

HUBERT DUGGER,)	
)	IN THE CIRCUIT COURT OF
VS.)	BALDWIN COUNTY, ALABAMA
)	AT LAW
AMOS OUTLAW,)	NO. 2258
)	
Defendant.)	

DEMURRER

Now comes the defendant and for demurrer to the complaint and each and every count thereof, separately and severally, assigns, separately and severally, the following:

1. It does not state a cause of action.
2. The place where the alleged accident occurred is not described with sufficient certainty.
3. The place where the alleged accident occurred is not properly described.
4. There is a misjoinder of causes of action.
5. It affirmatively appears that the plaintiff has improperly joined an action on the case and an action of trespass in each count of the complaint.
6. The allegations of the complaint are conclusions of the pleader.
7. The allegations of the complaint that the plaintiff was "permanently injured" are conclusions of the pleader and are not supported by any allegations of fact.
8. It is not alleged how the plaintiff was permanently injured.
9. No facts are alleged to show that the defendant willfully and wantonly injured the plaintiff.

J. B. Blackburn
Attorney for Defendant.

FILED

7-8-54

ALICE J. BUCK, Clerk

DEMURRER

HUBERT DUGGER,

Plaintiff,

VS.

AMOS OUTLAW,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2258

*Filed 7-8-54
Alice French
clerk*

J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINETTE, ALABAMA

STATE OF ALABAMA)
BALDWIN COUNTY) IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Amos Outlaw to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Hubert Dugger.

Witness my hand 17th day of May, 1954.

David. H. H. H.
Clerk.

HUBERT DUGGER,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
AMOS OUTLAW,	I	AT LAW.
Defendant.	I	
	I	

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) as damages for that heretofore on, to-wit, January 17, 1954, the Plaintiff was driving an automotive pickup truck on Alabama Highway #89, a public highway, at a point approximately six (6) miles East of Elberta in Baldwin County, Alabama, where he had a right to be and at said time and place the Defendant negligently drove an automobile, which he was then and there operating, into, upon or against said truck which was owned by the Plaintiff and which was then and there being operated by him and as a proximate consequence of such negligence of the Defendant the Plaintiff received serious bodily injuries in this: his right knee was lacerated and permanently injured, his chin was lacerated, one of his teeth was broken, he received injuries in his chest and received multiple abrasions. The said truck owned by the Plaintiff was also seriously damages as a proximate consequence of such neg-

ligence of the Defendant in this: it was bent, damaged and broken so that it was a total loss except for a small amount of salvage. The Plaintiff further avers that he suffered mental and physical pain and incurred large medical and hospital expenses and was caused to lose several weeks from his work and was caused to lose the use of his truck and the Plaintiff further avers that such negligence of the Defendant was the proximate cause of the injuries and damages to the Plaintiff as herein set out, hence this suit.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) as damages for that heretofore on, to-wit, January 17, 1954, the Plaintiff was driving an automotive pickup truck on Alabama Highway #89, a public highway, at a point approximately six (6) miles East of Elberta in Baldwin County, Alabama, where he had a right to be and at said time and place the Defendant willfully and wantonly drove an automobile, which he was then and there operating, into, upon or against said truck which was owned by the Plaintiff and which was then and there being operated by him and as a proximate consequence of such willful and wanton negligence of the Defendant the Plaintiff received serious bodily injuries in this: his right knee was lacerated and permanently injured, his chin was lacerated, one of his teeth was broken, he received injuries in his chest and received multiple abrasions. The said truck owned by the Plaintiff was also seriously damaged as a proximate consequence of such willful and wanton negligence of the Defendant in this: it was bent, damaged and broken so that it was a total loss except for a small amount of salvage. The Plaintiff further avers that he suffered mental and physical pain and incurred large medical and hospital expenses and was caused to lose several weeks from his work and was caused to lose the use of his truck and the Plaintiff further avers that such willful and wanton negligence of the Defendant was the proximate cause of the injuries and damages to the Plaintiff as herein set out, hence this suit.

