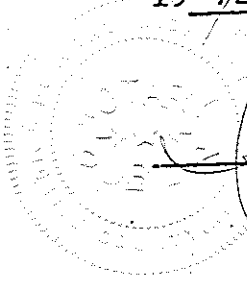
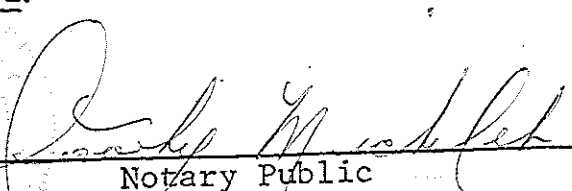
Donald F. Pierce, who is known to me, and who, being by me first duly sworn, upon oath deposes and says that he is one of the attorneys for said specified Plaintiff in the above entitled cause, and as such is authorized to make this affidavit; that the answers of the Defendant to the foregoing interrogatories, when well and truly made and filed, will be material testimony for said Plaintiff on the trial of this cause.


Donald F. Pierce

Sworn to and subscribed before me on

this 7 day of February,

19 72.



Notary Public

FILED

FEB 8 1972

EUNICE B. BLACKMON CIRCUIT CLERK

SUMMONS AND COMPLAINT

MOORE PRINTING CO. BAY MINETTE ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 10,232

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Deborah Ann Fitzsimmons and Raymond Fitzsimmons

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint
filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against Deborah Ann
Fitzsimmons and Raymond Fitzsimmons, jointly & Severally, Defendant.

by MARTHA J. LYONS,

Plaintiff.

witness my hand this 8th day of February 1972

Erinice B. Blackman Clerk

242-18-72

VOL

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CIRCUIT COURT

XX

MARTHA J. LYONS

Plaintiffs

vs.

DEBORAH ANN FITZSIMMONS &

RAYMOND FITZSIMMONS, Defendants
Jointly & Severally

SUMMONS AND COMPLAINT

Filed February 8, 1972

Eunice B. Blackmon Clerk

211 8 12/2

Hand, Arendall, Bedsole, Greaves & Johnston

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Summersdale
Received In Office

Received In Office

Received in Office
February 8 1972

Gayle Jenkins Sheriff
I have executed this summons

this 18-Feb. 1972

by leaving a copy with

by leaving a copy with
 Heberah R. Fitzsimmon
 Raymond Fitzsimmons-

Stiff claim. 12/4

Ten Cents per mile 74.40

BY James J. [illegible]

Tyler W. Perkins Sheriff

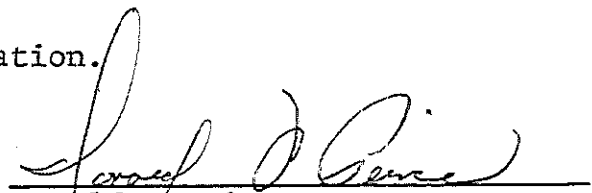
..... Deputy Sheriff

MARTHA J. LYONS, § IN THE CIRCUIT COURT OF
Plaintiff, §
VS. § BALDWIN COUNTY, ALABAMA
DEBORAH ANN FITZSIMMONS §
and RAYMOND FITZSIMMONS, § AT LAW
jointly and severally, §
Defendants. § CASE NO. 10,232

§
MOTION FOR APPOINTMENT OF
GUARDIAN AD LITEM

Comes now the plaintiff in the above-styled cause,
Martha J. Lyons, and moves the Court to appoint a
Guardian Ad Litem for the defendant Deborah Ann Fitzsimmons
and as grounds therefor alleges as follows:

For that Deborah Ann Fitzsimmons is a minor under the
age of twenty-one (21) years and is unmarried and is in
need of a Guardian Ad Litem to represent her interest
in the above-referenced litigation.


Donald F. Pierce

Trial Attorneys for Plaintiff
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 Cooper C. Thurber, Esq., Attorney
for Defendants, by depositing a copy of same in the United States
mail, postage prepaid, addressed to Mr. Thurber at his office in
Mobile, Alabama, on this, the 8th day of June, 1972.

FILED

JUN 12 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

VOL

69 PAGE 933

MARTHA J. LYONS, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
vs. : AT LAW
DEBORAH ANN FITZSIMMONS :
and RAYMOND FITZSIMMONS, :
jointly and severally, :
Defendants. : CASE NO. 10,232

DEMURRER

COMES NOW Deborah Ann Fitzsimmons and Raymond Fitzsimmons, defendants in the above styled cause, separately and severally, and demur to the plaintiff's Complaint and each count thereof, separately and severally, and set down the following, separate and several grounds therefor:

1. Said count fails to state a cause of action.
2. Said count fails to allege a cause of action upon which the relief prayed for may be granted.
3. Said count fails to allege the violation of any duty owed by the defendant to the plaintiff.
4. Said count fails to allege any duty owed by the defendant to the plaintiff.
5. For aught that appears from said count, the defendant has breached no legal duty owing to the plaintiff.
6. Said count fails to allege any causal connection between the alleged negligence of the defendant and the alleged injury to the plaintiff.
7. Said count fails to allege a breach of duty.

8. The place of the alleged accident is vague, uncertain and indefinite.

9. The place of the accident is not alleged with sufficient certainty to apprise the defendant of that against which he must defend.

10. Said count seeks to charge the quo modo, but the facts alleged are insufficient to constitute negligence as a matter of law.

11. The plaintiff alleges that Deborah Ann Fitzsimmons was an agent of Raymond Fitzsimmons, however, it is not alleged that Deborah Ann Fitzsimmons was acting within the line and scope of her authority as such agent.

12. For aught that appears from said count, Deborah Ann Fitzsimmons was not acting within the line and scope of her authority as an agent, servant or employee of Raymond Fitzsimmons at the time of the alleged accident.

13. For aught that appears from said count, Deborah Ann Fitzsimmons was not an agent, servant or employee of the defendant, Raymond Fitzsimmons, at the time of the alleged accident.


14. Said count fails to allege that the accident occurred on a public road.

15. Said count fails to allege that the accident occurred on a public road in Baldwin County, Alabama.

16. For aught that appears from said count, the plaintiff's car was not "at or near the intersection of Greeno Road and Fairhope Avenue" at the time of the alleged accident.

17. For aught that appears from said count, the plaintiff's automobile was not "on Greeno Road, at or near its intersection with Fairhope Avenue" at the time of said accident.

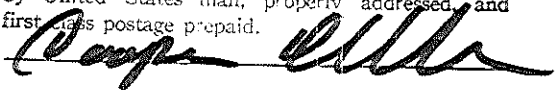
LYONS, PIPES AND COOK
Attorneys for the Defendants


WALTER M. COOK


COOPER C. THURBER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 29th day of February, 19 72, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.



FILED

MAR 1 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

MARTHA J. LYONS,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
VS)	AT LAW
DEBORAH ANN FITZSIMMONS)	
and RAYMOND FITZSIMMONS,)	
jointly and severally,)	
Defendants.)	CASE NO. 10,232

ORDER APPOINTING GUARDIAN AD LITEM

The motion of the plaintiff in the above styled case to appoint a guardian ad litem being duly considered by the Court, it is and should be granted;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Motion to appoint a Guardian ad Litem for the defendant, DEBORAH ANN FITZSIMMONS, should be and is hereby granted and E. E. Ball, Esquire, an attorney at law, duly licensed to practice in the state of Alabama and regularly practicing in the Circuit Court of Baldwin County, Alabama is hereby appointed as such Guardian ad Litem.

FILED

JAN 5 1973

EUNICE B. BLACKMON
CIRCUIT
CLERK

Telfair J. Mashburn
TELFAIR J. MASHBURN,
Circuit Judge

MARTHA J. LYONS,
Plaintiff,

VS.

DEBORAH ANN FITZSIMMONS
and RAYMOND FITZSIMMONS,
jointly and severally,

Defendants.

* IN THE CIRCUIT COURT OF

* BALDWIN COUNTY, ALABAMA

* AT LAW

*

*

* CASE NO. 10,232

ANSWER

Comes now, Deborah Ann Fitzsimmons and Raymond Fitzsimmons, Defendants in the above-styled cause, and for answer to the Plaintiff's Complaint as a whole, and to each count thereof, separately and severally, set down the following, separate and several pleas:

1. The material allegations of the Complaint are untrue.
2. Not guilty.

LYONS, PIPES AND COOK
Attorneys for the Defendants

BY: _____

Walter M. Cook

FILED

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EUNICE B. BLACKMON CIRCUIT CLERK

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 11th day of January, 19 73 served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States Mail, properly addressed, and first class postage paid.

Walter M. Cook

MARTHA J. LYONS,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	BALDWIN COUNTY,
vs.	:	ALABAMA
DEBORAH ANN FITZSIMMONS	:	AT LAW
and RAYMOND FITZSIMMONS,	:	
jointly and severally,	:	
Defendants.	:	CASE NO. 10,232

INTERROGATORIES TO THE PLAINTIFF

Deborah Ann Fitzsimmons and

COMES NOW the defendants, Raymond Fitzsimmons, and desiring the testimony of the plaintiff, Martha J. Lyons, and propounds to the plaintiff the following interrogatories, to be answered separately and severally in the manner and form provided by law:

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 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 subsequent 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 the 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 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 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.

LYONS, PIPES AND COOK
Attorneys for the Defendant

BY


COOPER C. THURBER

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared Cooper C. Thurber who having been first duly sworn, deposes and says that he is the attorney for the defendant in the above-styled cause and that if the foregoing Interrogatories are truthfully answered, the answers will be material evidence for the defendant on the trial of said cause.


COOPER C. THURBER

Subscribed and sworn to before me on this the 29TH day of February, 1972.


NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

THE PLAINTIFF MAY BE SERVED BY AND
THROUGH HER ATTORNEY:

Mr. Donald Pierce
Hand, Arendall, Bedsole, Greaves & Johnston
3000 First National Bank Building
Mobile, Alabama

Wah
10,232

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MARTHA J. LYONS

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VS:

DEBORAH ANN FITZSIMMONS & RAYMOND
FITZSIMMONS, jointly & severally,

36X

INTERROGATORIES TO THE PLAINTIFF

FILED

MAR 1 1972

EUNICE B. FORTSON CIRCUIT
CLERK

Serve: Mr. Donald Pierce
Hand, Arendall, Bedsole, Greaves & Johnston
3000 First National Bank Building
Mobile, Alabama

MAR 2 1972

DALTON WILKINS
SHERIFF

EXECUTED
This day of _____, 19____
by serving a copy of the within on
RAY D. BRIDGES, Sheriff
D.S.

CLERK OF DISTRICT COURT
MOBILE COUNTY, ALA.
MAR 3 10 02 AM '72

Received 3 Day of March 1972
and on 6 Day of March 1972
I served a Copy of the within Interrogatories
on Martha Lyons
by service on Donald Pierce, Atty
RAY D. BRIDGES, Sheriff
By M. Williams

MARTHA J. LYONS,

Plaintiff,

VS.

DEBORAH ANN FITZSIMMONS
and RAYMOND FITZSIMMONS,
jointly and severally,

Defendants.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 10,232

INTERROGATORIES TO DEFENDANT

Comes the Plaintiff in the above styled cause, and desiring the testimony of the
Deborah Ann Fitzsimmons,
Defendants; propounds the following interrogatories to be answered separately and severally
in the manner and form provided by law, viz:

1. (a) State your correct name, age, residence address and business address.
(b) Is your name correctly stated in the complaint on file in this cause?
(c) If you state that your name is not correctly stated, then state the correct way that you could be designated as a party Plaintiff or a party Defendant in an action at law:
(1) At the time that the accident which is made the basis of this suit occurred;
(2) At the time that you answer these interrogatories.
(d) When and where did said accident occur, giving date and hour?
2. (a) State whether you are a person, firm, or corporation.
(b) If you state that you are a partnership, then state the name of each and every member or partner composing said partnership, and the name under which the partnership does business.
(c) If you state that you are a corporation, state on what date you were incorporated and at what place.
3. (a) Describe completely and in detail the vehicle occupied or owned by you or of which you were in charge on the occasion of the accident made the basis of this suit, stating in your answer the make, model, year, and body style of same.
(b) State the name and address of the owner of said motor vehicle on the date of the accident.
(c) State the name and address of the driver of said vehicle on said occasion.
(d) Describe completely and in detail every item of damage sustained by said vehicle.
(e) Give the amount of each repair estimate obtained on said damage and give the name and address of the person making said repair estimate.
(f) State whether or not any of said damage was repaired, and, if so, give the amount of the repair bill and the name and address of the person, firm, or corporation who made said repairs.
(g) Describe the condition of the brakes, stoplights, turn indicator, or other signal device, steering apparatus, tires, and lighting equipment on said motor vehicle at and immediately prior to the time of the accident made the basis of this suit; state whether they were in proper working order and if they were used at the time of the accident.
(h) When had the brakes, signal device, steering apparatus, lights, and tires on said motor vehicle last been inspected prior to said accident and by whom?
4. (a) If you have stated that the owner of the vehicle which collided with the vehicle in which Plaintiff was riding was not the driver on the occasion of said accident, explain fully and in detail the presence of the driver in said vehicle.
(b) State who was the employer of the driver of the vehicle which collided with the vehicle in which Plaintiff was riding at the time of said accident.
(c) State on whose business or behalf said driver was acting at the time of said accident.
(d) State the hours of work which said driver had at the time of said accident.
5. (a) State the number of persons occupying the motor vehicle which collided with the vehicle in which Plaintiff was riding and state specifically how and in what manner each of said occupants were located in said vehicle on said occasion.
(b) Was the trip a personal or business trip for you or the driver of your car?
(c) State fully the purpose of the trip you were making at the time of the accident made the basis of this suit.
(d) From what point had you departed?
(e) What was your destination?
(f) Were you performing a mission, errand, or duty for anybody whatsoever? If so, state the

- nature of same and the name and address of the person for whom you were performing it.
- (g) Give the name and address of each and every person or firm who had any interest whatsoever in the trip that was being made by the driver of the vehicle which collided with the Plaintiff on the occasion of said accident, and state the nature of said interest and the connection of said person or firm with the trip.
 - (h) Where did you go and what did you do immediately after the accident occurred?
6. Prepare and attach to your answers to these interrogatories a map portraying the scene of the accident and the physical objects involved in the accident made the basis of this suit and designate on said map the following:
- (a) The point of impact and skid marks leading up to and from same;
 - (b) The resting place of the vehicles after the accident;
 - (c) Where you were located when you first saw the Plaintiff's vehicle;
 - (d) Where the Plaintiff's vehicle was located when first seen by you;
 - (e) The placement of any other vehicles or physical objects which had anything to do with said accident.
7. (a) 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:
- (1) At what intersection of streets or avenues said accident occurred;
 - (2) 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;
 - (3) State how far you, in your judgment, could see to the left and right of each of the streets when you approached from a point of fifty feet from said intersection.
- (b) Describe the locus of said accident with reference to the contour of the land, the grade or curve of the road, highway or intersection, and any physical structures located within two hundred feet of the place of the accident:
- (c) Were there any obstructions to your view? Describe in detail.
- (d) Describe any traffic controls located at the scene of the accident and the operation of same, stating the directions in which said traffic signs, signals or controls faced, and state the color of the control light facing your vehicle and that facing Plaintiff's vehicle as you entered the area controlled by said signal.
- (e) Did your vehicle stop at the traffic signal or sign prior to the accident?
8. (a) State where the motor vehicle in which Plaintiff was riding was located with reference to the point of the impact in the accident made the basis of this suit when you first observed same immediately prior to said accident.
- (b) Did you see the motor vehicle in which Plaintiff was riding before the actual collision.
- (c) How many feet was the motor vehicle in which Plaintiff was riding from the place of the impact when you first observed same?
- (d) How many feet were you from the point of impact when you first observed the vehicle in which Plaintiff was riding?
- (e) Where did the impact occur with reference to the center line of the street on which the vehicle in which Plaintiff was traveling?
- (f) Where did the impact occur with reference to the right edge of the street on which your vehicle was traveling?
9. (a) State specifically and in detail exactly how the accident made the basis of this suit occurred and describe chronologically the events that occurred leading up to same as seen by you.
- (b) Describe each and everything which the driver of the vehicle in which Plaintiff was riding failed to do to avoid said accident.
- (c) Describe each and everything done by the driver of the vehicle in which Plaintiff was riding which contributed to the cause of said accident.
- (d) State each and everything done by you or which you omitted to do, which contributed proximately to cause the accident.
- (e) Describe each negligent act or omission of the driver of the vehicle in which Plaintiff was riding on said occasion.
10. (a) State whether or not any of the occupants in any of the vehicles involved in the accident made the basis of this suit were intoxicated or drinking intoxicating beverages at the time of the said accident.
- (b) Give the name and address of each of said persons who were drinking or were intoxicated.
- (c) State what each of said persons was drinking, where he or she had obtained the same, the quantity or amount consumed, and the time and place where same was drunk.
- (d) Had you consumed any alcoholic beverages within the last 24 hours stating when, where, and what and how much you drank?
11. State, according to your best judgment the speed of the vehicle in which Plaintiff was riding at the following points:

- (a) When your 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 point of impact;
 - (i) Immediately after the impact;
12. (a) State in what direction and along what street or avenue each of the motor vehicles involved in the accident made the basis of this suit was traveling on the occasion of said accident.
- (b) State in your best judgment, in number of feet, the width of each of said streets or avenues or highways.
- (c) If either of the vehicles involved in the accident made the basis of this suit was engaged in making a turn from a direct line of travel, describe same, and the course followed with reference to the center of the intersection and also the four corners of same, and with reference to the center line of the street, avenue or highway on which said motor vehicle had been traveling prior to said turn.
13. (a) State fully, specifically and in detail each and every act or thing done by the operator of the vehicle owned or occupied by you at the time of the accident made the basis of this suit during the last 100 feet of said vehicle's approach to the point of said collision, stating in your answer the chronological order in which said operator did each of said acts or things.
- (b) Describe each change in the course of travel made by the vehicle in which Plaintiff was riding immediately prior to said accident.
- (c) Describe each change in the course of travel made by the vehicle in which you were riding immediately prior to the accident made the basis of this suit.
14. (a) State whether or not the brakes on the vehicle occupied by you or owned by you at the time of the accident sued on were applied prior to the collision.
- (b) If so, state in your best judgment the speed in miles per hour said vehicle was traveling at the moment the brakes were applied.
- (c) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until said collision occurred.
- (d) State in your best judgment the distance in number of feet said came to a stop after the occurrence of the accident made the basis of this suit.
15. (a) State specifically what portion of the vehicles involved in the accident made the basis of this suit first came in contact with each other, stating which part of the several vehicles came into contact with which part of the others.
- (b) Describe the portions which next came in contact after the initial impact.
16. (a) State in your best judgment the distance each of the vehicles involved in the accident made the basis of this suit traveled on said occasion from the moment of the collision to the point where each of said vehicles first came to a stop immediately thereafter.
- (b) In what direction did each of said motor vehicles move from the point of said collision until they came to a complete stop.
- (c) Describe each and every skid mark which led up to the point of collision.
- (d) Describe each and every skid mark which extended from the point of collision toward the place where either of the motor vehicles involved in the accident came to rest.
- (e) Locate the point where each motor vehicle came to rest with reference to the point of impact, the center of the intersection, the four corners of the same and the right edge of the street on which it had been traveling.
17. State the speed of the motor vehicle which you owned or occupied or were in charge of according to your best judgment, at the following points:
- (a) When you were within a distance of 300 feet from the point of impact in the accident made the basis of this suit;
 - (b) When you were 200 feet from the point of impact;
 - (c) When you were 100 feet from the point of impact;
 - (d) When you were 50 feet from the point of impact;
 - (e) When you were 25 feet from the point of impact;
 - (f) When you were 10 feet from the point of impact;
 - (g) At the time of said impact;
 - (h) When you first observed the other vehicle involved in said accident.
18. (a) State whether any horn or other signal was given as a warning by the operator of any of the vehicles involved in the accident made the basis of this suit prior to the time of the collision.
- (b) If so, describe each of said signals given by each respective driver specifically and in detail.
- (c) State how far distant from the point of collision each vehicle was located at the time said signal was given.

- (d) If any signals for stopping or turning were given by each driver immediately prior to said collision, describe same, and state how far distant from the point of impact said signal was given by each driver respectively.
19. (a) State whether or not there were any other vehicles or pedestrians at or near the scene of the accident at the time of and immediately prior to the occurrence of same.
- (b) If so, state the number of such other vehicles and pedestrians and where they were located with reference to the point of the accident at the moment same occurred.
- (c) State whether or not any of the other vehicles or pedestrians located at or near the scene of the accident played any part, or contributed in any manner, to cause the collision made the basis of this suit.
- (d) Give the name and address of each driver or owner of each of said vehicles and said pedestrians.
20. (a) Did you make any statements in the presence of the operator of any of the vehicles involved in the collision made the basis of this suit following the occurrence of same?
- (b) If so, state when, where, and what was said by you.
- (c) Did the operator of the vehicle in which Plaintiff was riding make any statement in your presence following the occurrence of the accident, and if so, state when, where, and what was said by said driver.
- (d) Give the name and address of each and every person who was present when the accident made the basis of this suit occurred.
- (e) Give the name and address of each and every person who was present when any statements were made either by you or the driver of the vehicle in which Plaintiff was riding following the occurrence of the accident made the basis of this suit.
21. Did the driver of your vehicle possess a currently valid drivers license at the time of the accident?
22. Did the said drivers license have any restrictions thereon?
If so, please list them.
23. On and shortly prior to the date of the accident, did the driver of the vehicle colliding with Plaintiff or the vehicle in which Plaintiff was riding:
- (a) Normally wear glasses?
- (b) Did said driver have his glasses on at the time of the accident?
- (c) Was the said driver's eyesight 20/20 or normal? If not, please explain.
- (d) Did the vision of said driver in anyway contribute to, cause, or affect the collision or accident? How?
24. Describe the condition of visibility as to darkness, etc. at the time of the accident.
25. Describe the weather conditions at the time of the accident.
26. (a) Describe the condition of the surface of the road, as to type of pavement, smooth or rough, etc.
- (b) Was the road wet or dry
27. Please state what damage you observed to the vehicle in which Plaintiff was riding, stating where the damage was and its extent.
28. Please state in detail the condition of Plaintiff as you observed it immediately prior to the accident, at the time, of the accident and immediately after the accident.
29. How far was your vehicle from the Plaintiff when you first applied your brakes?
30. Did your brakes take hold immediately?
31. How hard did you apply your brakes?
32. In approximately how many feet will your vehicle stop with a full application of the brakes traveling at the speed you were going at the time of the accident?
33. Please state the names and addresses of all persons who have furnished statements, signed or unsigned to you, your representative, or attorney or adjuster, or any other person in regard to this accident.
34. Describe the position that and where your automobile was in relation to the center line of the road when you first knew that you had hit the vehicle the Plaintiff was riding in.
35. State how many automobile accidents you have been involved in giving the time, date, and description of each.
36. Have you recently reviewed any signed statements you have made in regard to this accident? If so, when, where, and in the presence of whom?
37. Have you said anything in a signed statement that has not been covered in answering these interrogatories? If so, what?
38. Have you ever been in the armed service?
39. If so, what type of discharge did you receive from the armed forces?
40. State the name and last known address of the eye-witness or anyone who knows something about the occurrence of the accident.
41. Are any of these witnesses personally acquainted with you, and if so, in what way and for how long?
42. Do you suffer from night-blindness?
43. Attach a copy of your written statement to your adjuster or investigator you made concerning this accident to the answers to these interrogatories.

44. If you have not already answered, what remarks were made by the Plaintiff at the scene of the accident and to whom were they made?
45. Was there any debris on the highway, if so, describe it and show where it was by making a diagram. (attach same to answer)
46. On what part of the road did the impact take place?
47. Did any of the vehicles in the accident have their lights on at the time of the accident?
48. Where did each vehicle come to rest after the accident with reference to the point of impact?
49. State in detail the exact position of your vehicle on your position when you first observed the other vehicle in this accident, and state your distance from it in feet.
50. State in detail the exact amount of artificial lighting at the scene of the accident at the time the accident occurred.
51. Please state in your own words the facts and circumstances of this accident, giving who was involved, how it happened, what caused the accident and the results.
52. Did the driver of your vehicle suffer from any physical defects or illnesses such as poor vision, deafness, muteness, seizures, paralysis or other, stating in detail.
53. Had you taken any medicines, drugs, narcotics, or tranquilizers within the last 24 hours prior to the accident, if so, designate and explain.
54. Was the radio in your car playing at the time of the accident?
55. (a) Were your windows open or closed at the time of the accident?
(b) Was the air conditioning unit in your car in operation at the time of the accident?
56. (a) How far had the driver of your car driven on the day of the accident?
(b) How much rest had he had in the preceding 24 hours?
57. (a) Was the driver of your car charged with a traffic violation or any criminal charge growing out of this accident?
(b) How did said driver plead in the charge made against you?
(c) What was the decision or order made by the court on said charge or case?
58. (a) Were pictures made of the accident or any of the persons or vehicles involved, if so, by whom?
(b) Do you or your insurance company or attorney have such pictures?
59. If the defendant answering these interrogatories is a corporation, please:
 1. State the name of the person answering the interrogatories and his position with the Defendant.
 2. Please state the names of each person in the employ of the Defendant who has personal knowledge of the facts inquired about, and his address and position with the company, and who has furnished what information upon which these answers are based and prepared.

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
Attorneys for Plaintiff

By

Donald F. Pierce
Donald F. Pierce

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing interrogatories to Cooper C. Thurber, Esq., Attorney for defendant, by depositing a copy of same in the United States mail, postage prepaid, addressed to Mr. Thurber at his office in Mobile, Alabama, on this, the 19th day of June, 1972.

Donald F. Pierce

FILED

JUN 21 1972

STATE OF ALABAMA)

COUNTY OF MOBILE)

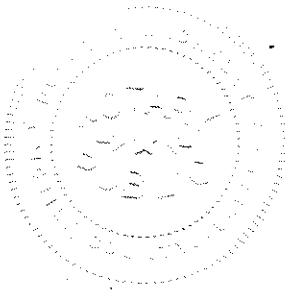
Personally appeared before me, Dorothy Michelet, the
undersigned authority, Donald F. Pierce, who being by
me first duly sworn, deposes and says:

That he is the attorney of record for the Plaintiff in the above styled cause,
and as such is authorized to make this affidavit for the Plaintiff, and that the
answers of the Defendant to the foregoing interrogatories will be material
testimony for the Plaintiff in said cause.

Donald F. Pierce

Subscribed and sworn to before me on this the 19th day of June,
1972.

Dorothy Michelet
NOTARY PUBLIC



MARTHA J. LYONS,

Plaintiff,

VS.

DEBORAH ANN FITZSIMMONS
and RAYMOND FITZSIMMONS,
jointly and severally,

Defendants

§ IN THE CIRCUIT COURT OF

§ BALDWIN COUNTY, ALABAMA

§ AT LAW

§

CASE NO. 10,232

INTERROGATORIES TO DEFENDANT

Comes the Plaintiff in the above styled cause, and desiring the testimony of the
RAYMOND FITZSIMMONS,
Defendant~~x~~/ propounds the following interrogatories to be answered separately and severally
in the manner and form provided by law, viz:

1. (a) State your correct name, age, residence address and business address.
(b) Is your name correctly stated in the complaint on file in this cause?
(c) If you state that your name is not correctly stated, then state the correct way that you could be designated as a party Plaintiff or a party Defendant in an action at law:
(1) At the time that the accident which is made the basis of this suit occurred;
(2) At the time that you answer these interrogatories.
(d) When and where did said accident occur, giving date and hour?
2. (a) State whether you are a person, firm, or corporation.
(b) If you state that you are a partnership, then state the name of each and every member or partner composing said partnership, and the name under which the partnership does business.
(c) If you state that you are a corporation, state on what date you were incorporated and at what place.
3. (a) Describe completely and in detail the vehicle occupied or owned by you or of which you were in charge on the occasion of the accident made the basis of this suit, stating in your answer the make, model, year, and body style of same.
(b) State the name and address of the owner of said motor vehicle on the date of the accident.
(c) State the name and address of the driver of said vehicle on said occasion.
(d) Describe completely and in detail every item of damage sustained by said vehicle.
(e) Give the amount of each repair estimate obtained on said damage and give the name and address of the person making said repair estimate.
(f) State whether or not any of said damage was repaired, and, if so, give the amount of the repair bill and the name and address of the person, firm, or corporation who made said repairs.
(g) Describe the condition of the brakes, stoplights, turn indicator, or other signal device, steering apparatus, tires, and lighting equipment on said motor vehicle at and immediately prior to the time of the accident made the basis of this suit; state whether they were in proper working order and if they were used at the time of the accident.
(h) When had the brakes, signal device, steering apparatus, lights, and tires on said motor vehicle last been inspected prior to said accident and by whom?
4. (a) If you have stated that the owner of the vehicle which collided with the vehicle in which Plaintiff was riding was not the driver on the occasion of said accident, explain fully and in detail the presence of the driver in said vehicle.
(b) State who was the employer of the driver of the vehicle which collided with the vehicle in which Plaintiff was riding at the time of said accident.
(c) State on whose business or behalf said driver was acting at the time of said accident.
(d) State the hours of work which said driver had at the time of said accident.
5. (a) State the number of persons occupying the motor vehicle which collided with the vehicle in which Plaintiff was riding and state specifically how and in what manner each of said occupants were located in said vehicle on said occasion.
(b) Was the trip a personal or business trip for you or the driver of your car?
(c) State fully the purpose of the trip you were making at the time of the accident made the basis of this suit.
(d) From what point had you departed?
(e) What was your destination?
(f) Were you performing a mission, errand, or duty for anybody whatsoever? If so, state the

- nature of same and the name and address of the person for whom you were performing it.
- (g) Give the name and address of each and every person or firm who had any interest whatsoever in the trip that was being made by the driver of the vehicle which collided with the Plaintiff on the occasion of said accident, and state the nature of said interest and the connection of said person or firm with the trip.
 - (h) Where did you go and what did you do immediately after the accident occurred?
6. Prepare and attach to your answers to these interrogatories a map portraying the scene of the accident and the physical objects involved in the accident made the basis of this suit and designate on said map the following:
- (a) The point of impact and skid marks leading up to and from same;
 - (b) The resting place of the vehicles after the accident;
 - (c) Where you were located when you first saw the Plaintiff's vehicle;
 - (d) Where the Plaintiff's vehicle was located when first seen by you;
 - (e) The placement of any other vehicles or physical objects which had anything to do with said accident.
7. (a) 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:
- (1) At what intersection of streets or avenues said accident occurred;
 - (2) 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;
 - (3) State how far you, in your judgment, could see to the left and right of each of the streets when you approached from a point of fifty feet from said intersection.
- (b) Describe the locus of said accident with reference to the contour of the land, the grade or curve of the road, highway or intersection, and any physical structures located within two hundred feet of the place of the accident:
- (c) Were there any obstructions to your view? Describe in detail.
- (d) Describe any traffic controls located at the scene of the accident and the operation of same, stating the directions in which said traffic signs, signals or controls faced, and state the color of the control light facing your vehicle and that facing Plaintiff's vehicle as you entered the area controlled by said signal.
- (e) Did your vehicle stop at the traffic signal or sign prior to the accident?
8. (a) State where the motor vehicle in which Plaintiff was riding was located with reference to the point of the impact in the accident made the basis of this suit when you first observed same immediately prior to said accident.
- (b) Did you see the motor vehicle in which Plaintiff was riding before the actual collision.
- (c) How many feet was the motor vehicle in which Plaintiff was riding from the place of the impact when you first observed same?
- (d) How many feet were you from the point of impact when you first observed the vehicle in which Plaintiff was riding?
- (e) Where did the impact occur with reference to the center line of the street on which the vehicle in which Plaintiff was traveling?
- (f) Where did the impact occur with reference to the right edge of the street on which your vehicle was traveling?
9. (a) State specifically and in detail exactly how the accident made the basis of this suit occurred and describe chronologically the events that occurred leading up to same as seen by you.
- (b) Describe each and everything which the driver of the vehicle in which Plaintiff was riding failed to do to avoid said accident.
- (c) Describe each and everything done by the driver of the vehicle in which Plaintiff was riding which contributed to the cause of said accident.
- (d) State each and everything done by you or which you omitted to do, which contributed proximately to cause the accident.
- (e) Describe each negligent act or omission of the driver of the vehicle in which Plaintiff was riding on said occasion.
10. (a) State whether or not any of the occupants in any of the vehicles involved in the accident made the basis of this suit were intoxicated or drinking intoxicating beverages at the time of the said accident.
- (b) Give the name and address of each of said persons who were drinking or were intoxicated.
- (c) State what each of said persons was drinking, where he or she had obtained the same, the quantity or amount consumed, and the time and place where same was drunk.
- (d) Had you consumed any alcoholic beverages within the last 24 hours stating when, where, and what and how much you drank?
11. State, according to your best judgment the speed of the vehicle in which Plaintiff was riding at the following points:

