

JOHNSTON, McCALL & JOHNSTON
LAWYERS
EIGHTH FLOOR FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

SAMUEL M. JOHNSTON
DAN T. McCALL, JR.
WILLIAM E. JOHNSTON
SAMUEL M. JOHNSTON, JR.
PERCY W. JOHNSTON, JR.

July 20, 1955

MAILING ADDRESS:
P. O. BOX 550
MOBILE 4, ALABAMA

2671
Mrs. Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

Please find enclosed herewith the original and two (2) copies of a summons and complaint, and interrogatories and notice, in each of the following cases.

Rosa Lee Jones vs. Arrie Lee Weaver and Shomo Weaver,

Rosa Lee Sanders vs. Arrie Lee Weaver and Shomo Weaver,

Annie Hail vs. Arrie Lee Weaver and Shomo Weaver,

Idell Moultrie vs. Arrie Lee Weaver and Shomo Weaver.

After executing the summons, please file these papers and deliver them to your Sheriff for service of process on the defendants.

Very truly yours,

Dan T. McCall, Jr.
Dan T. McCall, Jr.

DTM, jr/lgf
Encls.

CC: Mr. Philip D. Beall
Attorney at Law
Florida National Bank Bldg.
Pensacola, Florida

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BALDWIN COUNTY, ALABAMA.

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(b). If so, how many? (c). What was their condition at the time? (d). When had they previously been inspected? (e). Who inspected the brakes? (f). When were the brakes last repaired or worked upon prior to the collision, and who repaired or worked upon them?

4 (a). Describe the condition of the weather at the time of the collision between your motor vehicle or that which you were driving and another motor vehicle at the intersection of Alabama Highway 89 and Josephine Road on June 1st, 1955. (b). Do you know who was in the other motor vehicle at the time of the collision? (c). Was plaintiff in the other motor vehicle at the time of said collision.

5 (a). When did you first see said motor vehicle involved in the collision complained of? (b). How far was it from you when you first saw it? (c). How fast were you travelling? (d). Please state what part of your motor vehicle or that which you were driving collided with the other motor vehicle involved in said collision. (e). Which parts on the other motor vehicle involved in said collision did your motor vehicle contact in said collision? (f). What happened to the other motor vehicle when the collision took place? (g). What happened to your motor vehicle or the motor vehicle which you were driving?

6 (a). Please state in detail exactly how your said motor vehicle or that which you were driving collided at said time and place with the other motor vehicle. (b). Have you done so? (c). Please describe everything which you did to avoid the collision complained of. (d). How far did the motor vehicle which you were driving travel after the impact of collision? (e). At what point on Alabama Highway 89 did said collision occur? (f). Was it east of the intersection of said highway with Josephine Road? (g). Was it in said intersection? (h). Where was the other vehicle when said collision occurred? (i). What damages were done to the other

vehicle in the collision? (j). What happened to the other vehicle upon impact of the collision?

Johnston McCall & Johnston
Philip S. Bruce
Attorneys for Plaintiff

STATE OF ALABAMA }
COUNTY OF MOBILE }

Before me, the undersigned notary public in and for said county in said state, personally appeared DAN T. McCALL, JR., who, being by me duly sworn on oath, deposes and says that he is one of the attorneys for the plaintiff in the above entitled cause, and that answers to the above and foregoing interrogatories, if truthfully made, will be material evidence for the plaintiff in the trial of said cause.

Dan T. McCall, Jr.

Subscribed and sworn to before me
this 18th day of July, 1955.

Russell G. Linn
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

STATE OF ALABAMA, }
MOBILE COUNTY }
BALDWIN }
CIRCUIT COURT, BALDWIN MOBILE COUNTY

ROSA LEE JONES, Plaintiff,
VS.
ARRIE LEE WEAVER AND SHOMO WEAVER, Defendants,

TO ARRIE LEE WEAVER and SHOMO WEAVER,

GREETINGS:
Baldwin

Please take notice, That in the foregoing stated cause pending in our Circuit Court of Mobile County, interrogatories to be propounded to defendants, Arrie Lee Weaver and Shomo Weaver, separately and severally,

(a copy of which herewith issues,) witness^{es} in behalf of the said plaintiff, Rosa Lee Jones,
_____ have been this day filed in my office;

~~which said interrogatories will remain on file as aforesaid, ten days after service of this Notice upon you, during which time you can file Cross Interrogatories if you think proper.~~

ALICE J. DUCK
Witness, JOEL BEALANDER, Clerk of said Court, this 21 day of July 1955

ATTEST

Alice J. Duck Clerk.

WENDELL J. NEWCOMB, M. D.

ORTHOPEDIC SURGERY

1206 N. PALAFOX STREET

PENSACOLA, FLA.

OFFICE HOURS
BY APPOINTMENT

PHONE HE 8-0530

July 13, 1955

ORTHOPEDIC REPORT

Re: Rosa Lee Jones
Age 28
2209 No. "H" Street
Pensacola, Florida

Present Occupation: Rosa Lee reports that she is doing part of her maid work. She states that she can only do such things as ironing and this decreases her employment to about one-half.

History of Present Illness: Rosa Lee Jones was involved in an automobile accident on about June 1, 1955. The accident occurred in Elberta, Alabama. She states that she was riding on top of the truck looking forward, and she had her hand over her eyes to keep the wind and sand from striking her. When the accident occurred she was thrown from the truck.

She was brought to Escambia General Hospital unconscious. She states that she was unconscious from approximately 6 a.m. until 11 a.m. She awoke in the Escambia General Hospital. She remained in the hospital from Wednesday until Friday. Her head and right ankle were x-rayed. She states that while she was there she was taken care of by the house doctor.

Rosa Lee reports that she is greatly improved over the original condition, but she still has a persistent headache which makes her feel like she cannot see. She states that the whole top of her head hurts, and it seems to ache forward into her eyes. This headache is her greatest problem at the present time.

Examination: Gross observation shows a 28 year old, healthy appearing, colored girl. As she ambulates about the office and examining room there is no obvious evidence of injury or disability.

Closer inspection of Rosa Lee reveals that she has a swelling of the right ankle and there is a tender area with a healed abrasion over the lateral aspect of the right ankle. Full flexion and extension and eversion and inversion produce pain at the limits of these motions.

Over the right superior postero-lateral ilium there is evidence of a healed abrasion. Inspection of the right elbow shows a small abrasion which is healed at the present time. There is full motion of the elbow, and no swelling is present.

Examination of the right parietal bone of the skull fails to reveal any irregularity of the bone. The previous swelling has resolved and left only mild tenderness. The motion of the eyes and pupils are also within normal limits. Motion of her neck and palpation of the spinous processes of the vertebrae fail to reveal any limitation in motion or tenderness.

WENDELL J. NEWCOMB, M. D.

ORTHOPEDIC SURGERY

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Rosa Lee Jones, Orthopedic Report, page 2.

The remainder of her body not mentioned revealed that she was not suffering from any trauma in these areas.

X-ray Report: Skull: No evidence of fracture or other abnormality is visualized in the bones of the calvarium.

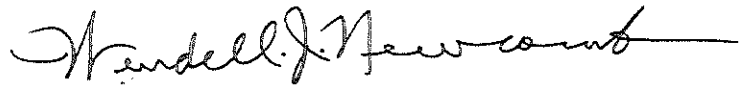
Right ankle: Films of the right ankle do not reveal evidence of fracture or other bone or joint abnormality.

Diagnosis: 1. Cerebral concussion, moderate degree, resulting from a blow on the right parietal area of the skull.

2. Wounds and contusions, generalized, but specifically of the right elbow, right postero-lateral superior ilium, and the right elbow.

Disability evaluation: Temporary total disability existed for three weeks. Temporary partial disability has existed since three weeks post-injury.

It is my opinion that there will be no permanent partial disability, from the injuries which Rosa Lee suffered. I am to see her at a later date, and if, at that time I feel there is any permanent partial disability, I will add a supplemental report.



Wendell J. Newcomb, M. D.

WJN/zn

COUNT TWO

Plaintiff claims of the defendants the sum of TWO THOUSAND FIVE HUNDRED and no/100 (\$2,500.00) DOLLARS as damages, for that on, to-wit, the 1st day of June, 1955, Arrie Lee Weaver, an agent, servant or employee of the defendant, Shomo Weaver, while acting within the line and scope of his employment as such, wantonly injured the plaintiff by then and there wantonly driving a motor vehicle upon or against a motor vehicle in which the plaintiff was riding on Alabama Highway 89 at or near its intersection with Josephine Road, both public highways in the State of Alabama, approximately 2.5 miles east of Elberta, Alabama, as a proximate result of which wantonness plaintiff sustained a sprained ankle, cuts on both arms, and cuts and bruises about the body, she was made sick and sore and has suffered and will continue to suffer great physical pain and mental anguish, which injuries have required the plaintiff to be hospitalized under treatment of a physician for a long period, and she has been put to great expense for medical, hospital and doctors' bills in and about the treatment of her said injuries, and plaintiff has lost and will continue to lose time from her employment; WHEREFORE, the plaintiff brings this action and asks judgment in the above sum.

John T. McCall & John T. McCall
Philip S. Baker
Attorneys for Plaintiff

Plaintiff demands a trial by jury in the above entitled cause.

John T. McCall & John T. McCall
Philip S. Baker

Defendants' addresses are:
McIntosh, Washington County, Alabama.

The State of Alabama

~~MOBILE~~ COUNTY
BALDWIN

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon
ARMIE LEE WEAVER AND SHOMO WEAVER

to appear within thirty days from service of this process, in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer the complaint of ROSA LEE JONES

Alice J. Duck

WITNESS: ~~JOHN E. MANDVILLE~~, Clerk of said Court, this 21 day of July, 1955.

Attest: Alice J. Duck
Clerk

SHERIFF'S RETURN

Received 22nd Day of July, 1955 and on 22nd Day

of July, 1955, I served a copy of

the within Summons & Complaint on Edward P. Turner, Jr. Attorney

for Armie Lee Weaver & Shomo Weaver

by service on Edward P. Turner, Jr.

W. H. HOLCOMBE, SHERIFF

July 22, 1955 By H. L. Odom D. S.
heartyly accept service for the defendants.
Edward P. Turner
Atty for Defendants