

2622

AMENDED COMPLAINT

EVELYN HANAK

PLAINTIFF

VS

GEORGE I. HULL

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

CASE NO. 2622

Comes now the Plaintiff and amends Count One of her Complaint  
by adding:

The Plaintiff's automobile was used in her trade and business.

Wiltens & Brantley

BY:

Albert M. Brantley  
Attorneys for the Plaintiff

EVELYN HANAK,

Plaintiff,

vs.

GEORGE I. HULL,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

NO. 2683

DEMURRER

Comes now the Defendant and demurs to the complaint heretofore filed against him and assigns the following separate and several grounds in support thereof:

1. The complaint fails to state a cause of action.

2. The complaint fails to state that the damages and injury complained of were the proximate result of any negligence on the part of the Defendant.

3. For aught that appears from the complaint, the alleged negligence of the Defendant was not the proximate cause of the damages and injury complained of.

4. The complaint fails to allege a duty owing from the Defendant to the Plaintiff.

5. The complaint fails to state in what respect the automobile of the Plaintiff was damaged.

6. The complaint fails to state in what respect the Plaintiff was injured.

7. For aught that appears from the complaint the automobile of the Plaintiff was not used in her business, trade or occupation.

8. For aught that appears from the complaint, the Defendant was not operating his automobile at the time and place complained of.

CHASON & STONE

By:

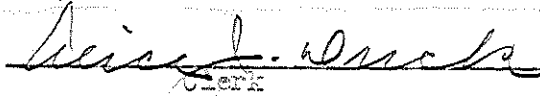
  
Attorneys for Defendant.

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to Summon GEORGE I. HULL 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 George I. Hull, defendant, by EVELYN HANAK, Plaintiff.

WITNESS my hand this 29 day of July, 1955.

  
Clerk

EVELYN HANAK

PLAINTIFF

VS

GEORGE I. HULL

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
AT LAW  
CASE NO. \_\_\_\_\_

1.

The Plaintiff claims of the Defendant the sum of THREE THOUSAND (\$3000.00) DOLLARS for that on, to-wit: February 4, 1955, the Plaintiff was operating her automobile in a westerly direction on U. S. Highway No. 90, a public highway in Baldwin County, State of Alabama; at a point where the Malbis Belforest highway intersects the said U. S. Highway No. 90 and the Defendant then and there so negligently operated his automobile that he caused the same to be driven into and against the automobile of the Plaintiff; whereby the Plaintiff's automobile was badly bent, damaged and torn, and the Plaintiff was crushed, bruised and mashed and her body was sick and sore and she suffered great mental anguish and pain and was forced to expend great sums of money in having her automobile repaired and spent further sums of money for transportation while her automobile was being repaired, and was forced to expend great sums of money in and about healing and curing her said injuries all as a proximate consequence and result of the negligence of the Defendant as aforesaid; hence this suit.

2.

The Plaintiff further avers that the Defendant, George I. Hull, is and was on the date of said collision, to-wit, February 4, 1955, a non-resident

of the State of Alabama, and the present post office address of the Defendant is 16 Thomas Avenue, Maywood, New Jersey, and the Plaintiff prays that service of process upon the Defendant may be had in accordance with the provisions of the Code of Alabama of 1940, Title 7, Section 199.

Wilters & Brantley

By:

Robert M. Brantley  
Attorneys for the Plaintiff

EVELYN HANAK,	¶	
Plaintiff,	¶	IN THE CIRCUIT COURT OF
vs.	¶	BALDWIN COUNTY, ALABAMA
GEORGE I. HULL,	¶	AT LAW. NO. 2682
Defendant.	¶	

INTERROGATORIES PROPOUNDED BY  
THE DEFENDANT TO THE PLAINTIFF

Comes now the Defendant, George I. Hull, by his attorneys, and affidavit having been made by Norborne C. Stone, Jr., one of the Attorneys of Record for the Defendant, and propounds the following interrogatories to the Plaintiff, Evelyn Hanak:

1. State your correct name.
2. State your correct age.
3. State your correct address.
4. State each and every name by which you have been known.
5. Where were you living on the 4th day of February, 1955?
6. Were you employed on the 4th day of February, 1955?
  - (a) If so, by whom were you employed?
  - (b) In what capacity were you employed?
  - (c) How long had you been so employed?
  - (d) What amount of money did you earn from your employment?
  - (e) Describe the nature of the duties which you rendered your employer.
  - (f) State the hours or periods of employment that were required of you according to your terms of employment.
7. State the exact date upon which you suffered the injuries complained of.
8. State the hour of the day or night that said accident occurred.
9. State the weather conditions on the occasion of the accident.
10. Did the accident occur during the hours of daylight?
11. Did the accident occur during the hours of darkness?
12. Where were you going on said occasion?

13. Where were you coming from on said occasion?

14. For what purpose were you making the journey during which the accident occurred?

15. Were you going to your residence?

16. Had you worked during the preceding night prior to the accident?

(a) If so, what hours did you work during the night preceding the time of the accident?

