

GAYLE A. HARVEY,

Plaintiff,

Vs.

FUEL OIL SUPPLY COMPANY,
a Corporation, and JAMES A.
ROGERS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW NO. 2436.

ANSWER

Come now the defendants separately and answer the plaintiff's complaint and for separate answer assign the following pleas:

1. Not guilty.

2. At the time and place alleged in the complaint the plaintiff so negligently operated the automobile she was then and there driving as to cause or allow the same to come into collision with the automobile being then and there driven by the defendant, James A. Rogers, thereby proximately contributing to her own injuries and damages of which she complains, therefore, she ought not to recover.

FILED

Dec 2, 1954

ALICE J. DUCK, Clerk

Smith Hand Orendall Reddick
Attorneys for the Defendants.

GAYLE A. HARVEY,
Plaintiff,

Vs.

FUEL OIL SUPPLY COMPANY,
a Corporation, and JAMES A.
ROGERS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW NO. 2439.

INTERROGATORIES

Comes now the defendant Fuel Oil Supply Company, a Corporation, and desiring the testimony of the plaintiff, propounds to her the following interrogatories:

1. Please state your full name, age and address.
2. Are you the plaintiff in this action?
3. Are you of any relation to Jack Vernon Harvey and if so, what relation?
4. How long have you and Mr. Harvey been married?
5. In whose automobile were you riding at the time of the collision made the basis of this claim?
6. What was your position in that automobile?
7. If you state that you were driving, in whose authority were you driving the automobile?
8. Who permitted you to drive the automobile and for what purposes were you instructed to drive the automobile?
9. At what time of day or night did the collision take place?
10. What direction was your automobile proceeding and on what highway and at what speed immediately prior to the collision?
11. What was the destination of your journey and how long had you been en route?
12. What was the point or origin of your journey and when did you depart?
13. For what continuous period of time had you been riding in the automobile?

14. When and where was the last rest stop in the journey immediately prior to the collision in question and for how long did you stop?

15. How long had you been driving the automobile immediately prior to the collision?

16. Where did you take over control of the automobile and for what reason did you take over control of the automobile immediately prior to the collision?

17. How much sleep had you had in the forty-eight hours next preceding the collision in question?

18. At the time of the collision were you in good health?

19. For a period of time within thirty days next preceding the time of this collision had you had any serious illness or any other difficulty which left you in a weakened or tired condition?

20. At what rate of speed were you driving at the time of the collision in question?

21. What was the condition of other traffic on the highway immediately prior to the collision in question?

22. What type of surface did the highway have on which you were riding and what was the approximate width of that surface?

23. Had you noticed any traffic control signs governing the speed of vehicles on the highway immediately prior to the collision and if you state that you did, in what manner did these signs purport to control the speed of vehicles?

24. What was your speed at the time of the collision and state how you happened to know the speed?

25. If you state that there was a bus traveling on the highway in the same direction in which you were proceeding at or near the point of collision, please describe in detail its movements up to the time of the collision?

26. Did this bus, if there was such a bus, in any manner obstruct your vision of traffic approaching you from the opposite direction and if you state that it did, set out in detail what manner your vision was obstructed?

27. Did you have a radio in the automobile in which you were riding and if so, was it playing at the time of the collision?
28. Were you carrying on a conversation with any other passenger in the vehicle at the time of the collision and if so, with whom was such conversation being conducted and where was that person or persons sitting in the automobile?
29. If you have not already done so, please state the names of each person in the automobile and their positions therein.
30. Was the highway divided into two separate and distinct lanes and if so, in what manner was it so divided?
31. In what lane was your vehicle proceeding?
32. At the time of the impact how many feet from your right hand curb line was the right side of your vehicle?
33. What parts of your vehicle came into collision with the other vehicle involved?
34. With relation to the center line, where was your vehicle when it collided with the other vehicle in question?
35. With what part of the other vehicle did your vehicle collide?
36. Did you observe the approach of the other vehicle involved in this collision and if so, for how long a period of time did you observe its approach?
37. If you state that you did not observe its approach, what prevented you from seeing the vehicle?
38. Did your automobile have headlights, and if you state that it did:
- (a) Were they burning?
 - (b) Were both of them burning and how do you know they were?
 - (c) When were they last inspected?
 - (d) For how far in front of your vehicle, with the bright beams burning, could an obstruction be illuminated, if that obstruction was:
 - (1) Light colored?
 - (2) Dark colored?
39. Describe the make and model of the automobile in which you were riding and whether it had standard transmission or automatic

transmission or whether it had standard brakes or power brakes or whether it had power steering or automatic steering.

40. Are you a licensed driver?

41. Were you a licensed driver at the time of the collision and, if so;

(a) By what state were you licensed?

(b) Does such license carry any restrictions on it and, if so, set out in detail what restrictions are made and whether or not you were complying with such restrictions.

42. Within a period of six hours next preceding the collision had you had anything of an alcoholic nature to drink and, if so, state in what quantity and at what time.

43. How many times prior to the instance involved had you driven an automobile?

44. Have you ever had a collision before or since this accident and, if so, set out in detail the facts surrounding such collision or accident.

45. Were you ever injured in a collision or any other accident previous to or subsequent to the collision made the basis of this claim and, if so, set out in detail the nature and circumstances surrounding such collision and the type of such injuries which you might have sustained.

46. What was the condition of the weather?

47. What were the light conditions?

48. What was the position of each vehicle immediately following the collision, if you know?

49. Were you taken to a hospital following the collision and if you state that you were:

(a) Set out in what manner you were taken to the hospital.

(b) What hospital you were taken to.

(c) How long you remained there.

(d) What treatment, if any, you received while there.

(e) Attach to your answers to these interrogatories the report made at each hospital at which you were admitted or to which you

went for any treatment relative to the injuries which you claim to have suffered as a result of this collision.

50. Did you receive any kind of treatment or first aid immediately after the collision and while still in the proximity of the place of the collision and if you state that you did, set out in detail who administered this first aid and of what the treatment consisted.

51. If you state that you did receive first aid treatment, attach to your answers to these interrogatories a copy of all reports or records made with reference to that treatment or exact copies thereof.

52. After having been discharged from the hospital to which you were last confined, where did you go?

53. If you state that you returned home to Louisiana set out the address where you stayed and the length of time that you were confined?

54. Were you treated by any doctor subsequent to being discharged from the hospital and going home and if you state that a doctor or physician did treat you:

(a) Please give the full name and correct address of such doctor or physician.

(b) Attach to your answers to these interrogatories the report rendered by such doctor or doctors or an exact duplicate thereof.

55. Were any x-ray pictures made immediately following the receipt of the alleged injuries either at the hospital or by any doctor who might have treated you while you remained in Mobile and if you state that such pictures were made, state who made them and where they were made.

56. Had you been involved in any accident prior to the accident made the basis of your claim?

57. If you state in answer to the above that you did sustain an injury prior to the injury which you allege to have received in the accident made the basis of your claim here:

(a) Give in detail the circumstances surrounding the accident or accident, when they occurred, where they occurred.

(b) What parts of your body were injured.

(c) The extent of the injury or injuries.

(d) Where they were treated.

(e) By whom they were treated or what the treatment consisted.

(f) Attach to your answers to these interrogatories copies of all reports made by any physician or hospital with reference to same.

58. Have you suffered or sustained any injury subsequent to the accident made the basis of this claim? If you state that you have suffered or sustained injuries, set out in detail:

(a) The circumstances surrounding the injuries.

(b) What caused the injuries.

(c) When the injuries were received.

(d) Where they were received.

(e) Whether you were admitted to a hospital following the receipt of the injuries.

(f) Whether you were treated by any physician as a result of the injuries received.

(g) To what hospital or hospitals, if any, you were admitted and what treatment was rendered there and the length of your stay there.

(h) The name of the doctor or doctors who treated you as a result of these injuries.

(i) Whether or not you were confined to your bed or home and if so, how long.

(j) What residual effect was sustained as a result of the injury or injuries.

(k) Attach to your answers to these interrogatories the reports made by all hospitals to which you were admitted as a result of these injuries or exact copies thereof, and, the reports made by all physicians or exact copies thereof.

59. Set out in detail each and every item of expense allegedly incurred by you as a result of the injuries which you allege to have

received in this accident and attach to your answers the bills which you received for these expenses which you have itemized or exact copies thereof.

60. If you state that you received an injury subsequent to the injuries which you allege to have received in the accident made the basis of this suit, itemize in detail the expenses which you incurred in connection with the treatment of the injuries received in the subsequent accident and attach to your answers to these interrogatories the statements received by you for these expenses or exact copies thereof.

61. If you have not already done so, after returning to Louisiana did you receive any subsequent treatment and if you state that you did:

(a) Set out in detail what treatment you received.

(b) By whom the treatments were administered.

(c) Whether you returned to any hospital and if so, the name and address of the hospital or hospitals to which you were admitted or to which you went for treatment.

(d) The name of any doctor or doctors that treated you.

(e) The extent of the treatment administered by any doctor or physician.

(f) The length of time you were under the care of a doctor or physician.

(g) The name and address of each and every doctor or physician that treated you.

(h) Attach to your answers to these interrogatories the report made by any and every hospital to which you went for treatment or to which you were admitted as above stated or exact copies thereof.

(i) Attach to your answers to these interrogatories the report or reports made by each and every physician that administered to you or to whom you went for advice, consultation or treatment or exact copies thereof.

(j) Attach to your answers to these interrogatories the statements rendered by each and every hospital and each and every doctor for services rendered in treating you or exact copies thereof.

62. Were any x-ray pictures made of your person following your departure to Louisiana up to the present time which were made in connection with the injuries which you allege to be now suffering from and if you state that there were, please state who made the pictures and where they were made and on what date they were made.
63. What is your age?
64. Are you employed?
65. Were you employed prior to the date of the accident made the basis of your claim?
66. What was the nature of your employment prior to the time of this collision?
67. What was the name of your employer?
68. How long had you been so employed and at what salary?
69. How was your salary figured?
70. Are you presently employed and if so, where and at what capacity and for what salary?
71. Set out in detail all addresses where you have lived subsequent to the date of this accident and up to the present time.
72. If you have not already done so, set out your present address and how long you have lived there.
73. If you have not already done so, set out in detail what your occupation status is at the present time; the name of your present employer; the type of work you are doing; the length of time you have been doing it; the amount of the compensation which you are receiving; the length of time the employment is to run.
74. Have you paid the medical bills which you allege to have incurred and if you state that you have, has anyone reimbursed you for these expenses?
75. If your answer to the preceding interrogatory is that someone has reimbursed you, please set out who reimbursed you and to what extent you were reimbursed.
76. Are you actually out of pocket any money for the medical expenses which you incurred and if you state that you are, to what extent?

77. What is your present marital status?

78. Are the answers to these interrogatories which you have made phrased or couched in your own language or are they phrased or couched in the language of someone else and if you state that they are, in whose language are they so phrased or couched?

79. Did anyone assist you in making your answers to these interrogatories and if so, state who assisted you.

80. Has anyone advised you as to what type of answer to make to these interrogatories?

Attorneys for Defendant, Fuel Oil Supply
Company, a Corporation.

STATE OF ALABAMA:
COUNTY OF MOBILE:

Before me, the undersigned authority in and for said County and State, this day personally appeared _____, who, being by me first duly sworn, doth depose and say:

That he is one of the attorneys of record for the defendant Fuel Oil Supply Company, a Corporation, in the above styled cause, and as such has authority to make this affidavit; that the answers of the plaintiff to the above and foregoing interrogatories will be material testimony for the defendant in said cause.

Subscribed and sworn to before me
this ____ day of _____, 1954.

Notary Public, Mobile County, 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 Fuel Oil Supply Company, a Corporation, and James A. Rogers 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 Gayle A. Harvey.

Witness my hand this 6th day of November, 1954.

FILED

11-6-54

ALICE J. DUCK, Clerk

Alice J. Duck
Clerk.

GAYLE A. HARVEY,	:	IN THE CIRCUIT COURT OF
PLAINTIFF	:	BALDWIN COUNTY,
VS.	:	ALABAMA.
FUEL OIL SUPPLY COMPANY,	:	
a Corporation, and JAMES A.	:	AT LAW
ROGERS,	:	NO. _____
DEFENDANTS	:	

COUNT ONE

Plaintiff claims of the Defendants the sum of Fifty Thousand (\$50,000.00) Dollars, as damages, for that heretofore on, to-wit, the 14th day of November, 1953, the Defendant James A. Rogers, a servant, agent or employee of the Defendant Fuel Oil Supply Company, a Corporation, while acting within the line and scope of his employment as such, so negligently drove or operated a motor truck or vehicle southwardly on, along and over Temporary U. S. Highway 31 at a point about three and one-half miles north of Bay Minette, Alabama, said Temporary U. S. Highway 31 being then and there a public road or highway in Baldwin County, Alabama, as to cause said motor truck or vehicle to run into, against, upon or collide with an automobile being then and there driven northwardly on said Temporary U. S. Highway 31 by the Plaintiff, and Plaintiff avers that as a proximate result of said negligence of Defendant James A. Rogers, a servant, agent or employee of the Defendant Fuel Oil Supply Company, a Corporation, while acting within the line and scope of his employment as such, she suffered the following injuries and damages: Her spleen was ruptured, caused to hemorrhage internally and was removed by medical operation; she suffered comminuted fracture of her left femur, tibia, hip, and elbow, and comminuted fracture of her pelvis and little finger on her left hand; she suffered multiple contusions, abrasions and lacerations on her head, body and extremities, including deep

cuts on her right forehead and under her chin; she was knocked unconscious and caused to lose a large quantity of blood; she was caused to suffer great physical pain and mental anguish, to expend moneys for hospitalization, medical treatment, medicines, surgery and nursing; she was permanently injured and disfigured; and she continues to suffer and will suffer physical pain and mental anguish; all as a proximate result of said negligence.

CHASON AND STONE

By *John Chason*
Charles Hoffman
 Charles Hoffman
 Mobile, Alabama

Siegfried B. Christensen
 New Orleans, Louisiana

Attorneys for Plaintiff

Plaintiff respectfully demands a trial by jury of this cause.

FILED

11-6-54

ALICE J. DUCK, Clerk

CHASON AND STONE

By *John Chason*
Charles Hoffman
 Charles Hoffman
 Mobile, Alabama

Siegfried B. Christensen
 New Orleans, Louisiana
 Attorneys for Plaintiff

Serve Defendant James A. Rogers, who resides on Pine Street in Fairhope, Alabama.

Serve Defendant Fuel Oil Supply Company, a Corporation, by service on L. W. Schnitzer, its statutory agent, who resides in Fairhope, Alabama.

720 2436

Received by _____ day of _____ 1954
at _____ day of _____ 1954
on _____
d a copy of the within
Summons

By _____
Taylor Watkins, Sheriff
D. S.
and James A. Rogers

GAYLE A. HARVEY,

Plaintiff,

vs.

FUEL OIL SUPPLY COMPANY, a Corporation, and JAMES A. ROGERS,

Defendants.

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

SUMMONS AND COMPLAINT

FILED

11-6-54

ALEX L. BARKER, CLERK

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA