

ELSIE SANDELL, a Minor, suing  
by her Mother and Next Friend,  
MRS. BURT SANDELL,

PLAINTIFF,

VS.

KATHRIN J. DOBBINS,

DEFENDANT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. 2690

Comes now the defendant in the above styled cause and pro-  
pounds to the plaintiff the following interrogatories to be  
answered under oath by plaintiff as in such cases by law pro-  
vided:

1. (a) State your name, age and residence address.
2. (a) State whether or not you are now employed.  
(b) If so, give the name and address of your employer.  
(c) Give the hours and number of days per week you work  
and the amount of your average weekly earnings.
3. (a) Give the name and address of each and every person,  
firm or corporation by whom you have been employed since the date  
of the accident which is made the basis of your complaint.  
(b) State with reference to each employer the date or  
dates on which you worked for said employer.  
(c) State with reference to each employer the kind of work  
you did.  
(d) State with reference to each employer the amount of  
your average weekly earnings from said employer.
4. (a) State whether or not you were employed at the time  
this accident occurred.  
(b) If so, give the name and address of your employer.  
(c) State what kind of work you did for said employer.  
(d) How long prior to this accident had you been so employed?  
(e) State the number of hours and days per week which you  
worked and your average weekly earnings from said employer.
5. (a) Give the name and address of each and every hospital  
in which you were confined as a result of injuries sustained in  
this accident.  
(b) Give the date, or dates, on which you were so confined.  
(c) Attach to your answers a true and correct copy of any  
and all hospital bills received by you for confinement in or treat-  
ment at any such hospital.
6. (a) Give the name and address of each and every doctor who  
treated you as a result of injuries sustained by you in this accident.  
(b) State with reference to each of said doctors how many  
times he treated you, giving the approximate date, or dates, as best  
you can.  
(c) Attach to your answers a true and correct copy of each and  
every doctor's bill received by you for treatment rendered you as a  
result of injuries sustained in this accident.
7. (a) Give the name and address of each and every nurse who  
treated you or rendered any service to you as a result of injuries  
sustained in this accident.  
(b) State with reference to each of said nurses, where and  
when said nurse treated you, giving the approximate date or dates.  
(c) Attach to your answers a true and correct copy of any  
and all nurses' bills received by you for such treatment.
8. (a) Give a complete list of all medical supplies purchased  
by you in and about the treatment of your injuries as averred in  
your complaint.

8. (b) State with reference to each of said items when, where and from whom it was purchased and how much it cost.

9. (a) Were you confined to your bed as a result of injuries sustained in this accident?

(b) If so, state for how long you were so confined, giving the approximate date or dates.

(c) Give the address at which you were so confined.

10. (a) Were you confined to your home as a result of injuries sustained in this accident?

(b) If so, state for how long you were so confined, giving the approximate date or dates.

(c) Give the address at which you were so confined.

11. (a) Are you now under the care of any doctor or physician?

(b) If so, give his name and address, and state for what he is treating you.

(c) Give the date on which you were last treated by any doctor or physician for injuries sustained in this accident, and give the name and address of the doctor who last treated you.

12. (a) Give the date on which the accident occurred which is made the basis of your complaint.

(b) State at what time of day or night said accident occurred.

(c) State whether it was daylight or dark at said time.

(d) State what the weather conditions were at said time, whether it was foggy, raining, or clear.

13. (a) State whether or not you had consumed any kind of alcoholic beverages within six hours prior to the time of this accident.

(b) State where and when you consumed said beverages.

(c) State what kind of beverages you consumed and how much.

14. (a) At the time of this accident, state where you were in the car in which you were riding, that is, whether or not you were on the front seat or back seat, and what part of whichever seat you were in you were occupying.

(b) Who was driving the automobile in which you were riding?

(c) State where the other occupants of the car were sitting at the time of the accident.

15. (a) State where the vehicle in which you were riding at the time of the accident had last stopped prior to the accident.

(b) State how far from the scene of the accident this last stop was made.

(c) State for what purpose said stop was made.

16. (a) State whether or not prior to the collision you saw the vehicle which collided with the vehicle in which you were riding.

(b) If so, state what, if anything, was done or said by the driver of the vehicle in which you were riding from the time you first saw the other vehicle until the collision occurred.

(c) What, if anything, was said or done by you during said interval of time?