17. Who owned the automobile in which you were riding on said occasion?

18. Who was driving the automobile in which you were riding on said occasion?

19. How many persons were riding in the automobile with you at the time of the accident?

20. 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.

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

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

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

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

25. Did the brakes fail or give way prior to the accident?

(a) If so, state the true facts as to what occurred.

26. Did the steering wheel fail to work properly prior to the accident?

(a) If so, state the true facts in detail.

27. 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.

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

29. 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.

30. Did you intentionally and purposefully steer your vehicle to cause it to travel the path which it traversed while moving a distance of 200 feet leading up to the point of the accident?

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 your lefthand side of the paved portion of the highway.

34. 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?

35. Were you physically normal prior to the accident?

36. Did you lose consciousness prior to the accident?

37. In what general direction were you traveling as you approached the point of accident?

38. 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 collision.

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

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

41. 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.

42. 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.

43. Did you see the defendant's car on said occasion?

(a) If so, in which direction was the defendant's car traveling when you saw it?

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

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

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

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

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

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

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

51. 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 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.

(g) At a point 250 feet before reaching the point of accident.



52. State what part of your vehicle came in contact with the defendant's vehicle.

53. What part of the Defendant's vehicle came in contact with your vehicle?

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

55. Where did the defendant's vehicle come to rest after the collision?

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

57. Did you observe the highway and the area adjacent to the point of collision after the accident?

(a) If so, describe each and every tire mark or other mark of violence which you observed at and near the point of accident.

58. Were you admitted to a hospital or hospitals because of your injuries?

(a) If so, state the name and address of each and every hospital to which you were admitted.

(b) State specifically the dates that you were confined to each such hospital.

59. State the name and address of each physician who has examined or attended you by reason of injuries sustained on said occasion.

(a) State the nature of the treatment received by you from each attending physician.

(b) When were you last attended by a physician?

60. Did you sustain personal injury on the occasion of the accident?

(a) If so, locate and describe each and every wound or injury which you sustained.

61. Did you sustain any broken bones?

(a) If so, locate and describe each such fracture.

62. Did you sustain any cuts?

(a) If so, locate and describe such cuts.

(b) How many stitches, if any, were taken in repair of such cuts?

63. Did you sustain any bruises?

(a) If so, locate and describe such bruises.

(b) For what period of time were such bruises apparent?

64. Were you confined to your bed on account of injuries which you sustained on said occasion?

- (a) If so, state at what address you were when you were confined to your bed.
- (b) State the dates on which you were continuously confined to your bed.
- (c) State the name and address of the person or persons who nursed you or waited upon you while you were confined to your bed.

65. Did you lose any time from your work on account of your injuries?

- (a) If so, state the dates that you lost from work.
- (b) State when you returned to work.

66. Did you lose any wages or earnings?

- (a) If so, state specifically what wages or earnings you lost.

67. Enumerate each and every item of monetary loss or expense for which you seek recovery in the suit at bar, giving the amount of each. If you do not know the exact amount of any item, give your best estimate and mark the same "estimate".

68. When did you recover from the injuries sustained on said occasion?

69. If you say that you have not recovered, enumerate in detail each and every wound or injury and each and every symptom of injury from which you still suffer.

70. Did you sustain permanent injury as a result of the accident described in your complaint?

- (a) If so, describe in detail the nature and extent of each and every injury which is permanent.

71. Do you have any scars or blemishes as a result of injuries sustained on said occasion?

- (a) If so, locate and describe in detail each and every such scar and blemish.

72. Have you been informed that your answers to these interrogatories are made under oath?

73. Have you been informed that your answers to these interrogatories may constitute a part of the testimony in your case?

CHASON & STONE

By:   
Attorneys for Defendant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, G Mac Humphries, a Notary Public,  
in and for said County in said State, personally appeared Norborne  
C. Stone, Jr., 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 Norborne C. Stone, Jr., and that he is  
one of the Attorneys of Record for George I. Hull, who is the Defend-  
ant in that certain action now pending in the Circuit Court of Baldwin  
County, Alabama, wherein Evelyn Hanak is the Plaintiff. That the  
answers to the Interrogatories propounded above will be material tes-  
timony and evidence for the Plaintiff in the said cause.

Dated this 24<sup>th</sup> day of January, 1956.

Norborne C. Stone, Jr.

Sworn to and subscribed  
before me this 24<sup>th</sup> day  
of January, 1956.

G Mac Humphries  
Notary Public, Baldwin County, Ala.

Received 24 day of Jan 1956  
and on 24 day of Jan 1956  
I served a copy of the within Return  
on Walter F. Brantley  
By service on Albert Brantley

TAYLOR WILKINS, Sheriff,  
Taylor Wilkins  
Emi

EVELYN HANAK,  
Plaintiff,

vs.

GEORGE I. HULL,  
Defendant.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW. NO. 2688

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INTERROGATORIES PROPOUNDED BY  
THE DEFENDANT TO THE PLAINTIFF

FILED  
JAN 24 1956  
ALICE J. DICK, Clerk

LAW OFFICES  
CHASON & STONE  
BAY MINETTE, ALABAMA

to be served on  
Walter F. Brantley

EVELYN HANAK

PLAINTIFF

VS

GEORGE I. HULL

DEFENDANT

IN THE CIRCUIT COURT OF

BALEWIN COUNTY, ALABAMA,

AT LAW

CASE NO. 2682

ANSWER TO INTERROGATORIES

Comes now the Plaintiff, Evelyn Hanak, and files her answers to interrogatories heretofore propounded to her:

1. Evelyn Hanak.
2. No.
3. Silverhill, Alabama.
4. Evelyn Vitous, Evelyn Vorel, Evelyn Hanak.
5. Silverhill, Alabama.
6. Yes.

(a) My self.

(b) as owner.

(c) 7 months.

(d) \$50.00 per week approximately.

(e) See (a)

(f) From 6 A.M. til 9 P.M.

7. February 4, 1955.

8. 10 A. M.

9. Fair.

10. Yes.

11. No.

12. To Mobile.

~~13. Silverhill.~~

14. To an examination for employment in Brookley Field

15. No.

16. No.

17. I did.

18. I was.

19. None.

20. (a) Desoto  
(b) 1950  
(c) Two door coupe.
21. I don't know.
22. Yes.
23. Yes.
24. Yes.
25. No.
26. No.
27. No.
28. Yes.
- 29.
30. Yes.
31. I don't know, it is an average width paved highway.
32. Good - several feet wide.
33. Good - several feet wide.
34. No.
35. Yes.
36. No.
37. West.
38. I don't know.
39. One.
40. I don't know.
41. No.
42. No.
43. Yes.
44. South.
45. Approximately 200 feet.
46. A little less than 200 feet.
47. 200 feet.
48. This question is ambiguous.
49. The Defendant's car was traveling South on the cut-off from U. S. 31 to U. S. 90; which goes thru Malbis Plantation. It started making a left turn at the point where this cutt off intersects U. S. 90.

50. I stayed on the right side of the road until the Defendant drove his car into the intersection, then I swerved my car to the left to try to avoid hitting him.
51. (a) 40 miles an hour.  
(b) 40 to 45.  
(c) 40 to 45.  
(d) 45 to 50.  
(e) 45 to 50.  
(f) 50 to 55.  
(g) 50 to 55.
52. The whole right side.
53. The right front.
54. On the South side of U. S. Highway 31 and on the road leading from Malbis to Belforest.
55. Cross ways in U. S. Highway 90 with the front headed South.
56. \$1500.00.
57. No.
58. Yes.  
(a) Jordan's Clinic, Fairhope.  
(b) (b) February 4, 1955; February 6 and 7, 1955.
59. (a) Dr. Eaves, Robertsdale, took X-rays and gave me medicine.  
Dr. Beech, Foley, Chiropractor, Dr. Hobbs, Robertsdale,  
Chiropractor, Dr. Jordan Robertsdale, Chiropractor,  
Dr. Earl, Mobile, General examination; Dr. Arnold,  
Robertsdale.  
(b) I am still being treated by one.
60. Yes.  
(a) I was injured internally, the backs of both hands and arms were lacerated and bruised. The upper part of my head was severely bruised; I was knocked unconscious, my ankles, knees, hips and back were all injured.
61. No.
62. Yes.  
(a) The back of my hands were cut and my lips were cut on the inside.  
(b) None.
63. Yes.  
(a) I was black and blue all over, my forehead was bruised, both arms, my right knee, both hips, the whole right side of my face, my lips were cut, and both hands lacerated.  
(b) about 10 days.

64. Yes.

(a) at the hospital in Fairhope; at my home in Silverhill.

(b) About two weeks just after the accident.

(c) Joe Vorel, Robertsdale, Alabama, Irene Star, Silverhill.

65. Yes.

(a) For the two week period just after the accident.

(b) See (a).

66. \$80.00 to \$100.00.

67. On advice of counsel the Plaintiff refrains from answering this question.

68. I have not recovered.

69. My back and hips are still very sore; my feet and knees swell when I stand on my feet more than a few minutes at a time.

70. I do not know

71. Yes, I have a very small scar on my right index finger.

72. Yes.

73. Yes.

Evelyn Hanak

STATE OF ALABAMA

BAIRDWIN COUNTY

Before me, the undersigned authority, personally appeared Evelyn Hanak, who being first duly and legally sworn deposes and says: That the answers to the above and foregoing interrogatories have been read by me and are true.

Evelyn Hanak

Sworn to and subscribed before me on this the 28 day of January, 1956.

Myrtle G. Smith  
Notary Public, Baldwin County, Alabama  
at Large