Plaintiff demands a trial of this cause by a jury.

Chas. Stone
Attorneys for Plaintiff.

Chas. Stone
Attorneys for Plaintiff.

FILED

5-17-54

ALICE J. DUCK, Clerk

001 MAY 379

Received in Sheriff's Office
this 17 day of May 1954
TAYLOR WILKINS, Sheriff

Met forward in my Co.
after diligent search &
inquiry. This 20th day of
May, 1954.

J. L. Mills - Sheriff
By the Mills U.S.

Received in Sheriff's Office
this 5 day of June 1954
TAYLOR WILKINS, Sheriff

Executed this 5 day of
June 1954
by handing a copy of the within
Summons and Complaint

Amos Outlaw
Defendant.

J. R. Wyke
Sheriff.

NO 2258

SUMMONS AND COMPLAINT

HUBERT DUGGER,

Plaintiff,

vs.

AMOS OUTLAW,

Route 3

Defendant.

Ozark, Ala

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

Filed this 17th day of May, 1954.

W. J. Stone
Clerk.

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

HUBERT DUGGER,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
AMOS OUTLAW,	I	AT LAW NO. 2258
Defendant.	I	
	I	

Comes the Plaintiff in the above styled cause and amends his Complaint heretofore filed in said cause so that the same shall read as follows:

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) as damages for that heretofore, to-wit, on January 17, 1954, the Plaintiff was driving an automotive pickup truck on Alabama Highway #89, a public highway, at a point approximately six (6) miles East of Elberta in Baldwin County, Alabama, where he had a right to be and at said time and place the Defendant negligently drove an automobile, which he was then and there operating, into, upon or against said truck which was owned by the Plaintiff and which was then and there being operated by him and as a proximate consequence of such negligence of the Defendant the Plaintiff received serious bodily injuries in this: his right knee was lacerated and permanently injured, his chin was lacerated, one of his teeth was broken, he received injuries in his chest and received multiple abrasions. The Plaintiff further avers that he suffered mental and physical pain and incurred large medical and hospital expenses and was caused to lose several weeks from his work and the Plaintiff further avers that such negligence of the Defendant was the proximate cause of the injuries and damages to the Plaintiff as herein set out, hence this suit.

COUNT TWO:

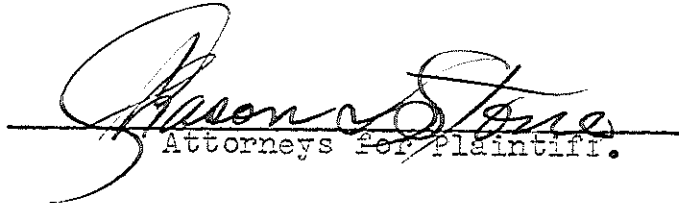
The Plaintiff claims of the Defendant the sum of Two Thousand Dollars (\$2,000.00) as damages for that heretofore on, to-wit, January 17, 1954, the Plaintiff was driving an automotive pickup truck on Alabama Highway #89, a public highway, at a point approximately six (6) miles East of Elberta in Baldwin County, Alabama, where he had a right to be and at said time and place the Defendant negligently drove an automobile, which he was then and there operating, into, upon or against said truck which was owned by the Plaintiff and which was then and there being operated by him and as a proximate consequence of such negligence of the Defendant the Plaintiff was damaged in this: his truck was bent, damaged and broken so that it was a total loss except for a small amount of salvage. The Plaintiff further avers that such negligence of the Defendant was the proximate cause of the damages to the Plaintiff as herein set out, hence this suit.

COUNT THREE:

The Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) as damages for that heretofore on, to-wit, January 17, 1954, the Plaintiff was driving an automotive pickup truck on Alabama Highway #89, a public highway, at a point approximately six (6) miles East of Elberta in Baldwin County, Alabama, where he had a right to be and at said time and place the Defendant willfully and wantonly injured the Plaintiff by willfully and wantonly driving an automobile, which he was then and there operating, into, upon or against said truck which was owned by the Plaintiff and which was then and there being operated by him and as a proximate consequence of such willful and wanton negligence of the Defendant the Plaintiff received serious bodily injuries in this: his right knee was lacerated and permanently injured, his chin was lacerated, one of his teeth was broken, he received injuries in his chest and received multiple abrasions. The Plaintiff further avers that he suffered mental and physical pain and incurred large medical and hospital expenses and was caused to lose several weeks from his work and the Plaintiff further avers that such willful and wanton negligence of the Defendant was the proximate cause of the injuries and damages to the Plaintiff as herein set out, hence this suit.

COUNT FOUR:

The Plaintiff claims of the Defendant the sum of Two Thousand Dollars (\$2,000.00) as damages for that heretofore on, to-wit, January 17, 1954, the Plaintiff was driving an automotive pickup truck on Alabama Highway #89, a public highway, at a point approximately six (6) miles East of Elberta in Baldwin County, Alabama, where he had a right to be and at said time and place the Defendant willfully and wantonly injured the Plaintiff by willfully and wantonly driving an automobile, which he was then and there operating, into, upon or against said truck which was owned by the Plaintiff and which was then and there being operated by him and as a proximate consequence of such willful and wanton negligence of the Defendant the Plaintiff was damaged in this: his truck was bent, damaged and broken so that it was a total loss except for a small amount of salvage. The Plaintiff further avers that such willful and wanton negligence of the Defendant was the proximate cause of the damages to the Plaintiff as herein set out, hence this suit.


Attorneys for Plaintiff.

FILED

7-21-54

ALICE L. DUCK, Clerk

FILED
001
PAGE 382

AMENDED COMPLAINT

HUBERT DUGGER,

Plaintiff,

vs.

AMOS OUTLAW,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 2258

Filed this 21st day of July, 1954.

Amos J. Stone
Clerk.

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

HUBERT DUGGER,)
 Plaintiff,) IN THE CIRCUIT COURT OF
 VS.) BALDWIN COUNTY, ALABAMA
 AMOS OUTLAW,) AT LAW NO. 2258
 Defendant.)

DEMURRER

Now comes the defendant and for demurrer to the amended complaint and each and every count thereof, separately and severally, assigns, separately and severally, the following:

1. It does not state a cause of action.
2. The place where the alleged accident occurred is not described with sufficient certainty.
3. The place where the alleged accident occurred is not properly described.
4. The allegations of the complaint that the plaintiff was "permanently injured" are conclusions of the pleader and are not supported by any allegations of fact.
5. It is not alleged how the plaintiff was permanently injured.

FILED

7-22-54

ALICE I. DUCK, CLERK

J. B. T. Shalman
 Attorney for Defendant.

HUBERT DUGGER,

Plaintiff,

Vs.

AMOS OUTLAW,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

NO. _____.

INTERROGATORIES TO THE PLAINTIFF

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

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

happened? (j) How much gross income did you report to the Collector of Internal Revenue for income tax purposes during the year next subsequent to said occurrence.

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

4. Give the name and address of each and every doctor who has attended you for the injuries you allege to have received in the occurrence made the basis of this suit. (a) Give the dates of treatment or examination of you by each and every said doctor, respectively. (b) What was your condition when first attended by each of said doctors, separately and severally? (c) What was your condition when you were last attended by each of said doctors, separately and severally? (d) State the date on which you were last treated, examined, or prescribed for by each of said doctors, separately and severally, and relate in substance what transpired at said time between you and said doctors, and include the substance of said doctor's statements to you regarding your prognosis for the future, and his instructions to you with reference to further treatment. (e) 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 if said doctors have been paid, and, if so, by whom. (g) State whether or not you had any

form of medical insurance or other protection which took care of said doctor's bills. (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? (i) Did any of the doctors heretofore mentioned by you refer you to the attorney or attorneys who represent you?