17. (a) At the time you first saw the vehicle of the defendant on the occasion of this accident, how fast was the vehicle in which you were riding traveling?

(b) How far was the vehicle in which you were riding from the point of impact at said time?

18. (a) At the time you first saw the defendant's vehicle, how fast was it traveling?

(b) In what direction was it traveling?

(c) How far was said vehicle of the defendant from the point of impact at the time you first saw it?

19. (a) What part of the vehicle in which you were riding collided with the defendant's vehicle?

19. (b) What part of the defendant's vehicle collided with the vehicle in which you were riding?

20. When the vehicle in which you were riding was 400 feet from the point of impact:

1. State your best judgment of its speed in miles per hour.
2. State in which direction it was traveling.
3. State how far the left side of your vehicle was from the center line of the highway it was traveling and the direction from said center line.
4. State how far the right hand side of said vehicle was from the right hand edge of said highway at said time.

21. When the vehicle in which you were riding was 200 feet from the point of impact:

1. State your best judgment of its speed in miles per hour.
2. State in which direction it was traveling.
3. State on which side of, and how far from, the center line of the highway on which it was traveling.

22. When the vehicle in which you were riding was 100 feet from the point of impact:

1. State your best judgment of its speed in miles per hour.
2. State in which direction it was traveling.
3. State on which side of, and how far from, the center line of the highway it was traveling.

23. When the vehicle in which you were riding was 50 feet from the point of impact:

1. State your best judgment of its speed in miles per hour.
2. State in which direction it was traveling.
3. State on which side of, and how far from, the center line of the highway it was traveling.

24. When the vehicle in which you were riding was at the point of impact:

1. State your best judgment of its speed in miles per hour.
2. State in which direction it was traveling.
3. State on which side of, and how far from, the center line of the highway it was traveling.

25. State as nearly as you can in detail just how the accident occurred which is made the basis of your complaint.

26. What was the speed limit at the place where this accident occurred?

STATE OF ALABAMA, 0  
COUNTY OF BALDWIN. 0

Telfair J. Mashburn, Jr.  
ATTORNEY FOR DEFENDANT.

Before me, the undersigned authority, a Notary Public, in and for said County and State, personally appeared Telfair J. Mashburn, Jr., who is known to me and who, being by me first duly sworn, on oath, deposes and says: that he is of counsel to the defendant in this cause; and that the plaintiff's answers to the foregoing interrogatories, when well and truly made, will be material evidence for the defendant on the trial of this cause.

James R. O.  
Sworn to and subscribed before  
me this 8th day of February, 1956.

Telfair J. Mashburn, Jr.

ELSIE SANDELL, a minor, suing  
by her mother and next friend,  
Mrs. Bert Sandell,  
Plaintiffs

vs.

KATHRIN J. DOBBINS,  
Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

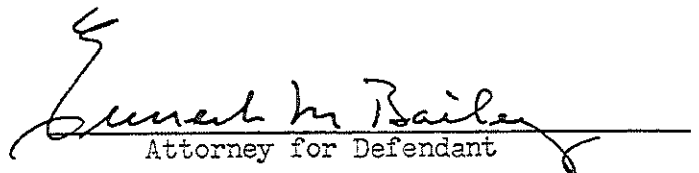
AT LAW

# 2690

DEMURRER

Comes now the Defendant, Kathrin J. Dobbins, and demurs to the Complaint and each count thereof, separately and severally, and as grounds for such demurrer assigns, separately and severally, the following:

1. Sufficient facts are not alleged therein to state a cause of action.
2. Sufficient facts are not alleged therein to entitle the Plaintiff to the relief sought.
3. Sufficient facts are not alleged therein to show that the alleged conduct of the Defendant constituted negligence.
4. It affirmatively appears therefrom that the Defendant was not guilty of negligence.
5. The negligent misconduct alleged therein is not supported by a sufficient statement of facts to warrant the conclusions sought to be drawn.
6. The allegations as to negligent misconduct are a mere conclusion of the pleader.
7. For aught appearing to the contrary therefrom, Plaintiff's injury, if any, was consequential.
8. The allegations therein contained as to the alleged proximate causation of the injury of the Plaintiff is a mere conclusion of the pleader.
9. Sufficient facts are not alleged therein to show that Defendant's conduct constituted negligence towards this Plaintiff.

  
Attorney for Defendant

2690

ELSIE SANDELL, a minor  
suing by her mother and  
next of friend, Mrs Bert  
Sandell,

Plaintiffs

vs

KATHRIN J. DOBBINS,  
Defendant

DUMURRER  
TO BILL OF COMPLAINT

RECORDED

FILED

SEP 9 1955

ALICE J. BUCK, Clerk

ERNEST M. BAILEY  
ATTORNEY AT LAW  
FAIRHOPE, ALABAMA

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon KATHRIN J. DOBBINS 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 ELSIE SANDELL, a minor, suing by her mother and next friend, Mrs. Burt Sandell.

WITNESS my hand this 4<sup>th</sup> day of Aug, 1955.

Alice J. Duck  
Clerk D.V.

ELSIE SANDELL, a minor, suing  
by her mother and next friend,  
Mrs. Burt Sandell,

PLAINTIFF

VS

KATHRIN J. DOBBINS

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
AT LAW

1.

The Plaintiff, Elsie Sandell, a minor, suing by her mother and next of friend Mrs. Burt Sandell, claims of the Defendant the sum of TEN THOUSAND (\$10,000.00) DOLLARS, as damages for that heretofore on to-wit, June 1, 1955, the Plaintiff was riding in an automobile being operated in a easterly direction along and upon Alabama Highway No. 104; a public highway in Baldwin County, Alabama, a place where she had a right to be; at a point where the Belforest road intersects with Alabama highway 104; that at said time and place Kathrin J. Dobbins, who was driving her automobile in a southerly direction on the Belforest road so negligently operated her automobile as to cause it to run into or against the automobile the Plaintiff was riding in; and as the proximate result thereof the Plaintiff was negligently injured as follows: her face was lacerated, bruised and torn; her jaw was fractured; she had a concussion of the brain; shock; teeth loosened; contusions about the body and legs; her back was sprained and injured; and she was caused to suffer much mental and physical anguish and pain; all to the loss of the Plaintiff in the aforesaid amount.

Walters & Brantley

BY: Gary G. Walters  
Attorneys for the Plaintiff

The Plaintiff demands a trial by jury.

Walters & Brantley

BY: Gary G. Walters  
Attorneys for the Plaintiff

ELSIE SANDELL, a minor, suing	:	IN THE CIRCUIT COURT OF
by her mother and next friend,	:	
MRS. BURT SANDELL,	:	BALDWIN COUNTY, ALABAMA
Plaintiffs	:	AT LAW
vs.	:	
	:	CASE NO. 2690
KATHRIN J. DOBBINS,	:	
Defendant	:	

PLEAS

Comes now the defendant in the above styled cause, by her attorney, and for answer to the Complaint heretofore filed against her, and for each count thereof, separately and severally, pleads as follows:

1. The allegations of the Complaint are untrue.
2. The allegations of the "COUNT ONE" of the Complaint are untrue.
3. At the time and place complained of in the Bill of Complaint, the plaintiff, a minor, over the age of eighteen years, proximately contributed to the injuries and damages complained of, by her own negligence in this:

The incompetence and unfitness of Marion J. Sandell, the operator of the automobile in which the plaintiff was riding, was then well known to the plaintiff, and plaintiff appreciating the danger of likely injury and damage to herself by riding as a guest in an automobile operated by said Marion J. Sandell as aforesaid, and notwithstanding such knowledge on the part of the plaintiff and plaintiff's appreciation of said danger and risk at said time and place, plaintiff negligently entered into and rode in said automobile as a guest and invited passenger, which said negligence of plaintiff proximately contributed to the injuries and damages complained of in the Complaint; WHEREFORE plaintiff should not recover.

4. At the time and place complained of in the Complaint, the plaintiff, a minor over the age of eighteen years, proximately contributed to the injuries and damages complained of by her own negligence in this:

The carelessness, incompetence, indifference, heedlessness and recklessness of Marion J. Sandell, the operator of the automobile in which the plaintiff was riding, was well known to the plaintiff, and plaintiff appreciating the danger of likely injury and damage to herself by riding as a guest in the automobile of Marion J. Sandell as aforesaid, notwithstanding such knowledge on the part of the plaintiff and appreciation of said danger at said time and said place, plaintiff



negligently entered into and rode in said automobile as guest and invited passenger, which said negligence of plaintiff proximately contributed to the injuries and damages complained of in the Complaint; WHEREFORE plaintiff should not recover.

Frederic N. Maschewitz  
Attorney for Defendant