

LAW OFFICES OF
HOWELL AND JOHNSTON

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MOBILE 9, ALABAMA

THOMAS O. HOWELL, JR.
THOMAS A. JOHNSTON, III
IRVIN J. LANGFORD
ALFRED P. HOLMES, JR.

January 27, 1956

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

*Dismiss
CB*

Re: Roy T. Chancey
vs: Elliott ~~William~~ Glass
Case No. 2755

Dear Mrs. Duck:

We would appreciate your having a dismissal entered in the above styled cause in which we represent the plaintiff. Please send the court cost bill to Mr. John Chason, the attorney for the defendant. It has been agreed that the defendant will pay this cost bill as a part of the settlement entered into in the matter.

Thanking you, we remain

Very truly yours,

HOWELL & JOHNSTON



Thomas A. Johnston, III

TAJ:ms

ROY T. CHANCEY, : IN THE CIRCUIT COURT OF
Plaintiff : BALDWIN COUNTY, ALABAMA
-versus- :
ELLIOTT WILLIAM GLASS, :
Defendant : AT LAW NO. _____

Comes now the plaintiff in the above styled cause, ROY T. CHANCEY, who, desiring the testimony of the defendant, ELLIOTT WILLIAM GLASS, propounds the following interrogatories to the defendant, Elliott William Glass, under the provisions of Section 477 of Title 7, of the Code of Alabama of 1940, the answers to which interrogatories will be material evidence for the plaintiff upon a trial of said cause:

1. Please state your name, age, address and occupation.
2. Where was your permanent address on July 7, 1955?
3. Where were you residing on July 7, 1955?
4. Were you the driver of a motor vehicle involved in an automobile accident with another motor vehicle which occurred on or about July 7, 1955, at the intersection of Alabama Highways Number 3 and 180 in the County of Baldwin, State of Alabama?
5. Please state the exact date on which said accident occurred.
6. Please state at what time of day said accident occurred.
7. If your answer to Interrogatory Number 4 is in the affirmative, please state whether or not the automobile which you were driving collided with a motor vehicle being driven by the plaintiff at the time and place stated in Interrogatory Number 4.
8. Please state whether or not you were the owner of the motor vehicle which you were driving at said time and place.

9. Please state in what direction and on what highway you were traveling immediately before and at the time of the said collision.
10. Please state in what direction and on what highway the motor vehicle driven by the plaintiff was traveling immediately before and at the time of the said collision.
11. Please state whether or not the motor vehicle belonging to the plaintiff was stopped or moving at the time of the collision.
12. Please state the position of the plaintiff's motor vehicle with reference to your automobile when you first saw it immediately prior to this accident.
13. Please state whether or not there was a stop sign or other traffic control at said intersection at the time of the said accident.
14. Please state in detail what traffic controls and stop signs, if any, were present and where each was located at the time and place this accident occurred.
15. Please state whether or not at the time of said accident there was a stop sign located at the southeast corner of said intersection facing traffic approaching said intersection from the south on Alabama Highway Number 3.
16. If your answer to the preceding interrogatory is to the effect that there was such a stop sign, please state whether or not there were any bushes, shrubs or other objects which obstructed the view of such stop sign to traffic approaching the said intersection from the south on Alabama Highway Number 3 at the time of such accident.
17. If your answer to the preceding interrogatory shows that said stop sign was obstructed, please describe same.

18. Please describe in detail how said accident occurred.
19. Please state whether or not your vehicle came to a full and complete stop before entering the intersection of Alabama Highways Number 3 and 180 immediately before said accident.
20. If your answer to the preceding interrogatory is in the affirmative, please state specifically the place where you brought your vehicle to such stop in relation to said intersection.
21. If you state that you did stop at such stop sign, please state how long your vehicle remained stopped before entering the intersection of Alabama Highways Number 3 and 180 immediately before said accident.
22. Please state whether or not you looked eastwardly and westwardly to determine whether or not there were any automotive vehicles approaching said intersection before you entered said intersection.
23. Please state where the motor vehicle of the plaintiff was located when you first saw it immediately prior to this accident.
24. Please state the position of your automobile and the plaintiff's motor vehicle immediately prior to such accident.
25. Please state the position of your automobile and the plaintiff's motor vehicle at the moment of this collision.
26. Please state at what speed you were traveling immediately before and at the time of such accident.
27. Please attach to your answers to these interrogatories a diagram showing the position of your automobile and the automotive vehicle of the plaintiff immediately before, at the moment of and immediately after said collision.

28. Please state the location of your automobile and the location of the plaintiff's motor vehicle in relation to said intersection at the time of said collision.
29. Please state the location of your automobile and the location of the plaintiff's motor vehicle in relation to said intersection immediately after said collision.
30. Please state the position of your automobile and the position of the motor vehicle being driven by the plaintiff in relation to the said intersection when you first observed the motor vehicle being driven by the plaintiff immediately before said accident.
31. Please state what part of your automobile collided with what part of the motor vehicle being driven by the plaintiff.
32. Please state how far you traveled immediately before this accident after applying your brakes.
33. Please state how far in feet your automobile traveled from the point of impact before coming to a stop immediately after this accident.
34. Please state how far in feet the motor vehicle belonging to the plaintiff traveled from the point of impact before coming to a stop.
35. Please state what, if anything, you did to avoid this collision after you observed the motor vehicle being driven by the plaintiff immediately before the said collision.
36. Please state whether or not there were any buildings, bushes, shrubs, parked cars, moving automobiles, or other objects which obstructed your view of Alabama Highway 180 on which the plaintiff's automobile was traveling at the time of this accident.

37. If you state that there were such objects, please describe and locate them in detail.
38. Please state the distance in feet in each direction from which you had a clear and uninterrupted view of the traffic approaching Alabama Highway Number 3 at said intersection at said time.
39. Please describe the condition of traffic and locate the position of said traffic on said Highways 3 and 180 at the time and place of said accident immediately before and at the time of such accident.
40. Please state whether or not you had consumed any beverage with alcoholic content in the period of twenty-four hours immediately preceding the time of such accident.
41. If the answer to the preceding interrogatory is yes, please state the amount, quantity, time of consumption and type of said beverage consumed by you within such period of time.
42. Please state what in your best judgment was the speed of plaintiff's motor vehicle when you first observed it immediately prior to this accident.
43. Please state for what interval of time you observed the plaintiff's automotive vehicle immediately before said accident.
44. Please state the condition of the weather at the time of this accident.
45. Please state whether or not there were any skidmarks behind your automobile immediately after the accident and, if so, the length of said skidmarks.
46. Please state whether or not there were any skidmarks behind the automotive vehicle driven by the plaintiff at the time and place of the accident and, if so, what was the length of said skidmarks?

47. Please state what part of your motor vehicle and what part of the motor vehicle driven by the plaintiff were damaged by said accident.
48. Please state what precautions you took to attempt to safely enter said intersection.
49. Please state whether or not you made any statement to the plaintiff immediately after this accident admitting your liability for his damages as a result thereof.
50. Please state whether or not you admitted fault in this matter immediately after this accident and stated that your liability insurance company would take care of plaintiff's damage.

Harvey Johnston
ATTORNEYS FOR PLAINTIFF

STATE OF ALABAMA :

COUNTY OF MOBILE :

Before me, the undersigned authority in and for said State and County, personally appeared Thomas A. Johnston, III, who being by me first duly sworn, deposes and says that he is the attorney of record for the plaintiff in this cause, that as such, he is authorized to make this affidavit; and the answers of the above and foregoing interrogatories propounded by the plaintiff to the defendant, if truthfully answered, will be material testimony for the plaintiff in this cause.

Thomas A. Johnston III

Subscribed and sworn to before me
this 21 day of October, 1955.

Adrian Lee Peterson
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

Harvey Johnston
AS ATTORNEYS FOR PLAINTIFF.

ROY T. CHANCEY,

Plaintiff,

vs.

ELLIOTT WILLIAM GLASS,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

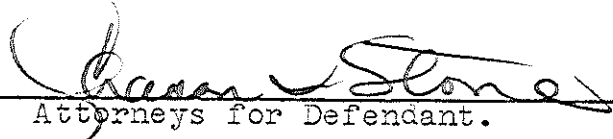
AT LAW

NO. _____

DEMURRER

Comes the Defendant in the above styled cause and demurs to the complaint filed in said cause and each and every count thereof, separately and severally, and assigns the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That said complaint does not properly set out the damages and injuries to Plaintiff's vehicle.
3. That said complaint does not state the length of time that the Plaintiff was caused to lose the use of his said motor vehicle, and shrimp tank.
4. That said complaint does not state the length of time that the Plaintiff was confined to his bed.
5. That said complaint does not state the length of time that Plaintiff was caused to lose from his business.


Attorneys for Defendant.

ROY T. CHANCEY,	:	IN THE CIRCUIT COURT OF
Plaintiff	:	BALDWIN COUNTY, ALABAMA
-versus-	:	
ELLIOTT WILLIAM GLASS,	:	
Defendant	:	AT LAW NO. _____

COUNT ONE

Plaintiff claims of the defendant the sum of Ten Thousand and no/100 (\$10,000.00) Dollars, as damages, for that heretofore on, to-wit, the 7th day of July, 1955, the defendant so negligently operated a motor vehicle northwardly on Alabama Highway Number 3 at its intersection with Alabama Highway Number 180, both being public highways in the County of Baldwin, State of Alabama, as to cause or allow said vehicle to collide with the motor vehicle belonging to and being driven by the plaintiff, which said vehicle was then and there being driven by him in a westwardly direction on Alabama Highway 180, and as a direct and proximate result of the negligence of the defendant, as aforesaid, the plaintiff's motor vehicle and shrimp tank mounted thereon were badly broken, bent, damaged and demolished, and the plaintiff was caused to lose the use of his said motor vehicle and shrimp tank, which were being used in his business at the time and which he contemplated using in his business subsequently to that time, and the plaintiff was made sick, sore, lame and disabled and was seriously and permanently injured, he was caused to suffer multiple abrasions about the face and neck, abrasion and laceration over the left shoulder area, abrasion and laceration over his left knee, elbow, arm and hand and other severe cuts and bruises, and was caused to suffer severe shock, great physical pain and mental anguish, and the plaintiff was caused to be confined to his bed for a long period of time, and was caused to lose time from his business causing severe

loss thereto, and the plaintiff was caused to incur medical expense in and about the care and treatment of his said injuries, all to the plaintiff's damage, hence this suit.

COUNT TWO

Plaintiff claims of the defendant the additional sum of Ten Thousand and no/100 (\$10,000.00) Dollars, as damages, for that heretofore on, to-wit, the 7th day of July, 1955, the defendant wantonly injured the plaintiff by so wantonly operating a motor vehicle northwardly on Alabama Highway Number 3 at its intersection with Alabama Highway Number 180, both being public highways in the County of Baldwin, State of Alabama, as to cause or allow said vehicle to collide with the motor vehicle belonging to and being driven by the plaintiff, which said vehicle was then and there being driven by him in a westwardly direction on Alabama Highway 180, and as a direct and proximate consequence of the wanton conduct of the defendant, as aforesaid, the plaintiff's motor vehicle and shrimp tank mounted thereon were badly broken, bent, damaged and demolished, and the plaintiff was caused to lose the use of his said motor vehicle and shrimp tank, which were being used in his business at the time and which he contemplated using in his business subsequently to that time, and the plaintiff was made sick, sore, lame and disabled and was seriously and permanently injured, he was caused to suffer multiple abrasions about the face and neck, abrasion and laceration over the left shoulder area, abrasion and laceration over his left knee, elbow, arm and hand and other severe cuts and bruises, and was caused to suffer severe shock, great physical pain and mental anguish, and the plaintiff was caused to be confined to his bed for a long period of time, and was caused to lose time from his business causing severe loss thereto, and the plaintiff was caused to incur medical expense in and about the care and treatment of his said injuries,

all to the plaintiff's damage, hence this suit.

Howell & Johnston
ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial by jury of this cause.

Howell & Johnston
ATTORNEYS FOR PLAINTIFF

Defendant's address is:

Linden, Alabama

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 1

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Elliott William Glass

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 _____
Elliott William Glass, Defendant

by Roy T. Chancey

_____, Plaintiff.....

Witness my hand this 24th day of October 19.....55.

David J. Chancey, Clerk