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

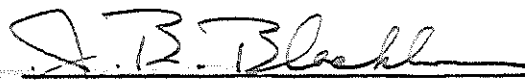
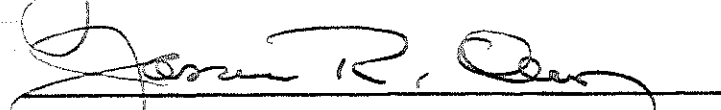
6. State whether or not any X-rays were taken of you as a result of the occurrence made the basis of this suit. (a) Give the name and address of the person who took said X-rays. (b) State the X-ray reading or your understanding of what the X-ray revealed. (c) Give the amount of said X-ray bills, and state by whom same were paid.

7. State whether or not special nurses, registered nurses or practical nurses attended you in the treatment of the injuries you allege you received in the occurrence made the basis of this suit. (a) If so, give the names and 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 same. (b) By who were said expenses paid?

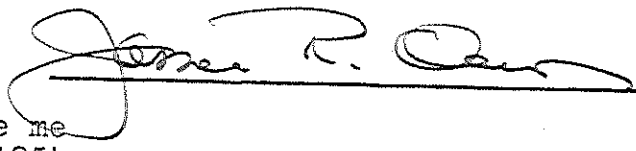
9. State how long you were confined to the hospital following the occurrence made the basis of this suit, if you were hospitalized. (a) State how long you were confined to bed as a result of said occurrence. (b) State how many days elapsed from the date of the occurrence until you were able to be out of bed and up and about your home. (c) State how many days elapsed from the date of the occurrence until you were able to leave your home and come to town or go other places. (d) State the number of days which elapsed from the date of the occurrence before you were able to resume your normal activities.

10. State whether or not, prior to the occurrence made the basis of this suit, you were ever at any time injured in any manner whatsoever to any extent. (a) If you were injured prior to the occurrence made the basis of this suit in any manner, please describe in detail how you were injured, giving the date of each such injury, and the extent of your said injury. (b) Have you sustained any injuries of any nature whatsoever subsequent 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, and describe the condition for which you were treated or examined.



Attorneys for Defendant

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said state and county, personally appeared James R. Owen, one of the attorneys for the defendant, who first being duly and legally sworn deposes and says: That if the answers to the foregoing interrogatories are well and truthfully made, they will be material evidence in the above styled cause.



Sworn to and subscribed before me
on this the 29th day of July, 1954.



Notary Public, Baldwin County, Alabama

HUBERT DUGGER,

Plaintiff,

vs.

AMOS OUTLAW,

Defendant.

I

I

I

I

I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

Comes now the Plaintiff, Hubert Dugger, and for answer to the Interrogatories propounded to him by the Defendant in the above styled cause on July 29, 1954, says as follows:

1. Hubert Dugger, twenty-six years of age, Foley, Alabama.
2. Self-employed, farming.

(a) As a farmer I am unable to state any average weekly earning at the time of occurrence.

(b) 90 days.

(c) No, as I had no employer.

(d) I do not know.

(e) I am employed by self and I am attempting to farm.

(f) I am unable to state the amount of my present weekly earning as I have no weekly income.

(g) I have not been employed by anyone since the wreck.

(h) I reported a gross income of \$5,300.00 for the year 1953.

(i) I have not yet reported any income for 1954.

(j) No subsequent year has occurred since the wreck.

3. My right knee was lacerated said knee cap was broken and permanently injured, my chin was lacerated, three teeth were broken, my upper lip was cut inside and my left knee was bruised.

(a) My chin, my lip and my right knee were cut.

(b) I was bruised, sprained, strained as set out above and I was bruised practically all over my body.

(c) My right knee was fractured.

(d) My right knee is permanently injured and I have been unable to walk properly upon it up to this time.

(e) I have not discovered any other ailment to the present time.

4. Dr. J. Michaelson, Foley, Alabama; Dr. Alfred Earle, 803 Government Street, Mobile, Alabama; Dr. Amos Garrett, Robertsdale, Alabama, and Dr. Shevchuk, Baptist Hospital, Pensacola, Florida.

(a) Dr. Shevchuk, Pensacola, Florida, January 17, 1954, Dr. J. Michaelson, Foley, Alabama, January 17, 1954, to present time. I have seen him thirty-four times during this period, but I am unable to state definite dates; Dr. Alfred Earle of Mobile, Alabama, from February 10, 1954, to present time. I have probably seen him three times during that period, but I do not know the exact dates; Dr. Amos Garrett of Robertsdale, Alabama, I do not remember the dates I have seen him, but he has worked on my teeth injured in the wreck about six times.

(b) I had the same injuries outlined above when I was attended by each of these Doctors.

(c) Dr. Michaelson and Dr. Earle are still treating my injured knee and Dr. Garrett is still treating my injured teeth; except for my teeth and right knee my condition is much improved.

(d) Dr. Garrett last saw me on September 3, 1954, and he says that he may be able to save my teeth and crown them or he may have to pull them and bridge them. Dr. Earle and Dr. Michaelson have not made a final report as to my right knee injuries. I am to see Dr. Michaelson again within a few days.

(e) Baptist Hospital \$12.00; Dr. Garrett \$40.00; Dr. Michaelson \$229.00 to date; Dr. Earle \$45.00.

(f) No.

(g) No.

(h) No.

(i) No.

5. No, but I had to stay in bed at home for two weeks except when I was carried to the Doctor.

(a) Answered above.

(b) Answered above.

(c) Answered above.

(d) No.

(e) Answered above.

6. Yes.

(a) Dr. J. Michaelson of Foley, Alabama, and Dr. Alfred Earle of Mobile, Alabama.

(b) I could not give you the X-ray reading, but it is my understanding that they revealed a broken knee cap and injured joint in my knee.

(c) The X-ray bill and calls to Dr. Earle were \$45.00 and to Dr. Michaelson \$229.00 and neither have been paid. I do not know how much of this was for the X-rays.

7. No.

(a) Answered above.

(b) Answered above.

(c) Answered above.

(d) Answered above.

8. Yes, I have drug bills and expenses of going to the Doctor.

(a) About \$14.00 drug bill and I am unable to state how much I had to pay for each of my trips to the Doctor.

(b) The drug bills have not been paid, but I have paid the expenses of going to the Doctor.

9. I was not confined to the hospital, but was confined at my home.

(a) Two weeks.

(b) Fourteen days.

(c) About fourteen days except for going to the Doctor.

(d) Ninety days before I was able to resume any activity to any extent and I am still not normal.

10. No.

(a) Answered above.

(b) No.

(c) Answered above.

(d) No.

(e) Answered above.

(f) I had not been treated or examined by a Doctor for five years prior to my injuries.


Hubert Dugger.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, *W. E. Gibson*, a Notary Public, in and for said County in said State, personally appeared Hubert Dugger who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Hubert Dugger and his name is signed to the foregoing answers to the Interrogatories propounded to him by Amos Outlaw and that he has read said answers and that they are true and correct.

Dated this 10th day of September, 1954.

Hubert Dugger
Hubert Dugger

Sworn to and subscribed before
me this 10th day of September, 1954.

W. E. Gibson
Notary Public, Baldwin County, Alabama

2238

ANSWERS TO INTERROGATORIES

HUBERT DUGGER,

Plaintiff,

vs.

AMOS OUTLAW,

Defendant.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA

AT LAW NO. _____

Filed this 11th day of September,
1954.

A. J. Stone
Clerk.

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA