

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Peoples Ice Company, a Corporation, and H. L. Daniel 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 Thomas J. Earle.

Witness my hand this 2 day of February, 1956.

Reice J. - [Signature]
Clerk.

THOMAS J. EARLE,
Plaintiff,

vs.

PEOPLES ICE COMPANY,
a Corporation, and
H. L. DANIEL,
Defendant.

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

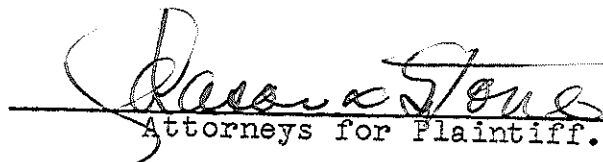
COUNT ONE:

The Plaintiff claims of the Defendant the sum of One Thousand Five Hundred Dollars (\$1,500.00) as damages for that on to-wit: November 18, 1955, the Defendant, Peoples Ice Company, a Corporation, acting by and through the Defendant, H. L. Daniel, who was its 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 truck on the Old Dixie Landing Road, a public highway, in Baldwin County, Alabama, at a point approximately 1.3 miles North of where such highway intersects Alabama Highway No. 59, in Baldwin County, Alabama, so as to cause or allow said motor vehicle to run into, over and against an automobile which was owned by the Plaintiff and which was then and there being driven along such highway by the Plaintiff and as a proximate consequence of such negligence, the Plaintiff's automobile was damaged in this: the left front door was bent, the left front fender was crushed, the left front wheel was

damaged, the left headlight was broken, and the frame was damaged, and the Plaintiff, who used such automobile in his business, was caused to lose the use of such automobile for a period of two weeks, all to the damage of the Plaintiff aforesaid, wherefore Plaintiff brings this suit and asks judgment in the above amount.

COUNT TWO:

The Plaintiff further claims of the Defendant the further and additional sum of One Thousand Dollars (\$1,000.00) as damages for that on to-wit: November 18, 1955, the Defendant, Peoples Ice Company, a Corporation, acting by and through the Defendant, H. L. Daniel, who was its 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 truck on the Old Dixie Landing Road, a public highway, in Baldwin County, Alabama, at a point approximately 1.3 miles North of where such highway intersects Alabama Highway No. 59, in Baldwin County, Alabama, so as to cause or allow said motor vehicle to run into, over and against an automobile which was owned by the Plaintiff and which was then and there being driven along such highway by the Plaintiff and as a proximate consequence of such negligence, the Plaintiff received severe bruises, his left wrist was sprained, he suffered pain and mental anguish and was made sore, all to the damage of the Plaintiff in the sum afore mentioned, wherefore Plaintiff brings this suit and asks judgment in the above amount.


Attorneys for Plaintiff.

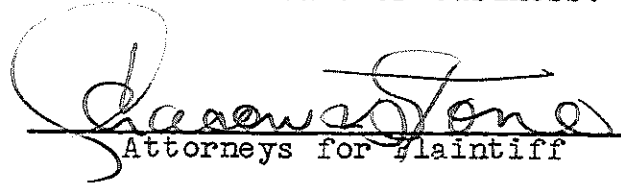
THOMAS J. EARLE,	§	
Plaintiff,	§	
vs.	§	IN THE CIRCUIT COURT OF
PEOPLES ICE COMPANY, a cor-	§	BALDWIN COUNTY, ALABAMA
poration, and H. L. DANIEL,	§	AT LAW
Defendants.	§	

DEMURRER

Comes the Plaintiff in the above styled cause and demurs to Pleas Two and Three filed by the Defendants in said cause, separately and severally, and assigns the following separate and several grounds, viz:

1. That Plea Two does not state a defense to the cause of action.
2. That Plea Two is not a proper plea of contributory negligence.
3. That Plea Two does not allege that the Plaintiff's negligence was the proximate cause of his injuries.
4. That Plea Two does not allege which Defendant owned the truck in question.
5. That the allegation in Plea Two that the Plaintiff thereby contributed to his own injuries and damages is but a conclusion of the pleader and does not sufficiently state that he is guilty of contributory negligence.
6. That Plea Three claims by way of counterclaim and not by way of recoupment.
7. That Plea Three fails to allege which of the Defendants claims damages of the Plaintiff.
8. That Plea Three does not sufficiently allege injuries or damages that were sustained by the Defendant.
9. That Plea Three does not sufficiently set out the damages to the truck.
10. That Plea Three does not allege that the truck was being used in the business of the Defendant who claims damages for the loss of the use of such truck.

11. That Plea Three seeks to claim damages for profits from the use of the truck in the Defendant's trade or business.


Attorneys for Plaintiff

THOMAS J. EARLE, : IN THE CIRCUIT COURT OF
 Plaintiff :
 versus : BALDWIN COUNTY, ALABAMA.
 PEOPLES ICE COMPANY, a corporation, : AT LAW
 and H.L. DANIEL, :
 Defendant : NO. _____

A N S W E R

Comes now each defendant separately and for separate answer to the plaintiff's complaint and each count thereof, separately and severally, separately and severally assign the following separate and several pleas:

1. Defendant is not guilty.

2. At the time and place alleged in the complaint the plaintiff so negligently operated his automobile on and along said highway so as to cause the same to come into collision with the automobile truck of the defendant and as a proximate consequence of which plaintiff thereby contributed to his own injuries and damages of which he complains, hence he cannot recover.

3. And for further answer to the plaintiff's complaint by way of counterclaim, the defendant claims of the plaintiff the sum of One Thousand Dollars (\$1,000.00), as damages for that at the time and place alleged in the complaint plaintiff so negligently operated his automobile as to cause the same to come into collision with the automobile truck of the defendant, and as a proximate consequence of the negligence aforesaid defendant's automobile truck was badly bent, mashed, crushed, and damaged, and the defendant deprived of the use of the same and the profits from the use of the same in his trade or business all to his damage in the amount aforesaid, hence this plea of recoupment.

Handwritten Signature
 Attorneys appearing for each defendant
 separately

Defendants separately demand trial by jury.

HAND, ARENDALL & BEDSOLE
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

March 14, 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

Re: Thomas J. Earle v. Peoples Ice
Company, Circuit Court of Baldwin
County, Alabama.

Dear Mrs. Duck:

I am enclosing Answer to be filed in connection
with the above styled case and request that you ad-
vise that same has been filed.

Yours very truly,

W B Hand
for HAND, ARENDALL & BEDSOLE

WBH.dww
Encl.

THOMAS J. EARLE,

Plaintiff,

vs.

PEOPLES ICE COMPANY,
a Corporation, and
H. L. DANIEL,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

INTERROGATORIES PROPOUNDED BY
THE PLAINTIFF TO THE DEFENDANTS

Comes now the Plaintiff, Thomas J. Earle, 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, Peoples Ice Company, a Corporation, and H. L. Daniel; separately and severally:

1. On November 18, 1955, was a truck owned by Peoples Ice Company and driven by H. L. Daniel involved in a wreck on the Old Dixie Landing Road at a point approximately 1.3 miles North of the intersection of such road with Alabama Highway No. 59, in which wreck an automobile driven by Thomas J. Earle was damaged?

2. If your answer to the foregoing interrogatory is yes, who was the owner of the truck that was being driven by H. L. Daniel?

(a) If you answer that such truck was owned by the Peoples Ice Company, was the Peoples Ice Company at that time a corporation?

(b) Was H. L. Daniel an employee or an agent of the Peoples Ice Company?

3. At the time of the collision above inquired about, was the truck that was involved in such accident loaded or unloaded?

(a) Where was H. L. Daniel driving such truck at said time and place, and what was his business at that time?

4. In what direction was the truck which was being driven by H. L. Daniel proceeding at the time of the accident?

(a) In what direction was the automobile which was being driven by Thomas J. Earle proceeding at the time of the accident?

(b) Was the road straight or curved at the point where the accident occurred?

(c) If you state that the road was curved, was such road curved to the left when you were driving North along said road, at the point where the accident occurred?

(d) What is the width of the main traveled portion of the Old Dixie Landing Road at the point where the accident occurred?

(e) Is such road a graded road at the point where the accident occurred?

(f) Do pine and oak trees and gall berries grow up to the edge of the road on both sides at the point where the accident occurred?

5. As H. L. Daniel drove the truck which was involved in the accident inquired about Northwardly along the Old Dixie Landing Road and as he approached the point where the accident occurred, was such truck completely on his right side of such road?

(a) Did H. L. Daniel remain at the scene of the accident until it was investigated by the Alabama Highway Patrol?


(b) Did H. L. Daniel observe skid marks made by his truck just prior to the accident?

(c) If you state that he did observe such skid marks, is it not true that such skid marks made by the Defendant's truck began at a point which showed the truck to be in the center of the Highway with its left wheel approximately three feet on the West side or left side of such highway in the direction that such truck was traveling?

6. Please state the width of the truck, including the body, that was being driven by H. L. Daniel?

(a) Please state the length of the truck that was being driven by H. L. Daniel, including the body.

(b) Please state the distance that such truck body extended behind its rear wheels.


Attorneys for Plaintiff.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, HARRY M. D'OLIVE, a Notary Public, in and for said County in said State, personally appeared John Chason who is known to me, and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is John Chason, and that he is one of the Attorneys of Record for Thomas J. Earle, who is the Plaintiff in that certain action now pending in the Circuit Court of Baldwin County, Alabama, wherein Peoples Ice Company, a Corporation, and H. L. Daniel are the Defendants. That the answers to the interrogatories propounded above will be material testimony and evidence for the Plaintiff in the said cause.

Dated this 3rd day of February, 1956.

Sworn to and subscribed before
me this 3rd day of February,
1956.

HARRY M. D'OLIVE
Notary Public, Baldwin County, Ala.