

Exhibit 3 C.D.S.

C.I. SHELKOFISKY,	:	IN THE CIRCUIT COURT OF
Plaintiff	:	
versus	:	BALDWIN COUNTY, ALABAMA.
W.M. RICHERRSON and JAMES FRANK STEWART,	:	AT LAW
Defendants	:	NO. 2836

ANSWERS TO INTERROGATORIES

Comes the defendant James Frank Stewart and for answer to the interrogatories propounded by the plaintiff, says as follows:

1. James Frank Stewart. I am twenty-seven (27) years old, and reside in Bay Minette, Alabama.

2. I was the driver.

(a) See answer to 2.

(b) See answer to 2.

(c) I have been advised that Thesis H. Shelkofsky was the driver of the Chrysler.

3. The vehicle was moving at the time of the collision.

(a) It was moving but I cannot say at exactly what speed as I was attempting to bring the truck to a halt.

(b) No.

(c) Yes.

(d) Yes.

(e) At the time of this accident the vehicle which I was driving was equipped with the lights which were required by law.

4. The vehicle was not parked on the highway at the time of the collision.

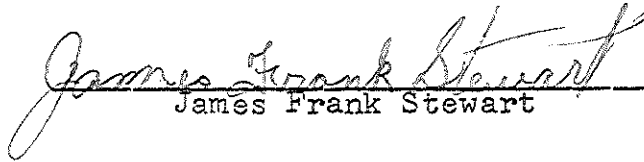
(a) See answer to 4.

(b) See answer to 4.

(c) See answer to 4.

(d) Yes.

5. Yes.



James Frank Stewart

STATE OF ALABAMA:
COUNTY OF BALDWIN:

Personally appeared before me, the undersigned authority in and for said county, in said state, James Frank Stewart, known to me, who upon being first duly sworn by me on oath deposes and says that the facts set out in the foregoing answers to interrogatories are true.


James Frank Stewart

Subscribed and sworn to before me
this 20 day of April, 1956.


Notary Public, Baldwin County, Ala.

Ex 2 - J.H.S.

THESIS H. SHELKOFISKY,	:	IN THE CIRCUIT COURT OF
Plaintiff	:	BALDWIN COUNTY, ALABAMA
versus	:	
W.M. RICHERRSON and JAMES FRANK	:	AT LAW
STEWART,	:	
Defendant	:	NO. 2837

ANSWERS TO INTERROGATORIES

Comes now the defendant W.M. Richerson and for answer to the interrogatories propounded by the plaintiff, says as follows:

1. W.M. Richerson. I am over the age of twenty-one (21) years, and reside in Bay Minette, Alabama.

2. I was the owner.

(a) Yes.

(b) Yes.

(c) Yes.

3. I am advised that it was.

(a) I was told that it was proceeding north on Highway No. 3 at a slow rate of speed.

(b) I am told that the vehicle was not stopped or parked at the time of the collision.

(c) I am advised that the truck was headed in the same direction as was the car.

(d) I am told that the tail-light was burning at the time of the accident.

(e) At the time of this accident, the vehicle which I was driving was equipped with the lights which were required by law.

4. I am advised that my truck was not parked at the time of the collision.

(a) See answer to 4.

(b) See answer to 4.

(c) See answer to 4.

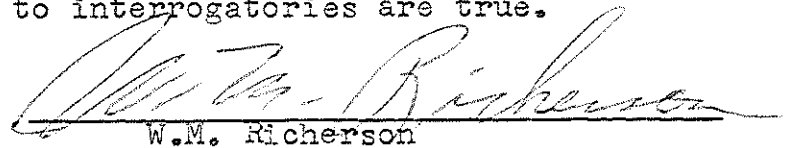
(d) I am advised that James Stewart was in the truck at the time the collision occurred as he was at that time stopping the same.

5. I do not know.


W.M. Richerson

STATE OF ALABAMA:
COUNTY OF BALDWIN:

Personally appeared before me, the undersigned authority in and for said county, in said state, W.M. Richerson, known to me, who upon being first duly sworn by me on oath deposes and says that the facts set out in the foregoing answers to interrogatories are true.


W.M. Richerson

Subscribed and sworn to before me
this 20 day of April, 1956.


Notary Public, Baldwin County, Ala.

HAND, ARENDALL & BEDSOLE
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

May 23, 1956

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
J. JEPHTHA HILL
ALEXANDER F. LANKFORD
EDMUND R. CANNON, JR.

MAILING ADDRESS

P. O. BOX 123
MOBILE, ALA.

CABLE ADDRESS:
HAB

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

Re: C.I. Shelkofsky v. W.M. Richerson and
James Frank Stewart, Case No. 2836.

Thesis H. Shelkofsky v. W.M. Richerson
and James Frank Stewart, Case No. 2837.

Dear Mrs. Duck:

I am enclosing the original and one copy of the answer
to be filed in each case therein styled. Would you please
have a copy of this answer served upon John Chason, Esquire,
counsel for the plaintiff?

Yours very truly,

WB Hand

for HAND, ARENDALL & BEDSOLE

WBH.dww
Encl.

CC: John Chason, Esquire
Attorney At Law
Bay Minette, Alabama

STATE OF ALABAMA)
BALDWIN COUNTY)

BOOK 016 PAGE 77

IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon W. M. Richerson and James Frank Stewart 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 same, then and there to answer the complaint of C. I. Shelkofsky.

Witness my hand this 23rd day of January, 1956.


Clerk.

C. I. SHELKOFSKY,
Plaintiff,

vs.

W. M. RICHERRSON and
JAMES FRANK STEWART,
Defendants.

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

COUNT ONE:

The Plaintiff claims of the Defendants the sum of One Thousand Dollars (\$1,000.00) as damages for that, on, to-wit; August 17, 1955, the Defendant, W. M. Richerson, acting by and through the Defendant, James Frank Stewart, who was his agent, servant or employee and who was then and there acting within the line and scope of his authority as such, so negligently operated a motor vehicle on Alabama Highway No. 3, a public highway, at a point approximately 1000 feet West of Steelwood, in Baldwin County, Alabama, as to cause or allow said motor vehicle to run into, over or against an automobile which was owned by the Plaintiff and which was then and there being driven *on or* along such highway, and as a proximate consequence of such negligence the Plaintiff's automobile was damaged in this: the right front door and the right rear door of such automobile were badly bent and torn, the right rear fender of said automobile was badly bent, all glasses on the right side of the automobile were broken, the right rear wheel

was badly damaged and the top of the automobile was bent, all to the damage of the Plaintiff, aforesaid, wherefore Plaintiff brings this suit and asks judgment in the above amount.


COUNT TWO:

The Plaintiff claims of the Defendant the sum of One Thousand Dollars (\$1,000.00) as damages for that on, to-wit; August 17, 1955, the Defendant, W. M. Richerson, acting by and through the Defendant, James Frank Stewart, who was his agent, servant or employee and who was then and there acting within the line and scope of his authority as such, negligently operated a motor vehicle on Alabama Highway No. 3, a public highway in Baldwin County, Alabama, at a point approximately 1000 feet West of Steelwood in Baldwin County, Alabama, in the night time without proper lights on such motor vehicle as required by the laws of the State of Alabama, and an automobile which was owned by the Plaintiff was then and there being driven ^{on it} along such highway and was caused to run into, upon or against the motor vehicle owned by the Defendant, W. M. Richerson, and as a proximate consequence of the negligence of such Defendants the Plaintiff's automobile was damaged in this: the right front door and the right rear door of such automobile were badly bent and torn, the right rear fender of said automobile was badly bent, all glasses on the right side of the automobile were broken, the right rear wheel was badly damaged and the top of the automobile was bent, all to the damage of the Plaintiff, aforesaid, wherefore Plaintiff brings this suit and asks judgment in the above amount.


COUNT THREE:

The Plaintiff claims of the Defendants the sum of One Thousand Dollars (\$1,000.00) as damages for that on, to-wit; August 17, 1955, the Defendant, W. M. Richerson, acting by and through the Defendant, James Frank Stewart, who was then and there his agent, servant or employee and who was acting within the line and scope of his authority as such, negligently parked or left standing a motor vehicle upon the main traveled portion of Alabama Highway No. 3 which is a public highway in Baldwin County, Alabama, at a point approximately 1000

feet West of Steelwood in Baldwin County, Alabama, without leaving a clear and unobstructed width of at least fifteen feet upon the main traveled portion of said highway opposite such standing vehicle and an automobile owned by the Plaintiff ran into, upon or against such vehicle and as a proximate consequence of the negligence of such Defendants the Plaintiff's automobile was damaged in this: the right front door and the right rear door of such automobile were badly bent and torn, the right rear fender of said automobile was badly bent, all glasses on the right side of the automobile were broken, the right rear wheel was badly damaged and the top of the automobile was bent, all to the damage of the Plaintiff, aforesaid, wherefore Plaintiff brings this suit and asks judgment in the above amount.


Attorneys for Plaintiff

Plaintiff demands a trial of this cause by a jury.


Attorneys for Plaintiff.

C.I. SHELKOFISKY,	:	
Plaintiff	:	IN THE CIRCUIT COURT OF
versus	:	
W.M. RICHERSON and JAMES	:	BALDWIN COUNTY, ALABAMA.
FRANK STEWART,	:	
Defendants	:	AT LAW
	:	NO. 2836

DEMURRER

Come now the defendants, separately and severally, and separately and severally demur to the plaintiff's complaint and each count thereof, separately and severally, and for separate and several grounds of the demurrer separately and severally assign the following:

1. Said count fails to state a cause of action.
2. Said count attempts to set forth the quo modo of the negligence and the facts in and of themselves do not constitute negligence.
3. Allegations of the count that "an automobile which was owned by the plaintiff was then and there being driven along such highway and was caused to run into, upon, or against the motor vehicle owned by the defendant" is but a conclusion of the pleader not supported by the facts alleged.

Harold A. Randall & Bechler
Attorneys for Defendants

C.I. SHELKOFISKY,	:	IN THE CIRCUIT COURT OF
Plaintiff	:	
versus	:	BALDWIN COUNTY, ALABAMA.
W.M. RICHERSON and JAMES FRANK	:	AT LAW
STEWART,	:	
Defendants	:	NO. 2836

Come now the defendants separately and for separate answer to the plaintiff's complaint as amended, and to each count thereof separately and severally, separately and severally assign the following separate and several pleas:

ONE

Not guilty.

TWO

At the time and place complained of in the complaint plaintiff was himself guilty of negligence which proximately contributed to his injuries and damages of which he complains, hence he cannot recover.

Hand Orendall & Bedeals
Attorneys for defendants

C.I. SHELKOFISKY,	:	IN THE CIRCUIT COURT OF
Plaintiff	:	
versus	:	BALDWIN COUNTY, ALABAMA.
W.M. RICHERSON and JAMES FRANK	:	AT LAW
STEWART,	:	
Defendants	:	NO. 2836

AMENDED ANSWER

Come now the defendants, separately and severally, and leave of court having been first had and obtained amend plea Two as originally filed so that the same will read as follows:

TWO

At the time and place alleged in the complaint the plaintiff's servant, agent, or employee, while acting in the line and scope of her employment as such, so negligently operated an automobile which she was then and there driving as to cause or allow the same to come into collision with the automobile truck of the defendants, thereby proximately contributing to his injuries and damages of which he complains, hence he ought not to recover.

Hand Overdall & Bedole
Attorneys for Defendants

Ex 2 C 85.

C.I. SHELKOFISKY, : IN THE CIRCUIT COURT OF
Plaintiff :
versus : BALDWIN COUNTY, ALABAMA.
W.M. RICHERSON and JAMES FRANK : AT LAW
STEWART, :
Defendants : NO. 2836

ANSWERS TO INTERROGATORIES

Comes now the defendant W.M. Richerson and for answer to the interrogatories propounded by the plaintiff says as follows:

1. W.M. Richerson. I am over the age of twenty-one (21) years, and reside in Bay Minette, Alabama.

2. I was the owner.

(a) Yes.

(b) Yes.

(c) Yes.

3. I am advised that it was.

(a) I was told that it was proceeding north on Highway No. 3 at a slow rate of speed.

(b) I am told that the vehicle was not stopped or parked at the time of the collision.

(c) I am advised that the truck was headed in the same direction as was the car.

(d) I am told that the tail-light was burning at the time of the accident.

(e) At the time of this accident, the vehicle which I was driving was equipped with the lights which were required by law.

4. I am advised that my truck was not parked at the time of the collision.

(a) See answer to 4.

(b) See answer to 4.

(c) See answer to 4.


(d) I am advised that James Stewart was in the truck at the time the collision occurred as he was at that time stopping the same.

5. I do not know.



W.M. Richerson

STATE OF ALABAMA:
COUNTY OF BALDWIN:

Personally appeared before me, the undersigned authority in and for said county, in said state, W.M. Richerson, known to me, who upon being first duly sworn by me on oath deposes and says that the facts set out in the foregoing answers to interrogatories are true.


W.M. Richerson

Subscribed and sworn to before me
this 22 day of April, 1956.


Notary Public, Baldwin County, Ala.

STATE OF ALABAMA
BALDWIN COUNTY

Personally appeared before me, Alice J. Duck, Clerk of the Circuit Court in and for said County C. LeNoir Thompson, who being duly sworn, deposes and saith that on the 16th day of September, 1956, of the Circuit Court of Baldwin County recovered a judgment against C. M. Northcutt for the sum of Nine Hundred Eighty-four and 94/100 (\$984.94) Dollars and the further sum of _____ dollars cost of suit, and that

he believes the process of garnishment is necessary to obtain satisfaction of said judgment, and that Woodhaven Dairy, Inc., A Corporation has or is believed to have in its possession or under its control, money or effects belonging to the defendant, or that Woodhaven Dairy, Inc., A Corporation, is believed to be indebted to the defendant, or to be liable to him on a contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

Sworn to and subscribed before me this _____ day of February, 1957.

Clerk of the Circuit Court of Baldwin County.

HAND, ARENDALL & BEDSOLE
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

April 26, 1956

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
J. JEPHTHA HILL
ALEXANDER F. LANKFORD
EDMUND R. CANNON, JR.

MAILING ADDRESS

P. O. BOX 123
MOBILE, ALA.

CABLE ADDRESS:
HAG

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

Re: C.I. Shelkofsky v. W.M. Richerson and
James Frank Stewart, Case No. 2836.

Thesis H. Shelkofsky v. W.M. Richerson
and James Frank Stewart, Case No. 2837.

Dear Mrs. Duck:

We are enclosing the original of the answers to interrogatories in Civil Actions Number 2836 and Number 2837. By copy of this letter we are forwarding copies of these answers to John Chason, Esquire, and are requesting that he advise you of receipt so that your records might indicate that he has been served with a copy. We would appreciate an acknowledgment of receipt.

Yours very truly,

HAND, ARENDALL & BEDSOLE

By *W B Hand*

WBH.dww
Encl.

CC: John Chason, Esq.

HAND, ARENDALL & BEDSOLE
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

February 21, 1956

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
J. JEPHTHA HILL
PAUL W. BROCK

MAILING ADDRESS

P. O. BOX 123
MOBILE, ALA.

CABLE ADDRESS:
HAB

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

Dear Mrs. Duck:

I am enclosing the original and one copy of the demurrer to be filed in the case of Thesis H. Shelkofsky v. W.M. Richerson, et al., Case No. 2837, and C.I. Shelkofsky v. W.M. Richerson, et al., Case No. 2836.

Would you please file these for me and note the same on the enclosed copy of this letter, returning it to me in the enclosed self-addressed stamped envelope.

Yours very truly,


for HAND, ARENDALL & BEDSOLE

WBH.dww

Encl.

C. I. SHELKOFISKY,	¶	
Plaintiff,	¶	
vs.	¶	IN THE CIRCUIT COURT OF
W. M. RICHERRSON and	¶	BALDWIN COUNTY, ALABAMA
JAMES FRANK STEWART,	¶	AT LAW.
Defendants.	¶	

INTERROGATORIES PROPOUNDED BY
THE PLAINTIFF TO THE DEFENDANTS

Comes now the Plaintiff, C. I. Shelkofsky, by his attorneys, and affidavit having been made by John Chason, one of the Attorneys of Record for the Plaintiff, and propounds the following interrogatories to the Defendants, W. M. Richerson and James Frank Stewart; separately and severally:

1. Please state your name, age and address.

2. Were you, on August 17, 1955, the owner, or driver, of a Chevrolet tractor-trailer truck which was involved in an accident with a Chrysler sedan approximately 1000 feet West of Steelwood on Alabama Highway No. 3 in Baldwin County, Alabama?

(a) If you state that you were the owner of such vehicle at said time and place, was your truck being driven at that time and place by James Frank Stewart?

(b) If such vehicle was at said time and place owned by W. M. Richerson and was being driven by James Frank Stewart, was the said James Frank Stewart at said time and place the agent, servant or employee of W. M. Richerson, acting within the line and scope of his authority as such?

(c) Was the Chrysler sedan which was involved in the wreck being driven by a lady who was made known to you to be Thesis H. Shelkofsky?

3. Was your vehicle, or the one you were driving, moving at the time of the collision?

(a) If you state that it was moving, in what direction was it traveling and at what speed?

(b) Was such vehicle stopped or parked at the time of the collision and immediately prior thereto?

(c) Was such vehicle going or headed in the same direction that said Chrysler was being driven?

(d) Did your vehicle have a tail light burning at the time of the accident?

(e) Did the vehicle owned by you or operated by you at the time of such accident have the lights on it which are required by the laws of the State of Alabama to be on a vehicle of that kind which is driven on a public highway in the State of Alabama in the night time?

4. If you state that your vehicle was parked upon Alabama Highway No. 3 at the time of the collision between it and a Chrysler automobile, did the driver of the vehicle owned by W. M. Richerson and driven by James Frank Stewart leave a clear and unobstructed width of at least fifteen (15) feet upon the main traveled portion of such highway opposite such standing vehicle?

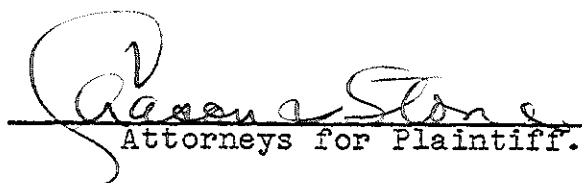
(a) If you state that your vehicle was parked or stopped at the time of the collision, was there a pick-up truck opposite or practically opposite your vehicle on the other side of the highway, headed in the opposite direction?

(b) If your answer to the last question is yes, were the lights burning on the pick-up truck referred to?

(c) If you state that there was a pick-up truck parked on the opposite side of the road from your vehicle, headed in the opposite direction, had anyone come out of such pick-up truck at the time of the collision above referred to?

(d) Was James Frank Stewart still in the truck that he was driving, or in charge of, at the time of the collision?

5. Were any of the vehicles moved after the accident and before the highway patrol made its investigation?


Attorneys for Plaintiff.