

DOROTHY BARNETT, Formerly
known as Dorothy Bianchi,
as Executrix of the estate
of Paul Bianchi, Deceased,

Plaintiff,

VS.

CHARLES M. MOORE AND LEE
CALLAWAY, Individually,
and doing business under
the firm name and style of
Gulf-Lagoon Fish Company,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 2584

INTERROGATORIES TO DEFENDANT,

CHARLES M. MOORE

Comes the plaintiff in the above styled cause and propounds
interrogatories to the defendant, as follows:

1. State your correct name.
2. State your correct age.
3. State your correct address.
4. State where you were living on the 3rd day of May, 1954.
5. Were you employed on the 3rd day of May, 1954? (a) If so,
by whom were you employed? (b) In what capacity were you employed?
(c) How long had you been so employed?
6. Did you have an accident on the 3rd day of May, 1954?
7. State the hour of the day or night that said accident occurred.
8. State the weather conditions on the occasion of the accident.
9. Did the accident occur during the hours of daylight?
10. Did the accident occur during the hours of darkness?
11. Where were you going on said occasion?
12. Where were you coming from on said occasion?
13. For what purpose were you making the journey during which
the accident occurred?
14. What time did you leave your point of departure to begin
your journey on said occasion?
15. Attach a copy of your trip ticket, if you had one, for
said occasion.

16. Who owned the automobile or truck which you were driving on said occasion?

17. How many persons were riding in the automobile, or truck, with you on said occasion.

18. Describe the vehicle in which you were riding on said occasion by stating: (a) the manufacturer's name of said vehicle; (b) the yearly model of said vehicle; (c) the body type of said vehicle.

19. Please state the number of miles or the approximate mileage that your said vehicle had been driven.

20. Was the vehicle in which you were riding in good repair prior to the collision?

21. Were the brakes upon your vehicle in good repair prior to the accident?

22. Was the steering wheel of your vehicle in good repair prior to the accident?

23. Did the brakes fail or give way prior to the accident?
(a) If so, state the true facts as to what occurred.

24. Did the steering wheel fail to work properly prior to the accident? (a) If so, state the true facts in detail.

25. Was your vehicle out of control prior to the accident, either by way of failing to respond to the brakes or the steering wheel? (a) If so, state the true facts in detail.

26. Did you have control and did you exercise such control over your vehicle up until the moment of the collision?

27. If your vehicle was out of control while it moved any distance prior to the accident, please state the approximate distance in feet that your vehicle moved while out of control prior to the accident.

28. Did you intentionally and purposefully steer your vehicle to cause it to travel the path which it traversed while moving a distance of 62 feet leading up to the point of collision?

29. Was the road straight at and near the point of accident?

(a) If so, for what distance was the road straight?

30. Describe the visibility that existed at and near the point of accident on said occasion.

31. State the approximate width of the paved portion of the highway at and near the point of accident.

32. Please state the condition and width of the shoulder on your righthand side of the paved portion of the highway.

33. Please state the condition and width of the shoulder on the lefthand side of the paved portion of the highway.

34. Please state whether or not you fell asleep prior to the accident?

35. State the time of day or night, as accurately as you can, when you had last been asleep prior to the time of the accident.

36. Did you observe any drowsiness or drowsy condition prior to the moment of the accident? (a) If so, where was your vehicle when you became drowsy?

37. Were you physically normal prior to the accident?

38. Did you lose consciousness prior to the accident?

39. Had you consumed any alcoholic beverage within a period of 24 hours next preceding the moment of the accident? (a) If so, what beverage did you consume? (b) Where were you when you consumed such portion of alcoholic beverage? (c) What quantity of alcoholic beverage did you consume?

40. Was there anything wrong with your vision or your sense of sight as you approached the point of accident?

41. Where did the accident occur?

42. In which general direction were you traveling as you approached the point of accident?

43. Were there any vehicles moving in the same direction that you were moving on said occasion? (a) If so, locate and describe the position of each vehicle which you saw which was moving in the same

direction which your vehicle was moving as you approached the point of accident?

44. How many vehicles were ahead of your vehicle, moving in the same direction which you were moving, prior to the accident?

45. How many vehicles were behind your motor vehicle moving in the same direction that you were moving prior to the accident?

46. Did any of the vehicles moving in the same direction that you were moving which were ahead of you make any change in their course of travel at or immediately prior to the time of the accident? (a) If so, identify such vehicle which made a change in its course of direction. (b) Describe the movement of such vehicle in detail.

47. Did any vehicle moving in the same direction in which you were moving, which was in a position ahead of your vehicle, stop or change its pace or speed? (a) If so, state the true facts in detail.

48. Did you see any vehicles approaching the point of accident traveling in the opposite direction from that which you were traveling? (a) If so, how many vehicles did you observe traveling in the opposite direction from you?

49. Did you see the decedent's car on said occasion? (a) If so, in which direction was the decedent's car traveling when you saw it?

50. State the approximate distance in feet that separated your vehicle and the decedent's car when you first saw said car.

51. State the approximate distance in feet that separated your vehicle and the point of collision when you first saw the decedent's car.

52. State the approximate distance in feet that separated the car and the point of collision when you first saw the car.

53. State the approximate distance in feet that your vehicle traveled from the moment you first saw the car until the moment of the collision.

54. State the approximate distance in feet that the car traveled from the moment you first saw it until the collision occurred.

55. Describe the course or path traveled by the car from the moment you first saw it until it reached the point of collision.

56. Describe accurately and in detail the course or path traveled by your vehicle from the moment you first saw the decedent's car until your vehicle reached the point of collision.

57. Did your vehicle travel to your left of the center of the highway? (a) If so, to what extent did your vehicle travel on your left side of the center of the highway? (b) Why did you drive your vehicle on the left side of the highway?

58. Was your vehicle broken or out of order or out of control when you drove your vehicle to the left of the center of the paved portion of the highway?

59. State the speed of your vehicle in miles per hour as accurately as you can at the following points: (a) At the point of collision; (b) at a point 25 feet before reaching the point of accident; (c) at a point of 50 feet before reaching the point of accident; (d) at a point of 100 feet before reaching the point of accident; (e) at a point of 150 feet before reaching the point of accident; (f) at a point of 200 feet before reaching the point of accident; (g) at a point of 250 feet before reaching the point of accident.

60. State the speed of the decedent's vehicle, in miles per hour as accurately as you can, at the following points: (a) at the point of collision; (b) at a point 25 feet before reaching the point of accident; (c) at a point 50 feet before reaching the point of accident; (d) at a point 100 feet before reaching the point of accident; (e) at a point 150 feet before reaching the point of accident; (f) at a point 200 feet before reaching the point of accident; and (g) at a point 250 feet before reaching the point of accident.

61. Did you give any signal of any kind of your intention to turn or otherwise vary the movement of your vehicle? (a) If so, state each and every signal that you gave. (b) State where you were when you gave such signal.

62. State what part of your vehicle came in contact with the decedent's vehicle.

63. What part of the decedent's vehicle came in contact with your vehicle?

64. Where did your vehicle come to rest after the collision?

~~65. Where did the decedent's vehicle come to rest after the collision?~~

66. What was the reasonable market value of your vehicle prior to the collision?

67. Were you hauling a cargo of fish, or other seafood to Mobile?

68. If your answer to the preceding question is yes describe exactly what your cargo consisted of.

69. To whom were you to deliver this cargo?

70. What became of the cargo after the accident?

71. Did you call your employer, LEE CALLAWAY, and request him to send another truck to carry your cargo to its destination?

72. If so, did he do so?

Telfair J. Mashburn, Jr.
Attorney for Plaintiff.

STATE OF ALABAMA, 0
 0
BALDWIN COUNTY. 0

Before me, the undersigned authority in and for said County in said State, personally appeared Telfair J. Mashburn, Jr., who, being duly sworn, on oath says that he is of counsel for said plaintiff and has authority to make this affidavit; that the answers to the foregoing interrogatories, if well and truly made will be material testimony for the plaintiff on the trial of this cause.

Telfair J. Mashburn, Jr.

Sworn to and subscribed before
me this 8th day of April, 1955.

Mary Lou Blackburn
Notary Public, Baldwin County, Alabama.

Received 8 day of April 1955
and on 9 day of April 1955
served a copy of the within Interrog.

service on @ Harbor
Moore
TAYLOR WILKINS, Sheriff
By Geo. Gandy

original for
Charles Moore

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BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 2584

DOROTHY BARNETT, Formerly
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Plaintiff,

VS.

CHARLES M. MOORE AND LEE
CALLAWAY, Individually, and
doing business under the firm
name and style of Gulf-
Lagoon Fish Company,

Defendants.

INTERROGATORIES TO DEFENDANT,

CHARLES M. MOORE.

FILED

APR 8 1955

ALICE L. DUCK, Clerk

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Plaintiff,

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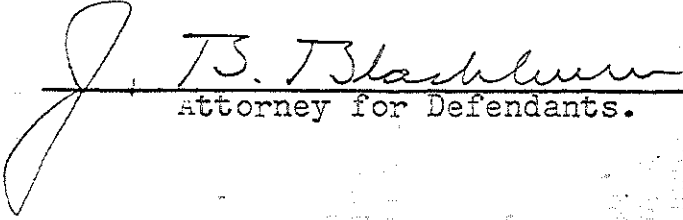
AT LAW

NO. 2584

DEMURRER

Now come the Defendants in the above styled cause and
demur to the complaint heretofore filed in this cause and as
grounds for said demurrer assign the following separately and
severally:

1. It does not state a cause of action.
2. There is a misjoinder of causes of action.


Attorney for Defendants.

2584
DEMURRER

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MAY 6 1955

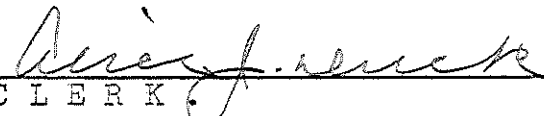
ALICE J. BUCK, Clerk

S U M M O N S

STATE OF ALABAMA, 0
 0 TO ANY SHERIFF OF THE STATE OF ALABAMA:
COUNTY OF BALDWIN. 0

You are hereby commanded to summon CHARLES M. MOORE AND LEE CALLAWAY, Individually, and doing business under the firm name and style of Gulf-Lagoon Fish Company, to appear within thirty days from the service of this writ in the circuit court, to be held for said county at the place of holding the same, then and there to answer the complaint of DOROTHY BARNETT, Formerly known as Dorothy Bianchi, as Executrix of the Estate of Paul Bianchi, Deceased.

Witness my hand this 8 day of April, 1955.


C L E R K

C O M P L A I N T .

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Defendants.

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AT LAW.

NO. _____

C O U N T O N E .

The Plaintiff, as Executrix of the estate of Paul Bianchi, deceased, claims of the defendants the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS, as damages for that heretofore, on to-wit: May the 3rd, 1954, at about 8:30 o'clock A.M., at the intersection of Greeno Road and Fairhope Avenue, in Fairhope, Alabama, the defendant, CHARLES M. MOORE, who was then and there acting as an

agent, servant, or employee, of the defendant LEE CALLAWAY, individually, and doing business under the firm name and style of Gulf-Lagoon Fish Company, and who was then and there acting within the line and scope of his employment as such, negligently drove an automobile truck into, upon, or against an automobile which plaintiff's intestate was driving at said time and at said place, and by reason thereof and as the proximate result and consequence thereof, plaintiff's intestate received personal injuries from which he died. To the damage of the plaintiff in the amount heretofore claimed, hence this suit.

J. L. A. Mableberry, Jr.
Attorney for Plaintiff.

Plaintiff respectfully requests that this cause be tried by jury.

J. L. A. Mableberry, Jr.
Attorney for Plaintiff.

agent, servant, or employee, of the defendant LEE CALLAWAY, individually, and doing business under the firm name and style of Gulf-Lagoon Fish Company, and who was then and there acting within the line and scope of his employment as such, negligently drove an automobile truck into, upon, or against an automobile which plaintiff's intestate was driving at said time and at said place, and by reason thereof and as the proximate result and consequence thereof, plaintiff's intestate received personal injuries from which he died. To the damage of the plaintiff in the amount heretofore claimed, hence this suit.

Jellair A. Madaleno, Jr.
Attorney for Plaintiff.

Plaintiff respectfully requests that this cause be tried by jury.

Jellair A. Madaleno, Jr.
Attorney for Plaintiff.

Received 8 day of April 1955
Indiana 9 day of April 1955
s 1 day of the within 22c
on Gulf Lagoon Fish
by service of Lee Callaway
TAYLOR WILKINS, Sheriff
By Geo. J. Mashburn D. S.

Chief Shores

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Defendants.

SUMMONS AND COMPLAINT.

FILED

APR 8 1955
TELFAIR J. MASHBURN
ATTORNEY AT LAW
DAHLBERG BUILDING
BAY MINETTE, ALABAMA