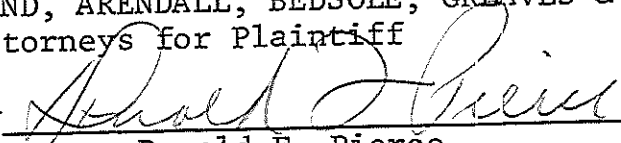
- (a) When your first observed same prior to the accident made the basis of this suit;
 - (b) At a point 300 feet from the place where the impact occurred;
 - (c) At a point 200 feet from the place where the impact occurred;
 - (d) At a point 100 feet from the place where the impact occurred;
 - (e) 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 point of impact;
 - (i) Immediately after the impact;
12. (a) State in what direction and along what street or avenue each of the motor vehicles involved in the accident made the basis of this suit was traveling on the occasion of said accident.
- (b) State in your best judgment, in number of feet, the width of each of said streets or avenues or highways.
- (c) If either of the vehicles involved in the accident made the basis of this suit was engaged in making a turn from a direct line of travel, describe same, and the course followed with reference to the center of the intersection and also the four corners of same, and with reference to the center line of the street, avenue or highway on which said motor vehicle had been traveling prior to said turn.
13. (a) State fully, specifically and in detail each and every act or thing done by the operator of the vehicle owned or occupied by you at the time of the accident made the basis of this suit during the last 100 feet of said vehicle's approach to the point of said collision, stating in your answer the chronological order in which said operator did each of said acts or things.
- (b) Describe each change in the course of travel made by the vehicle in which Plaintiff was riding immediately prior to said accident.
- (c) Describe each change in the course of travel made by the vehicle in which you were riding immediately prior to the accident made the basis of this suit.
14. (a) State whether or not the brakes on the vehicle occupied by you or owned by you at the time of the accident sued on were applied prior to the collision.
- (b) If so, state in your best judgment the speed in miles per hour said vehicle was traveling at the moment the brakes were applied.
- (c) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until said collision occurred.
- (d) State in your best judgment the distance in number of feet said came to a stop after the occurrence of the accident made the basis of this suit.
15. (a) State specifically what portion of the vehicles involved in the accident made the basis of this suit first came in contact with each other, stating which part of the several vehicles came into contact with which part of the others.
- (b) Describe the portions which next came in contact after the initial impact.
16. (a) State in your best judgment the distance each of the vehicles involved in the accident made the basis of this suit traveled on said occasion from the moment of the collision to the point where each of said vehicles first came to a stop immediately thereafter.
- (b) In what direction did each of said motor vehicles move from the point of said collision until they came to a complete stop.
- (c) Describe each and every skid mark which led up to the point of collision.
- (d) Describe each and every skid mark which extended from the point of collision toward the place where either of the motor vehicles involved in the accident came to rest.
- (e) Locate the point where each motor vehicle came to rest with reference to the point of impact, the center of the intersection, the four corners of the same and the right edge of the street on which it had been traveling.
17. State the speed of the motor vehicle which you owned or occupied or were in charge of according to your best judgment, at the following points:
- (a) When you were within a distance of 300 feet from the point of impact in the accident made the basis of this suit;
 - (b) When you were 200 feet from the point of impact;
 - (c) When you were 100 feet from the point of impact;
 - (d) When you were 50 feet from the point of impact;
 - (e) When you were 25 feet from the point of impact;
 - (f) When you were 10 feet from the point of impact;
 - (g) At the time of said impact;
 - (h) When you first observed the other vehicle involved in said accident.
18. (a) State whether any horn or other signal was given as a warning by the operator of any of the vehicles involved in the accident made the basis of this suit prior to the time of the collision.
- (b) If so, describe each of said signals given by each respective driver specifically and in detail.
- (c) State how far distant from the point of collision each vehicle was located at the time said signal was given.

- (d) If any signals for stopping or turning were given by each driver immediately prior to said collision, describe same, and state how far distant from the point of impact said signal was given by each driver respectively.
19. (a) State whether or not there were any other vehicles or pedestrians at or near the scene of the accident at the time of and immediately prior to the occurrence of same.
- (b) If so, state the number of such other vehicles and pedestrians and where they were located with reference to the point of the accident at the moment same occurred.
- (c) State whether or not any of the other vehicles or pedestrians located at or near the scene of the accident played any part, or contributed in any manner, to cause the collision made the basis of this suit.
- (d) Give the name and address of each driver or owner of each of said vehicles and said pedestrians.
20. (a) Did you make any statements in the presence of the operator of any of the vehicles involved in the collision made the basis of this suit following the occurrence of same?
- (b) If so, state when, where, and what was said by you.
- (c) Did the operator of the vehicle in which Plaintiff was riding make any statement in your presence following the occurrence of the accident, and if so, state when, where, and what was said by said driver.
- (d) Give the name and address of each and every person who was present when the accident made the basis of this suit occurred.
- (e) Give the name and address of each and every person who was present when any statements were made either by you or the driver of the vehicle in which Plaintiff was riding following the occurrence of the accident made the basis of this suit.
21. Did the driver of your vehicle possess a currently valid drivers license at the time of the accident?
22. Did the said drivers license have any restrictions thereon?
If so, please list them.
23. On and shortly prior to the date of the accident, did the driver of the vehicle colliding with Plaintiff or the vehicle in which Plaintiff was riding:
- (a) Normally wear glasses?
- (b) Did said driver have his glasses on at the time of the accident?
- (c) Was the said driver's eyesight 20/20 or normal? If not, please explain.
- (d) Did the vision of said driver in anyway contribute to, cause, or affect the collision or accident?
How?
24. Describe the condition of visibility as to darkness, etc. at the time of the accident.
25. Describe the weather conditions at the time of the accident.
26. (a) Describe the condition of the surface of the road, as to type of pavement, smooth or rough, etc.
- (b) Was the road wet or dry
27. Please state what damage you observed to the vehicle in which Plaintiff was riding, stating where the damage was and its extent.
28. Please state in detail the condition of Plaintiff as you observed it immediately prior to the accident, at the time, of the accident and immediately after the accident.
29. How far was your vehicle from the Plaintiff when you first applied your brakes?
30. Did your brakes take hold immediately?
31. How hard did you apply your brakes?
32. In approximately how many feet will your vehicle stop with a full application of the brakes traveling at the speed you were going at the time of the accident?
33. Please state the names and addresses of all persons who have furnished statements, signed or unsigned to you, your representative, or attorney or adjuster, or any other person in regard to this accident.
34. Describe the position that and where your automobile was in relation to the center line of the road when you first knew that you had hit the vehicle the Plaintiff was riding in.
35. State how many automobile accidents you have been involved in giving the time, date, and description of each.
36. Have you recently reviewed any signed statements you have made in regard to this accident? If so, when, where, and in the presence of whom?
37. Have you said anything in a signed statement that has not been covered in answering these interrogatories? If so, what?
38. Have you ever been in the armed service?
39. If so, what type of discharge did you receive from the armed forces?
40. State the name and last known address of the eye-witness or anyone who knows something about the occurrence of the accident.
41. Are any of these witnesses personally acquainted with you, and if so, in what way and for how long?
42. Do you suffer from night-blindness?
43. Attach a copy of your written statement to your adjuster or investigator you made concerning this accident to the answers to these interrogatories.

44. If you have not already answered, what remarks were made by the Plaintiff at the scene of the accident and to whom were they made?
45. Was there any debris on the highway, if so, describe it and show where it was by making a diagram. (attach same to answer)
46. On what part of the road did the impact take place?
47. Did any of the vehicles in the accident have their lights on at the time of the accident?
48. Where did each vehicle come to rest after the accident with reference to the point of impact?
49. State in detail the exact position of your vehicle on your position when you first observed the other vehicle in this accident, and state your distance from it in feet.
50. State in detail the exact amount of artificial lighting at the scene of the accident at the time the accident occurred.
51. Please state in your own words the facts and circumstances of this accident, giving who was involved, how it happened, what caused the accident and the results.
52. Did the driver of your vehicle suffer from any physical defects or illnesses such as poor vision, deafness, muteness, seizures, paralysis or other, stating in detail.
53. Had you taken any medicines, drugs, narcotics, or tranquilizers within the last 24 hours prior to the accident, if so, designate and explain.
54. Was the radio in your car playing at the time of the accident?
55. (a) Were your windows open or closed at the time of the accident?
(b) Was the air conditioning unit in your car in operation at the time of the accident?
56. (a) How far had the driver of your car driven on the day of the accident?
(b) How much rest had he had in the preceding 24 hours?
57. (a) Was the driver of your car charged with a traffic violation or any criminal charge growing out of this accident?
(b) How did said driver plead in the charge made against you?
(c) What was the decision or order made by the court on said charge or case?
58. (a) Were pictures made of the accident or any of the persons or vehicles involved, if so, by whom?
(b) Do you or your insurance company or attorney have such pictures?
59. If the defendant answering these interrogatories is a corporation, please:
 1. State the name of the person answering the interrogatories and his position with the Defendant.
 2. Please state the names of each person in the employ of the Defendant who has personal knowledge of the facts inquired about, and his address and position with the company, and who has furnished what information upon which these answers are based and prepared.

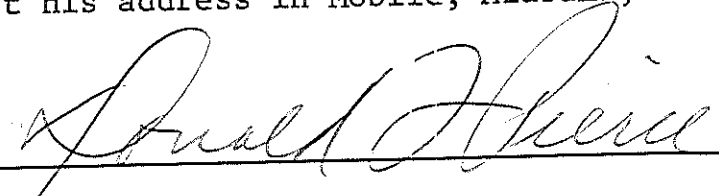
HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
Attorneys for Plaintiff

By


Donald F. Pierce

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing interrogatories to Cooper C. Thurber, Esq., Attorney for defendant, by depositing a copy of same in the United States mail, postage prepaid, addressed to Mr. Thurber at his address in Mobile, Alabama, on this, the 19th day of June, 1972.



FILED

JUN 21 1972

EUNICE B. BLACKMON CIRCUIT CLERK

STATE OF ALABAMA)

COUNTY OF MOBILE)

Personally appeared before me, Dorothy Michelet, the
undersigned authority, Donald F. Pierce, who being by
me first duly sworn, deposes and says:

That he is the attorney of record for the Plaintiff in the above styled cause,
and as such is authorized to make this affidavit for the Plaintiff, and that the
answers of the Defendant to the foregoing interrogatories will be material
testimony for the Plaintiff in said cause.

Donald F. Pierce

Subscribed and sworn to before me on this the 19th day of June,

19 72.

Dorothy Michelet
NOTARY PUBLIC

