

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

November 1, 1955

2766

Mrs. Alice J. Duck, Clerk
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Summons and Complaint in the case
of Wenzel -vs- Pulaski, for service.

Yours very truly,


C. G. Chason

CGC:fm

encls. 2

FRANK WENZEL,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
WILLIAM E. POLASKI,)	
Defendant.)	

Comes now the defendant in the above entitled cause and propounds the following interrogatories to the plaintiff:

1. (a) At the time of the accident in question where had you started your trip and where were you intending to go?

(b) Where had you last stopped just prior to the accident in question?

2. (a) Please state the maximum rate of speed, from a point approximately half of a mile south of the place where the accident occurred to the point where the accident occurred, which your vehicle traveled

(b) Please state the lowest rate of speed at which your vehicle traveled from a point approximately half of a mile south of the place where the accident occurred to the point where the accident occurred.

(c) Please state whether you overtook or passed any other northbound vehicle between a point approximately half a mile south of the place where the accident occurred to the point where the accident occurred.

(d) Please state the approximate elapse in seconds from the time your vehicle traveled from a point approximately half a mile south of the place where the accident occurred to the point where the accident occurred.

(e) Please state whether you met and passed any southbound vehicle between a point approximately half a mile south of the place where the accident occurred to the point where the accident occurred.

(f) Please state whether any northbound vehicle overtook and passed your vehicle between a point approximately half a mile south of the place where the accident occurred and the point where the accident occurred.

3. (a) Please state the maximum rate of speed which your vehicle traveled from a point approximately a quarter of a mile south of the place where the accident occurred to the point where the accident occurred.

FRANK WENZEL,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
WILLIAM E. POLASKI,)	
Defendant.)	

Comes now the defendant in the above entitled cause and propounds the following interrogatories to the plaintiff:

1. (a) At the time of the accident in question where had you started your trip and where were you intending to go?

(b) Where had you last stopped just prior to the accident in question?

2. (a) Please state the maximum rate of speed, from a point approximately half of a mile south of the place where the accident occurred to the point where the accident occurred, which your vehicle traveled

(b) Please state the lowest rate of speed at which your vehicle traveled from a point approximately half of a mile south of the place where the accident occurred to the point where the accident occurred.

(c) Please state whether you overtook or passed any other northbound vehicle between a point approximately half a mile south of the place where the accident occurred to the point where the accident occurred.

(d) Please state the approximate elapse in seconds from the time your vehicle traveled from a point approximately half a mile south of the place where the accident occurred to the point where the accident occurred.

(e) Please state whether you met and passed any southbound vehicle between a point approximately half a mile south of the place where the accident occurred to the point where the accident occurred.

(f) Please state whether any northbound vehicle overtook and passed your vehicle between a point approximately half a mile south of the place where the accident occurred and the point where the accident occurred.

3. (a) Please state the maximum rate of speed which your vehicle traveled from a point approximately a quarter of a mile south of the place where the accident occurred to the point where the accident occurred.

(b) Please state the lowest rate of speed at which your vehicle traveled from a point approximately a quarter of a mile south of the place where the accident occurred to the point where the accident occurred.

(c) Please state whether you overtook or passed any other northbound vehicle between a point approximately a quarter of a mile south of the place where the accident occurred and the point where the accident occurred.

(d) Please state the approximate elapse in seconds from the time your vehicle traveled from a point approximately a quarter of a mile south of the place where the accident occurred to the point where the accident occurred.

(e) Please state whether you met and passed any southbound vehicle between a point approximately a quarter of a mile south of the place where the accident occurred to the point where the accident occurred.

(f) Please state whether any northbound vehicle overtook and passed your vehicle between a point approximately a quarter a mile south of the place where the accident occurred and the point where the accident occurred.

4. (a) Please state the approximate weather conditions existing at the time of the accident.

(b) Please state whether it was raining at the time of the accident.

(c) Please state whether Alabama Highway 3 was wet at the time of the accident.

(d) Please state the approximate time at which the said accident occurred.

(e) Please state whether any of the lights on your vehicle were then in operation, and if you answer in the affirmative, then please state which lights on your vehicle were then in operation.

(f) Please state whether Alabama highway 3, during the distance of approximately one-eighth of a mile leading up to the point where the accident occurred, is fairly straight or curved.

(g) Please state whether Alabama highway 3, during the distance of approximately one-eighth of a mile leading up to the point where the accident occurred, is level or hilly.

5. (a) Please state whether as you traveled the distance of approximately one-eighth of a mile leading up to the point where the accident occurred, you had a clear and unobstructed view of the place where the accident occurred.

(b) Please state whether at said time and place you were giving your full care and attention to your driving.

(c) Please state whether at said time and place you looked northwardly for any other vehicles at or near the place where the accident occurred.

6. (a) Please state whether your vehicle was moving or stopped at the time of the accident.

(b) If you answer that your vehicle was moving, then please state the approximate rate of speed at which it was moving.

(c) If you answer that your vehicle was stopped at the time of the accident, please state the approximate number of seconds it had been stopped at the time of the accident.

(d) Please state whether the defendant's vehicle was moving or stopped at the time of the accident.

(e) If you answer that the defendant's vehicle was moving, then please state the approximate rate of speed at which it was moving.

(f) If you answer that the defendant's vehicle was stopped at the time of the accident, then please state the approximate number of seconds it had been stopped at the time of the accident, if such be within your knowledge.

7. (a) Please state the approximate position and distance in feet your vehicle was from the center of Alabama Highway 3 at the time you first saw the defendant's vehicle.

(b) Please state the approximate speed of your vehicle at the time you first saw the defendant's vehicle.

(c) Please state the approximate position and approximate distance in feet the defendant's vehicle was from the center of Alabama Highway 3 at the time you first observed the defendant's vehicle.

(d) Was the defendant's vehicle then stopped or moving, and if you answer that the defendant's vehicle was then stopped, then please state its approximate position with reference to the center of Alabama Highway 3.

(e) If you answer that the defendant's vehicle was then moving, then please state the approximate rate of speed of the defendant's vehicle at that time and the approximate course and direction of travel of the defendant's vehicle at that time.

(f) Please state the approximate distance in feet which then separated your vehicle and the defendant's vehicle.

(g) Please state whether, at the time you first saw the defendant's vehicle you observed any lights, or any lights in operation, or any reflectors on the defendant's vehicle, and if you answer in the affirmative, then please state which lights, or lights in operation or reflectors on the defendant's vehicle you then observed.

(h) Please state the color of the defendant's vehicle.

(i) Please state whether, at that time, you observed any occupant or occupants in the defendant's vehicle.

8. (a) Please state whether from the time you first observed the defendant's vehicle up until the time of the impact, you observed any lights, or any lights in operation, or any reflectors on the defendant's vehicle, and if you answer in the affirmative, then please state which lights, or lights in operation, or reflectors on the defendant's vehicle you then observed.

(b) Please state your approximate rate of speed and the approximate course of your travel with reference to the centerline of Alabama Highway 3, from the time you first observed the defendant's vehicle up until the time of the impact.

(c) Please state the approximate rate of speed and the approximate course of travel of the defendant's vehicle with reference to the center of Alabama Highway 3, from the time you first observed the defendant's vehicle up until the time of the impact.

(d) Please state whether, during the time you first observed the defendant's vehicle up until the time of the impact, the defendant's vehicle was stopped, and if you answer in the affirmative, then please state its approximate position and angle of direction with reference to the center of Alabama Highway 3, at that time.

9. (a) Please state what, if anything, you did to avoid an accident, from the time you first observed the defendant's vehicle up until the moment of the impact.

(b) Please state whether at said time and place there was any

vehicle approaching from the north and if you answer in the affirmative, then please state its approximate position and distance in feet from the center of Alabama Highway 3, and its approximate rate of speed.

10. (a) Please state whether immediately prior to the accident you applied your brakes.

(b) Please state whether your brakes were then functioning properly.

(c) Please state whether the application of your brakes caused any skidding of your vehicle or any skid marks upon the surface of the street, and if so indicate the approximate distance which your vehicle skidded and the approximate length of the skid marks.

11. (a) Please state what signal, if any, you gave to the driver of the defendant's vehicle at any time during the distance of 200 feet which you traveled immediately prior to the accident.

(b) Please state what, if anything the driver of the defendant's vehicle did from the time you first gave any signal of any kind up until the moment of the impact.

12. Please state what, if anything, the defendant did to avoid an accident from the time you first observed the defendant up until the moment of the impact.

13. (a) Please state what signal or signals the defendant gave from the time you first observed the defendant's vehicle up until the moment of the impact.

(b) Please state what, if anything you did from the time you first saw any signal or signals of the defendant up until the moment of the impact.

14. (a) Please state the approximate position and distance in feet the defendant's vehicle was from the center of Alabama highway 3 and its angle of direction, at the moment of the impact.

(b) Please state the approximate position and distance in feet your vehicle was from the center of Alabama Highway 3, and its angle of direction, at the moment of the impact.

15. Please attach to your answers to these interrogatories a

diagram showing the approximate position and distance in feet your vehicle was from the center of Alabama Highway 3 and the approximate position and distance in feet the defendant's vehicle was from the center of Alabama Highway 3, at the time you first saw the defendant's vehicle, at the time you first saw any signal or signals about the defendant's vehicle, at the time you first gave any signal or signals to the defendant, at the time of the impact, and at the time the said vehicles came to a complete rest immediately following the collision; and please designate said positions upon said diagram.

16. (a) Please state the approximate distance in feet your vehicle traveled after the point of impact, and please indicate the approximate position of your vehicle at the time it came to a rest after the impact with reference to the east margin of the pavement.

(b) Please state the approximate distance in feet the defendant's vehicle traveled after the point of impact, and please indicate the approximate position of the defendant's vehicle at the time it came to a rest after the impact with reference to the east margin of the pavement.

17. (a) Please state the parts and areas of your vehicle damaged as a result of the accident.

(b) Please state the parts and areas of the defendant's vehicle damaged as a result of the accident.

18. (a) Did you talk with the driver of the defendant's vehicle immediately after the accident and at the scene of the accident.

(b) If you answer in the affirmative, then please state fully and in detail what was said by and between each of you in regards to the accident, and with regards as to how the accident occurred, and please state the names and addresses of any persons who overheard said conversation.

19. (a) Please state what alcoholic beverage or alcoholic beverages you had consumed within the four hours immediately prior to the accident in question.

(b) Please state whether you had been at any building or buildings serving or selling alcoholic beverages within the two hours immediately prior to the accident in question, and if you answer in the affirmative, then please state the name and address of said building or buildings.

20. (a) Please state when and from whom you purchased your vehicle, the purchase price, and the approximate mileage on said vehicle at the time of the accident.

(b) Please state the reasonable market value of your vehicle immediately prior to the accident.

(c) Please state the reasonable market value of your vehicle immediately after the accident.

21. (a) Please state the names and addresses of all persons or firms who prepared an estimate or estimates at your request covering the damages sustained to your vehicle as a result of the accident.

(b) Please attach hereto a true and correct copy or copies of said estimate or estimates.

(c) Please state the names and addresses of the person or firm who repaired the damages to your vehicle and please attach hereto a true and correct copy of the invoice or invoices covering any and all repairs made to your vehicle as a result of the accident.

22. Did you have any person or persons make an appraisal of said vehicle after said accident, and if you answer in the affirmative then please state fully and in detail the names and addresses of said appraisers, the dates upon which the appraisals were made, and the substance of said appraisal reports.

23. Please state whether after the accident in question you received any offer or offers by any persons or firms to enter into a trade or contract with you under the terms of which credit was to be allowed you for the trade-in value of the automobile in question upon another automobile, and if you answer in the affirmative, then please state the names and addresses of any persons or firms offering to enter into such a trade or contract with you, and please state fully and in detail the terms and substance of said offers.

24. Please state the name and address of the person, firm, or corporation, who paid the cost of repairing the damages to your vehicle.

25. Please state whether the defendant was in his motor vehicle at the time of the collision, and if you answer in the negative, then please state the approximate position and the distance in feet he was from the center of Alabama Highway 3.

26. Please state whether your vehicle was moved prior to the time

the police officers arrived.

(b) Please state whether the defendant's vehicle was moved prior to the time the police officers arrived.

27. (a) Please state in detail the injuries that you claim you received as a result of the accident.

(b) Please state whether you required any medical attention, and if so please state the name and address of the attending physician or physicians, the date or dates upon which said physician attended you, and the total amount of any and all medical expenses incurred by you as a result of the accident.

(c) Please state whether, as a result of the accident, you were admitted as a patient in any hospital or hospitals and if you answer in the affirmative, then please indicate the name and address of said hospital.

(d) Please attach hereto true and correct copies of any and all medical reports covering any personal injuries received by you as a result of this accident, together with true and correct copies of any and all bills paid by you as a result of this accident.

28. (a) Please state whether you were caused to lose any time from your work as a result of this accident.

(b) Please state the date or dates upon which you lost any time from your employment.

(c) Is it not a fact that you have not lost any time from your work as a result of the accident.

(d) Is it not a fact that you have worked regularly each day since the accident.

(e) Is it not a fact that at no time have you been confined to your bed as a result of this accident. If you answer this question in the negative then please indicate on what day or days you were confined to your bed as a result of the accident.

29. (a) Please state your age, place of employment, and your approximate monthly wage at the time of the accident.

(b) Please state your place of employment and approximate monthly wage at the time of the institution of this suit.

30. Please attach to your answer to these interrogatories an itemized list of any and all expenses and damages incurred by you

arising out of the accident in question.

LYONS, PIPES AND COOK

A

By

J. B. Blackburn
J. B. Blackburn
Attorneys for Defendant.

STATE OF ALABAMA

COUNTY OF

Personally appeared before me, the undersigned authority,
Walter M. Cook, who being by me first duly sworn
deposes and says that he is one of the attorneys of record for the
defendant in the above entitled cause, and that the answers to the
above and foregoing interrogatories, if well and truly made, will
be material evidence for the defendant on a trial of this cause.

Walter M. Cook
Subscribed and sworn to before me
this the 8 day of December, 1955.

Reverie E. Thomas
Notary Public Mobile - Ala - Ala

STATE OF ALABAMA)
BALDWIN COUNTY)

BOOK 016 PAGE 23

. IN THE CIRCUIT COURT . . LAW SIDE . .

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to Summon William E. Pulaski to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the Complaint of Frank Wenzel.

WITNESS my hand on this the 3rd day of Nov, 1955.

Alvin J. Duke
Clerk

- COMPLAINT -

FRANK WENZEL,)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA
WILLIAM E. PULASKI,	)	LAW SIDE
Defendant.)	


COUNT I

The Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) as damages for that heretofore on to-wit, October 17, 1955, the Plaintiff was operating an automobile on a public highway in Baldwin County, State of Alabama, viz, Alabama Highway #3, at a point approximately 4 and 3/4 miles South of the center of the Town of Foley, where he had a right to be, and the Defendant so negligently operated a motor vehicle then and there as to cause the motor vehicle Plaintiff was operating to run over, upon or against the automobile operated by the Defendant, and the Plaintiff avers that as a proximate consequence of said operation of the Defendant, the automobile of the Plaintiff was greatly damaged in that the entire front portion of the automobile was bent, broken, smashed and damaged, that the frame was bent and otherwise

damaged, and damage done to the interior and exterior as a result of the impact on the front end of said automobile and that the Plaintiff was severely injured, in that he suffered abrasions, contusions and lacerations of the face and head, a concussion and severe internal injuries to his chest, and has as a consequence thereof been caused to incur large hospital, medical and drug bills in and about the healing of his wounds, all to Plaintiff's damage as aforesaid.

COUNT II

The Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) damages for that on to-wit, the 17th day of October, 1955, after darkness, the Defendant negligently and unlawfully parked or left standing an automobile upon the paved and main traveled portion of Alabama Highway #3, a public highway, at a point approximately 4 and 3/4 miles South of the Center of Foley, Alabama, outside the corporate limits of any municipality, and not in a business or residential district, leaving less than fifteen (15) feet of clear and unobstructed width of the main traveled portion of said highway for free passage of other vehicles, and as a proximate result thereof the Plaintiff, while driving along said highway, at said time, where he had a right to be, ran into the automobile of the Defendant and as a proximate result of Defendant's negligence, Plaintiff's automobile was battered, bent, broken and rendered useless, and that he suffered severe personal injuries in that he suffered abrasions, contusions and lacerations of the face and head, a concussion and severe internal injuries to his chest, and has, as a consequence thereof been caused to incur large hospital bills, bills for medical treatment, and medical supplies in treatment of his wounds, all to his damage as aforesaid, wherefor he sues.


Attorney for Plaintiff

Plaintiff demands trial by Jury.

No. 2766

Received 3 day of Nov 1955
and on 3 day of Nov 1955
I served a copy of the within Q & C
on William E. Pulaski

By service on _____

TAYLOR YOUNG, Clerk
By Charles H. Chason D.S.

5 mi. S.E. of Foley 82 mi

SUMMONS AND COMPLAINT

FRANK WENZEL,

Plaintiff,

-VS-

WILLIAM E. PULASKI,

Defendant.

(())(())(())(())(())(())(())(())(())(())

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

(())(())(())(())(())

FILED
NOV 8 1955
ALICE J. DUCK, Clerk
CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

FRANK WENZEL,

Plaintiff,

VS.

WILLIAM E. PULASKI,

Defendant.

IN THE CIRCUIT COURT OF

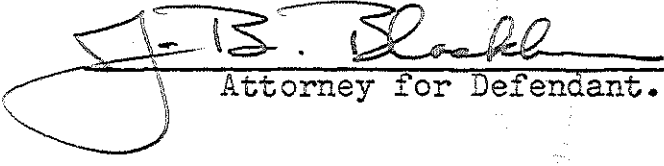
BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRERS

Now comes the Defendant, by his attorney, and demurs to the complaint heretofore filed in said cause and to each count thereof separately and severally and as grounds for said demurrer assigns the following separately and severally:

1. It does not state a cause of action.
2. It does not appear howin the defendant was negligent.
3. The place where the alleged accident occurred is indefinite and uncertain.
4. It does not allege with sufficient certainty where the alleged accident occurred.
5. It affirmatively appears from said count that the defendant himself was guilty of negligence, which was the proximate cause of said accident.


Attorney for Defendant.

FRANK WENZEL,)	
	)	Plaintiff,
VS.	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
WILLIAM E. PULASKI,	)	AT LAW
	)	Defendant.

AMENDED DEMURRER

Now comes the defendant and amends the demurrer heretofore filed by him in this cause so that, as amended, it will read as follows:

Now comes the defendant and for demurrer to the complaint and to each and every count thereof, separately and severally, assigns, separately and severally, the following:

1. It does not state a cause of action.
2. The allegations of the complaint are vague, indefinite and uncertain.
3. The allegations of the complaint are conclusions of the pleader.
4. The place where the alleged accident occurred is not described with sufficient certainty.
5. The allegations of the complaint are vague, indefinite and uncertain in that the place where the alleged accident occurred is not described with sufficient certainty.
6. For aught that appears in the complaint, defendant's automobile was disabled to such extent that it was impossible for him to avoid stopping and temporarily leaving his said automobile on the highway at the time and place of the alleged accident.
7. For aught that appears in the complaint, defendant's automobile, at the time and place of the alleged accident, was disabled to such extent that it was impossible for him to avoid stopping and temporarily leaving his said automobile on the highway, and for aught that appears in the complaint, at the said time and place there was displayed upon the defendant's said vehicle one or more lamps projecting a white light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front

of such vehicle, and projecting a red light visible under like conditions for a distance of five hundred (500) feet to the rear of the said vehicle.

Lynous, Ppser Cook
J. B. Blachman
Attorneys for defendant.

FRANK WENZEL,
 Plaintiff,
 vs.
 WILLIAM E. POLASKI,
 Defendant.

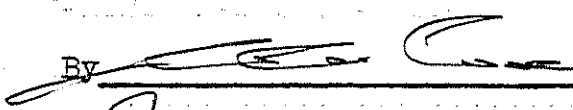
) IN THE CIRCUIT COURT OF M
) BALDWIN COUNTY, ALABAMA
)
) AT LAW
)

Comes the defendant in the above styled cause and shows unto this Honorable Court that heretofore on, to-wit, the 3rd day of November, 1955, the plaintiff herein instituted a suit for damages against the defendant, claiming ten thousand and no/100 (\$10,000.00) Dollars damages and further claiming for personal injuries, alleging that "the Plaintiff was severely injured, in that he suffered abrasions, contusions and lacerations of the face and head, a concussion and severe internal injuries to his chest, and has as a consequence thereof been caused to incur large hospital, medical, and drug bills in and about the healing of his wounds".

WHEREFORE, premises considered, the defendant prays this Honorable Court that it will appoint a disinterested physician of its own choosing to make a physical examination of the plaintiff to ascertain the nature, extent, and kind of injuries which he suffered.

LYONS, PIPES AND COOK

By


 J. B. Blackburn
 Attorneys for Defendant.

FRANK WENZEL,

Plaintiff,

-vs-

WILLIAM E. PULASKI,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

ANSWER TO INTERROGATORIES

Comes the Plaintiff, Frank Wenzel, and in answer to the interrogatories heretofore propounded by the defendant in said cause, says as follows:

1. (a). I was going to Foley to pick up my children, who had remained in town after school.

(b). I had not stopped after leaving home.

2. (a). I do not believe my maximum speed exceeded 45 miles per hour.

(b). I have no exact knowledge of my lowest speed, but would estimate that my speed was not in excess of five (5) or ten (10) miles per hour at the time of impact.

(c). I had not passed any cars which were traveling, but had passed one car which had pulled off and stopped near the intersection of Bon Secour Road.

(d). This question is too vague and indefinite, therefore, I refuse to answer on advice of counsel.

(e). To the best of my recollection I did not.

(f). To the best of my recollection no vehicle overtook and passed me.

3. (a). I do not believe that I traveled at a rate of speed in excess of 45 miles per hour.

(b). I believe that the lowest rate of speed was at the point where the impact occurred, at which time, to the best of my judgment, I was traveling between five (5) and ten (10) miles per hour.

(c). Same as 2 (c).

(d). This question being vague and indefinite, I refuse to answer on advice of counsel.

(e). Not to the best of my recollection.

(f). Not to my best recollection.

4. (a). I believe the weather to have been clear and the road dry.

(b). No.

(c). No.

(d). Near 6:30 P. M.

(e). The lights were in operation, and both headlights and tail lights were on.

(f). Highway fairly straight.

(g). Almost level.

5. (a). The view was not obstructed, except by darkness.

(b). Normal care and attention was being given to my driving, however, no undue and extra-ordinary care was being given, since I could not reasonably expect an automobile to be cross-wise in my lane of traffic, with no signals or warning.

(c). I did not make any special search for automobiles, not expecting the defendant's car to be parked cross-wise in my lane of traffic, however, there was a car approaching from the North.

6. (a). It was moving.

(b). To my best estimate, five (5) to ten (10) miles per hour.

(c). It was not stopped.

(d). I could not make any definite statement, however, if it was moving, it was moving slowly.

(e). See answer to (d).

(f). See answer to question (d), and if stopped, I have no knowledge as to how long it had been at that location.

7. (a). I was very near the middle of my right driving lane, although I do not know the exact measurement in feet, since I have no knowledge of the exact width of the road.

(b). I estimate approximately 45 miles per hour.

(c). I believe it to have been with its front end at or near the center of the road, and exactly across my driving lane.

(d). I cannot make a definite statement as to whether it was stopped or moving, however, as hereinabove stated, if it was moving, it was moving very slowly and was blocking my lane when

first observed.

(e). See answer to (c) and (d) above.

(f). This question is vague and indefinite, as the approximate distance in feet referred to in the question does not show the point from which measurement is expected.

(g). I did not see any lights or reflectors.

(h). I do not know.

(i). I did not observe anyone in the car.

8. (a). I did not observe any lights or reflectors.

(b). My direction of travel was approximately parallel to the center of the highway in my lane of traffic, and my speed was constantly reducing from approximately 45 miles per hour until the time of impact, when I believe that I was traveling not over five (5) to ten (10) miles per hour.

(c). As is hereinabove shown, I could not make any definite statement under oath, as to whether defendant's car was moving or not, but my impression is that it was moving very slowly, and it was directly across the highway in my lane of traffic.

(d). See answer to question (c).

9. (a). I put on my brakes.

(b). There was a vehicle approaching from the North, although I do not know the distance in feet from the center of the highway. It was in its own proper lane and I do not know its speed.

10. (a). Yes.

(b). Yes.

(c). Yes. Between 20 and 30 feet.

11. (a). I do not know whether or not there was a driver of Defendant's vehicle, and as above stated, did not give any signal.

12. Nothing.

13. (a). None.

(b). I didn't see any signal.

14. (a). It was at right angles to the highway, with the front of the vehicle being near the center line.

(b). I do not know in feet, but I was near the center of my own traffic lane.

15. Sketch attached.

16. (a). My vehicle did not travel any distance forward, but

only turned to the East. As to location, see sketch.

(b). Defendant's vehicle moved only two (2) or three (3) feet, then rolled backwards into the ditch.

17. (a). The front of my car.

(b). The left side of the defendant's car.

18. (a). To the best of my recollection, I did not talk to him, since I was seriously injured and was taken immediately to the hospital.

(b). No answer required.

19. (a). None.

(b). No, I had not.

20. (a). From Ford Motor Company, in Foley, Alabama, in February of 1954, and Paid \$1,095.00. Approximate milage at the time of the accident was 43,000 miles.

(b). Six to seven hundred dollars.

(c). Less than \$50.00

21. (a). I had none made.

(b). No answer required.

(c). The car was too badly damaged to be worth repairing.

22. Appraisals were made but not at my direction.

23. No one offered me a trade in on my car.

24. To the best of my knowledge it was never repaired.

25. To my own actual, personal knowledge, I do not know whether he was in the car or not.

26. (a). I was taken to the hospital before the Police arrived, so have no actual knowledge.

(b). Same as answer (a).

27. (a). Serious cuts on my face and head. A concussion and severe internal injuries in my chest.

(b). I was treated by Dr. W. C. Holmes of Foley, and my medical bill to this date is \$534.00.

(c). I was confined in Holmes Memorial Hospital for 25 days.

(d). Copies of statement attached.

28. (a). I was unable to work for over a month.

(b). I was unable to work from October 17, 1955, and can do only light work to this time.

(c). Having been physically unable to work, I consider it as lost time.

(d). No.

(e). I was confined to my home almost constantly until the latter part of January, 1956, and spent most of the time in bed until late December, 1955.

29. (a). Sixty-four years of age and am not now employed. Three Hundred and Thirty-three and 33/100 Dollars (\$333.33) per month.

(b). I am not now employed.

30. I consider my total damages to be Ten Thousand Dollars (\$10,000.00). As a result of damage to my automocile, which is hereinabove itemized, medical and hospital bills, which are hereinabove set out, and the remainder I consider as proper damages as a result of my pain and suffering, and because I have been unable to work and earn a livlihood since the accident.

Frank Wenzel

STATE OF ALABAMA

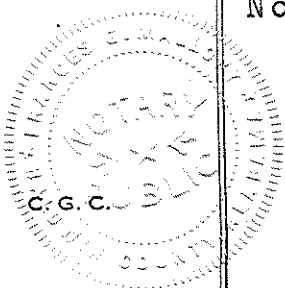
BALDWIN COUNTY

Personally appeared before me, Frances G. Mallory, a Notary Public in and for said County in said State, Frank Wenzel, who, being by me first duly and legally sworn, deposes and says that the foregoing answer to interrogatories are true and correct.

Frank Wenzel

Sworn to and subscribed before me,
a Notary Public, on this the 24th
day of August, 1956.

Frances G. Mallory
Notary Public, Baldwin County
State of Alabama



2766

ANSWERS TO INTERROGATORIES

FRANK WENZEL,

Plaintiff,

vs.

WILLIAM E. PULASKI,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

FILED

AUG 30 1956

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA