

HELEN A. PETURIS,

Plaintiff,

vs.

LEWIS ANDREW GASTLEY,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 2817

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 at which your vehicle traveled from a point 150 feet east of the intersection where the accident in question occurred, to the point where the two vehicles were in collision.

b. Please state the lowest rate of speed at which your vehicle traveled from a point 150 feet east of the intersection where the accident in question occurred, to the point where the two vehicles were in collision.

c. Please state the approximate elapse in seconds from the time your vehicle traveled from a point 150 feet east of the intersection where the accident in question occurred, to a point where the two vehicles were in collision.

3. a. Please state the maximum rate of speed at which your vehicle traveled from a point 50 feet east of the intersection where the accident in question occurred, to the point where the two vehicles were in collision.

b. Please state the lowest rate of speed at which your vehicle traveled from a point 50 feet east of the intersection where the accident in question occurred, to the point where the two vehicles were in collision.

c. Please state the approximate elapse in seconds from the time your vehicle traveled from a point 50 feet east of the intersection where the accident in question occurred, to the point where the two vehicles were in collision.

4. a. Please state the approximate position of your vehicle and the approximate distance in feet your vehicle was from the intersection in question at the time you first saw the Defendant's vehicle.

b. Please state the approximate rate of speed of your vehicle at the time you first saw the Defendant's vehicle.

c. Please state the approximate position of the Defendant's vehicle and the approximate distance in feet the Defendant's vehicle was from the intersection in question at the time you first saw the Defendant's vehicle.

d. Please state the approximate rate of speed of the Defendant's vehicle at the time you first saw the Defendant's vehicle.

5. a. Please state the approximate position of your vehicle and the approximate distance in feet your vehicle was from the intersection in question at the time you first saw the Defendant's vehicle enter the intersection.

b. Please state the approximate rate of speed of your vehicle at the time you first saw the Defendant's vehicle enter the intersection.

c. Please state the approximate position of the Defendant's vehicle and the approximate distance in feet the Defendant's vehicle was into the intersection in question at the time you first saw the Defendant enter said intersection.

d. Please state the approximate rate of speed of the Defendant's vehicle at the time you first saw the Defendant enter the intersection in question.

6. a. Please state what, if anything, you did to avoid an accident from the time you first saw the Defendant enter the intersection up until the moment of impact.

b. Did you swerve or turn your vehicle either to the left or right?

c. Did you apply your brakes?

d. Did you sound your horn?

e. Did you bring your vehicle to a stop?

7. a. Please state what, if anything, the Defendant did to avoid an accident from the time the Defendant first entered the intersection up until the moment of impact.

b. Did the Defendant swerve or turn his vehicle either to the left or right?

c. Did he apply his brakes?

d. Did he sound his horn?

e. Did he bring his vehicle to a stop?

8. a. Please state the approximate course of travel of the Defendant's vehicle from the time you first saw the Defendant enter the intersection up until the moment of impact.

b. Please state your approximate course of travel from the time you first saw the Defendant enter the intersection up until the moment of impact.

c. Please state the approximate position of your vehicle and the Defendant's vehicle, with reference to the intersection, at the moment of impact.

d. Please state the parts and areas of your vehicle damaged as a result of the accident.

e. Please state the parts and areas of the Defendant's vehicle damaged as a result of the accident.

9. a. Please state the distance in feet your vehicle traveled after the impact, and please state its approximate position with reference to the intersection at the time it came to rest following the impact.

b. Please state the distance in feet the Defendant's vehicle traveled after the impact, and please state its approximate position with reference to the intersection at the time it came to rest following the impact.

10. a. Was there present upon the surface of the road upon which you traveled prior to the collision any debris or skid marks caused by the application of the brakes on your vehicle?

b. Please state the approximate length in feet said skid marks were, and please state their approximate course and direction of travel leading up to the point of impact.

c. Was there present upon the surface of the road upon which the Defendant traveled prior to the collision any debris or skid marks caused by the application of brakes on his vehicle?

d. Please state the approximate length in feet said skid marks were, and please state their approximate course and direction of travel leading up to the point of impact.

11. a. Please attach to your answers to these interrogatories a diagram showing the approximate position of your vehicle and the vehicle being driven by the Defendant, at the time you first saw the Defendant, at the time you first saw the Defendant enter the intersection, at the moment of the collision, and immediately after said collision; and please designate said positions on said diagram.

12. a. Did you talk with the Defendant 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 regard to the accident, and with regard to how the accident occurred.

13. a. Please state the approximate number of times within the three month period immediately prior to the accident upon which you had occasion to travel through said intersection where the accident occurred.

14. a. Please state whether or not immediately prior to the accident or at any time during the last 50 feet of your approach to said intersection you had a clear and uninterrupted view of such approach to such intersection, and of the southbound traffic entering or approaching such intersection for a distance of 200 feet northwardly of said intersection.

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

b. Please state whether or not 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 or not 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.

16. a. Please state the date on which you were discharged from the hospital where you were confined as a patient.

17. a. Please state whether or not following said discharge from said hospital, you were confined to your bed at your home.

b. Please state the number of days during which you were confined to your bed at your home.

c. Please state the names and addresses of any and all nurses and attendants who attended you while you were confined to your bed at your home.

18. a. Please specify the dates following this accident on which you were incapable of performing your employment as a result of any injuries you received in this accident.

b. Please state the date upon which you resumed your employment.

c. Please state the number of days, if any, since you resumed said employment, that you have been incapacitated from performing your work as a result of injuries sustained from this accident.

19. a. Please state by whom you are employed, and whether you are employed upon a salary or wage basis, and if you answer in the affirmative, then please state the amount of your monthly salary or wage.

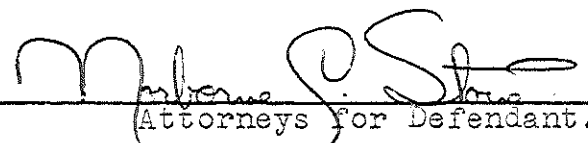
20. a. Please state whether or not at the time of the accident in question you were operating the 1951 Chevrolet, the property of J. L. Harrison.

LYONS, PIPES & COOK

and

CHASON & STONE

BY:


(Attorneys for Defendant.)

STATE OF ALABAMA

BALDWIN COUNTY

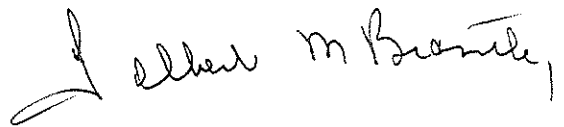
Personally appeared before me, the undersigned authority, Norborne C. Stone, who being by me first duly sworn deposes and says that he is one of the attorneys of record for the Defendant in the above entitled cause, and that the answers to the above and foregoing interrogatories, if well and truly made,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


Norborne C. Stone

Subscribed and sworn to before me
this 28TH day of February,
1956.


Notary Public, Baldwin County, Ala.

I called M Brantley one of the
attorneys for the Plaintiff in this cause hereby
accept service of the foregoing interrogatories

 M Brantley,

Dated this the 28th day of Feb. 1956

HELEN A. PETURIS

PLAINTIFF

VS

EDWIS ANDREW CASTLEY

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 2817

ANSWER TO INTERROGATORIES

Comes now the Plaintiff, Helen A. Peturis, and files her answers to Interrogatories heretofore propounded to her:

1. A. from Loxley, home.

B. About $\frac{1}{2}$ mile east of place of the accident.

2. A. 35 miles an hour.

B. In my best judgment 20 miles an hour.

C. I don't know.

3. A. About 35 miles per hour.

B. About 20 miles per hour.

C. I don't know.

4. A. I was going west, 50 feet from intersection.

B. 35 miles per hour.

C. He was coming out into the intersection, I don't know his speed.

5. A. See 4 C.

B. 35 miles per hour.

C. See 5 A.

D. I don't know.

6. A. I put on my brakes and pulled the car to the right.

B. See 6 A.

C. See 6 A.

D. Yes.

E. Yes, after the accident.

7. A. I don't know.

B. He swerved to the left.

C. I don't know.

D. No.

E. After the accident.

8. A. He drove out into the intersection and pulled slightly to the left.

B. I swerved to the right.

C. I was going West, the Defendant was going South. I hit him head on almost in the center of his pick up.

D. The front and left.

E. Left side.

9. A. I don't know. I was on the North side of the road in the intersection.

B. About 5 feet, on the left side of intersection.

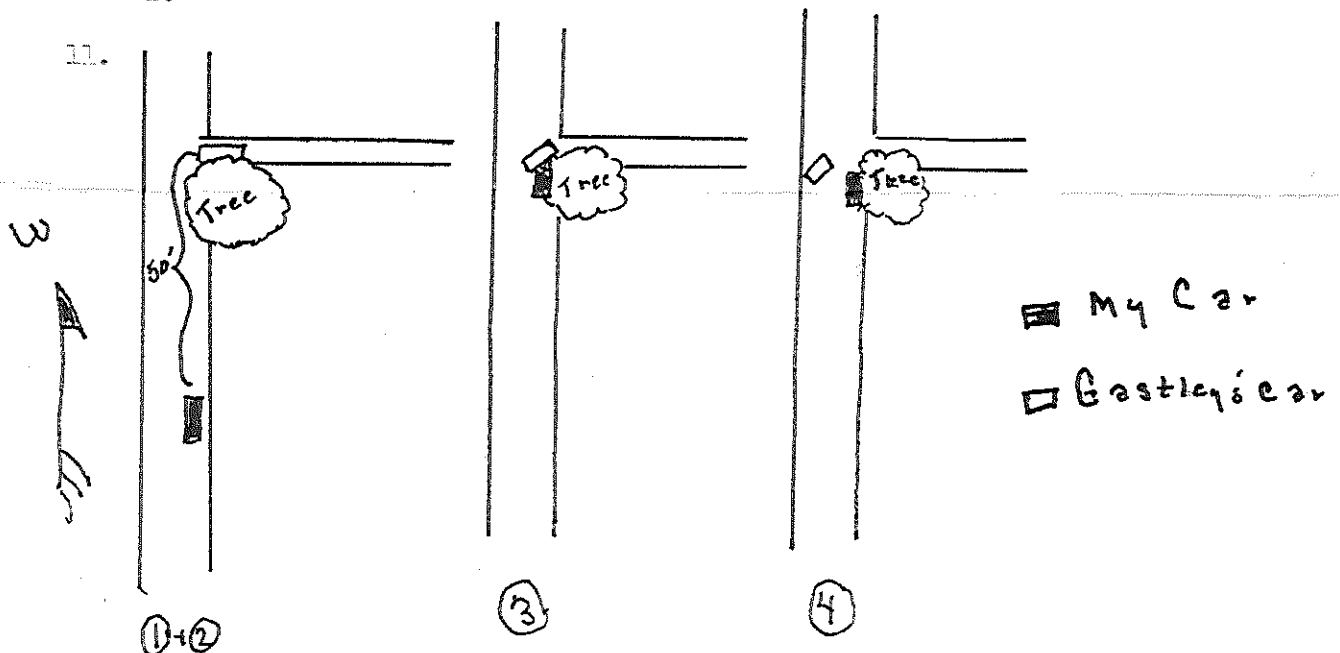
10. A. Yes.

B. 15 to 20 feet and moved to the right.

C. No.

D.

11.



12. A. Yes.

B. Mr. Gastley said he thought he could beat me out; that he was sorry that it happened and that it was his fault.

13. About 120 times.

14. No.

15. A. They are set out in the bill of complaint.

B. Yes, Drs. A. D. Henderson and Thomas B. Henderson, October 3rd, \$25.00.

C. No.

D. No medical report was made covering my injuries. For further answer to this question a true copy of bills paid by me as a result of this accident is attached hereto.

16.

17. A.

B. 12 days.

C. My family attended me.

18. A. 3rd thru 17th of October.

B. 17th of October.

C. I have not been totally incapacitated since the 17th of October.

19. I work for my father on his farm and he pays me whatever salary I ask for and need.

20. Yes.

Helen A. Peturis

STATE OF ALABAMA
MOBILE
MOBILE COUNTY

Before me, the undersigned authority, personally appeared Helen A.

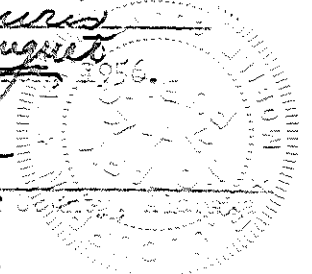
Peturis, who being first duly and legally sworn, deposes and says: that

~~the answers to the above and foregoing interrogatories have been read by~~
me and are true.

Helen A. Peturis

Sworn to and subscribed before me on this 30th day of August 1956.

J. O. Gunn
Notary Public, Mobile



STATEMENT OF ACCOUNT

DRS. HENDERSON AND HENDERSON

PHYSICIAN AND SURGEON

259 St. Francis Street

Office ME-3-5508

Mobile 13, Ala.

Dec. 15, 1955

Miss Helen Peturic

Dacono, Ala.

Professional services

10/3/55 Perforating knee \$25.00

HELEN A. PETURIS,

Plaintiff,

vs.

LEWIS ANDREW GASTLEY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO: 2817

DEMURRER

Comes now the Defendant in the above styled cause, by his attorneys, 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. For aught that appears from the allegations of the complaint the alleged expenditure of monies for doctors and drugs was not the proximate consequence or result of the alleged negligence of the Defendant.
3. For aught that appears from the allegations of the complaint the alleged loss of time from her job and loss of income of the Plaintiff was not the proximate consequence or result of the alleged negligence of the Defendant.
4. The complaint fails to allege that the alleged expenditures and loss of income were the proximate consequence and result of any negligence of the Defendant.
5. The complaint fails to allege that the damages complained of were proximately caused by any negligence of the Defendant.
6. The allegations of the complaint are vague, indefinite and uncertain.

Respectfully submitted,

LYONS, PIPES & COOK

and

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 LEWIS ANDREW GASTLEY 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 HELEN A. PETURIS,

WITNESS my hand this 5 day of January, 1956.

Alice J. [Signature]
Clerk

HELEN A. PETURIS

PLAINTIFF

VS

LEWIS ANDREW GASTLEY

DEFENDANT

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

1.

The Plaintiff claims of the Defendant the sum of FIVE HUNDRED (\$500.00) DOLLARS, as damages for that heretofore on to-wit, October 3, 1955, the Plaintiff was operating an automobile on a dirt road running from Silverhill to Belforest, a public road in Baldwin County, Alabama, at a point in Baldwin County, Alabama, approximately three miles northwest of Silverhill and near the Clifford Creamer's home, where she had a right to be and the defendant then and there so negligently operated a motor vehicle as to cause it to run into, upon or against the automobile the Plaintiff was driving; and the Plaintiff avers that as a proximate consequence and result thereof she was injured about the face, limbs and body, her left knee was twisted, mashed and bruised; her left arm was twisted, mashed and bruised; her neck was mashed and bruised; *she* ~~she~~ was caused to expend monies for doctors and drugs in and about the treatment of her injuries; she was caused to miss time from her job and suffered a loss of income while recuperating from the aforesaid injuries; *she* ~~she~~ suffered much pain and anguish all to the loss of the Plaintiff in the aforesaid amount.

The Plaintiff avers that all of her said injuries were proximately caused by the negligence of the Defendant in and about the negligent operating of his said motor vehicle at the time and place on the aforesaid occasion.

Wiltors & Brantley

BY:

J. Albert M. Brantley
Attorney for the Plaintiff

~~The Plaintiff demands a trial by jury.~~

Wiltors & Brantley

BY:

J. Albert M. Brantley
Attorneys for the Plaintiff

HELEN A. PETURIS,

Plaintiff,

vs.

LEWIS ANDREW GASTLEY,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

NO: 2817

MOTION FOR MEDICAL EXAMINATION

Comes the defendant in the above styled cause and shows unto this Honorable Court that heretofore on, to-wit, the 5th day of January 1956, the plaintiff herein instituted a suit for damages against the defendant, claiming Five hundred and 00/100 (\$500.00) Dollars damages and further claiming "she was injured about the face, limbs and body, her left knee was twisted, mashed and bruised; her left arm was twisted, mashed and bruised; her neck was mashed and bruised. She was caused to expend monies for doctors and drugs in and about the treatment of her injuries; she was caused to miss time from her job and suffered a loss of income while recuperating from the aforesaid injuries. She suffered much pain and anguish all to the loss of the Plaintiff".

Wherefore, the 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 she suffered.

FILED
FEB 27 1956
ALICE I. CUCK, Clerk


Attorney for Defendant

HELEN A. PETURIS,

Plaintiff,

vs.

LEWIS ANDREW GASTLEY,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NUMBER 2817

ORDER FOR MEDICAL EXAMINATION

The Defendant in the above styled cause having heretofore filed in said cause a motion to require the Plaintiff to submit to a physical examination by a disinterested physician of the choosing of this court for the purpose of ascertaining the nature, extent, and kind of injuries which the Plaintiff suffered; and the court having considered the same is of the opinion that the motion should be granted and that Charles W. Gaston, Md., should be appointed as the physician to make such examination; it is therefore

ORDERED by the court that the Plaintiff in the above styled cause submit herself to a physical examination by Charles W. Gaston, Md., a practicing physician in Bay Minette, Alabama, Baldwin County, on or before September 3, 1956 and that a copy of this order be mailed to the attorney of record for said Plaintiff and to the said Charles W. Gaston.

It is further ORDERED by the court that the cost of such physical examination be taxed as part of the costs of this cause and that the said Charles W. Gaston, Md., submit his charges for such examination to the Circuit Court of Baldwin County, Alabama.

Done this 25 day of August, 1956.

Hubert W. Hester
Circuit Judge

FILED

AUG 25 1956

ALICE J. DUCK, Clerk

HELEN A. PETURIS,

Plaintiff,

vs.

LEWIS ANDREW GASTLEY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2817

Comes now the Defendant in the above styled cause, by his attorneys, and for answer to the Complaint heretofore filed against him pleads, separately and severally, the following:

1. Not guilty.

2. For further answer to the Complaint the Defendant alleges that at the time and place alleged therein the Plaintiff was herself guilty of negligence which proximately contributed to her alleged injuries in that she so negligently operated the automobile which she was driving as to cause or allow the same to run into, upon or against the automobile of the Defendant, hence the Plaintiff should not recover.

3. For further answer to the Complaint the Defendant alleges that at the time of the commencement of this suit the Plaintiff was indebted to the Defendant in the sum of Seven Hundred and Fifty Dollars (\$750.00) as damages for that on, heretofore, to-wit: the third day of October, 1955, the Plaintiff so negligently operated a motor vehicle on an unnamed public road in Baldwin County, Alabama, at a point approximately three miles Northwest of the city limits of Silverhill in said County and State as to cause or allow the same to run into, upon or against the automobile of the Defendant and as a proximate consequence and result of the negligence of the Plaintiff, aforesaid, the automobile of the Defendant was greatly damaged in this; the left door was bent and broken, the running boards were broken, the gas tank was broken, the frame was damaged, the back panel of the cab was bent and broken, the left fender was bent and smashed, the left rear wheel was broken and the motor vehicle had to be painted and otherwise repaired, all to the damage of the Defendant, and which amount the Defendant now claims of the Plaintiff and all of which

Filed 9-12-56
Reice J. Smith
clerk

the Defendant offers to set off against the claim of the Plaintiff
and asks judgment for the excess.

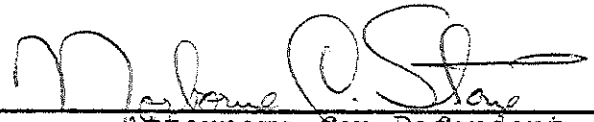
Respectfully submitted,

LYONS, PIPES & COOK

AND

CHASON & STONE

By:


Attorneys for Defendant.