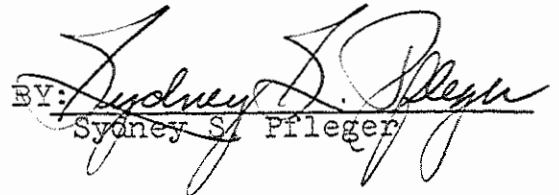


| | | |
|---------------------|---|--------------------------|
| HERMANN WEINMAN, |) | IN THE CIRCUIT COURT OF |
| Plaintiff, |) | BALDWIN COUNTY, ALABAMA. |
| Versus |) | |
| WILLIAM O. WIGGINS, |) | Case No. 2858 |
| Defendant. |) | |

Comes the Plaintiff in the above styled cause and shows unto this Honorable Court that on or about the 21st day of February, 1956, there was filed unto this Honorable Court, interrogatories propounded to the Defendant by the Plaintiff; that more than sixty (60) days have elapsed since said interrogatories were served on the Defendant and that the Defendant has failed to answer the same as required by law.

WHEREFORE THE PREMISES CONSIDERED, the Plaintiff prays that this Honorable Court enter such decrees and judgment against the said Defendant as contemplated by Section 483 of Title 7 of the Code of Alabama of 1940.

McDERMOTT & PFLEGER

BY: 
Sydney S. Pfleger

9-4-56

I hereby accept service
This 4th day of Sept 1956

C. L. Davis Thompson
Attorney for Dept

FILED
SEP 3 1956

RECEIVED
SEP 4 1956

PLAINTIFF

VS:

WILLIAM O. WIGGINS

DEFENDANT

()

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

NO. _____

Comes the Defendant in the above styled case and in answer to interrogatories propounded by the Plaintiff as to each numbered interrogatory shows as follows:

1. William O. Wiggins, Bay Minette, Alabama
2. Truck Driver
3. Truck Driver
4. Yes

5. The 1953 Ford operated by Herman Weinman ran into my truck. This motor vehicle was traveling behind the School Bus in the same lane with the School Bus and when the School Bus stopped Herman Weinman did not stop as required by law but swerved in front of my truck as I was about even with his back fender and gave no signal causing this motor vehicle to collide with my truck at that point. At this time I was about ten feet or possibly twelve feet behind the School Bus.

6. Two traffic lanes
7. Moving from the outside lane left into my lane without any signal.
8. The School Bus was stopping in the outside lane.
9. No
- 10 . This question is not legally admissable nor pertinent to the trial of this case.
- 11 . This question is not legally admissable nor pertinent to the trial of this case.
- 12 . Yes

W. O. Wiggins

Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me the undersigned authority personally appeared W.O. Wiggins who being by me first duly and legally sworn, deposes and says: that the answer to the foregoing interrogatories has been read by me and is true and correct.

Sworn to and subscribed before me this 31st day of August 1956

FILED

AUG 4 1956

ALICE J. DUCK, Clerk

Notary Public, Baldwin County

HERMAN WEINMAN) IN THE CIRCUIT COURT OF
Plaintiff,) BALDWIN COUNTY.
Versus)
WILLIAM O. WIGGINS) NO. _____
Defendant.)
)

Comes the Plaintiff in the above styled cause and pro-
pounds the following interrogatories to Defendant, William
O. Wiggins:

1. What is your correct name and address?
2. What is your business or occupation?
3. What was your business or occupation on the 22nd day
of April, 1955?
4. On the 22nd day of April, 1955, were you operating a
1949 white Tractor-Trailer bearing 1955 Alabama license on and
along Gentilly Road, also known as U. S. Highway 90, in the City
limits of New Orleans, Louisiana?
5. If you answer number 4 above in the affirmative, did
said motor vehicle collide with a 1953 Forde tudor sedan, the
property of Herman Weinman?
6. If you answer number 5 above in the affirmative, state
how many traffic lanes there were on the highway at that time
for traffic going in the direction that you were travelling?
7. Where was the motor vehicle of Herman Weinman at the time
of the collision?
8. Was there a school bus stopped just in front of, or along-
side of the motor vehicle of Herman Weinman?
9. If you answer there was a school bus stopped in front of,
or alongside of the vehicle of Herman Weinman, was it taking on
students as passengers?
10. Was the motor vehicle, namely the white Tractor-Trailer,
bearing 1955 Alabama license, covered by liability insurance at
the time of the accident, and if so what was the name of such
insurance carrier?
11. Is it not a fact that at the time and place of the accident,
you did agree to furnish the plaintiff with the name of the insurance
carrier, and that as the result of such promise, no charges were
made by the New Orleans City Police who investigated the accident?
12. Is it not a fact that the accident happened in a school
zone on said Gentilly Road?

[Handwritten signature]
[Handwritten signature]
Attorneys for Plaintiff.

STATE OF ALABAMA:
COUNTY OF MOBILE:

Before me Norma R. Gaff, a Notary Public in and for said State and County, personally appeared one Sydney S. Pfleger, who being by me first duly sworn did depose and say as follows: My name is Sydney S. Pfleger and I am the Attorney of Record for the Plaintiff in the above entitled cause and as such authority to make this affidavit. I further state that the answer of the Defendant to the foregoing interrogatories will, if truthfully made, be material evidence for the Plaintiff on the trial of said cause.

Sydney S. Pfleger

Subscribed and sworn to before me by the said Sydney S. Pfleger on this the 20th day of February, 1956.

Norma R. Gaff
Notary Public, Mobile County, Alabama.

HERMANN WEINMAN

Plaintiff

Versus

WILLIAM O. WIGGINS

Defendant.

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)
)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

We the undersigned do hereby acknowledge ourselves
security for costs in the above styled cause now pending in
this Honorable Court.

Hermann Weinman

BY: Sydney J. Pleggen

Attorney of Record

Indemnity Insurance Company of North
America.

BY: M. Harland

Attorney in fact

MOTION FOR SECURITY FOR COSTS

HERMANN WEINMAN

PLAINTIFF

VS

WILLIAM O. WIGGINS.

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO. _____

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the Defendant, in the above stated cause, and moves the court to require the Plaintiff to give security for costs and as grounds for said motion sets down and assigns, separately and severally, the following:

1. For that the Plaintiff is a nonresident of the State of Alabama, and was a nonresident of said State at the time said original bill was filed.



Attorney for Defendant.

motor vehicles to stop when school busses stop to load and unload students, and plaintiff avers that he did stop for the purpose of permitting a stopped school bus to load students, and that as the direct and proximate result of the wanton acts on the part of the Defendant, the Plaintiffs motor vehicle was badly wrecked, bent, and damaged, the plaintiff was caused to lose the use of his motor vehicle for a considerable period of time while the same was being repaired, all of said damages being the direct and proximate result of the wanton acts of the Defendant as aforesaid wherefore he sues.

McDERMOTT & PFLEGER

BY

Judney D. Pfleger
Attorney for Plaintiff

Plaintiff demands a trial by jury.

McDERMOTT & PFLEGER

BY

Judney D. Pfleger
Attorney for Plaintiff.

HERMANN WEINMAN

PLAINTIFF

VS

WILLIAM O. WIGGINS.

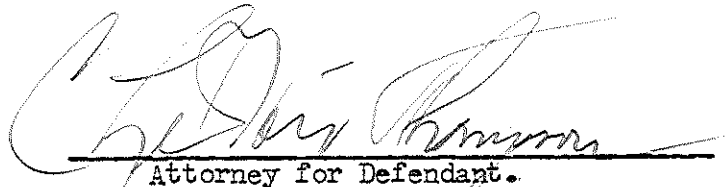
DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO. _____

Comes the Defendant and demands a trial by jury in said cause.



Attorney for Defendant.

HERMAN WEINMAN

PLAINTIFF

VS

WILLIAM O. WIGGINS

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO. _____

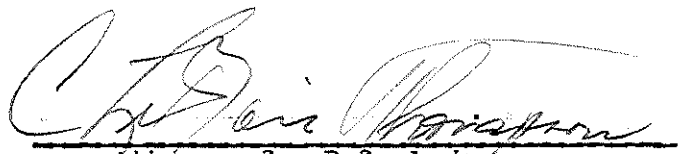
Comes now the Defendant in the above styled cause and for answer to the complaint filed therein and to each and every phase thereof shows unto this Honorable Court as follows:

1.

As to Count one, not guilty.

2.

As to Count two, not guilty.


Attorney for Defendant.

HERMAN WEINMAN
Plaintiff

Vs

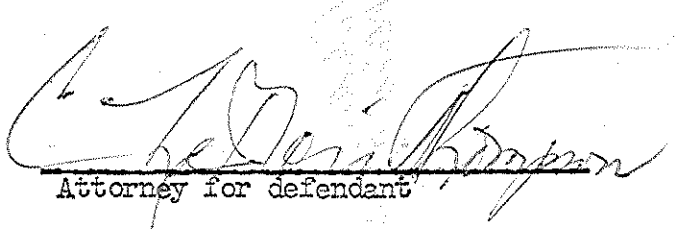
WILLIAM O. WIGGINS
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
NO. 2858

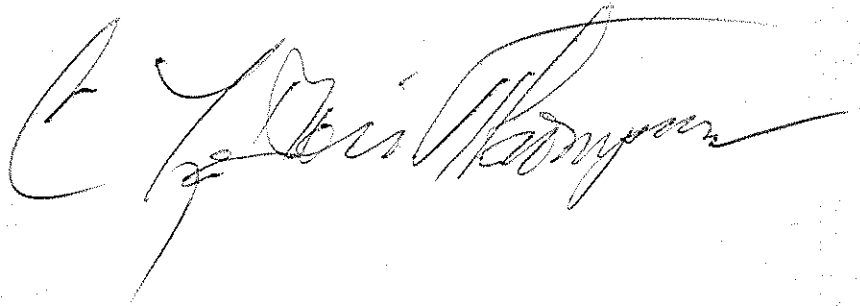
Now comes the Defendant William O. Wiggins, by his attorney of record, and for answer and plea to the complaint and to each and every count thereof, separately and severally, assigns separately and severally the following:

1. Not guilty.

2. Plaintiff was at the time and place, alleged in the complaint, guilty of contributory negligence which proximately contributed to his alleged damages and which should prevent recovery by plaintiff in this suit, in that the plaintiff, at the time and place alleged in the complaint, so negligently operated his motor vehicle which he was then and there driving as to cause it to run upon, into or against the motor vehicle which the defendant was operating.


Attorney for defendant

I hereby certify that I have this the 7th day of September sent by U S mail, special delivery, postage prepaid to Hon. Sidney Pfleger, Atty for Pltf, Staples Pake Building, Mobile, Alabama, a copy of the foregoing amendment,



McDERMOTT & PFLEGER

ATTORNEYS AT LAW

304-306 STAPLES-PAKE BUILDING

MOBILE, ALABAMA

WM. V. McDERMOTT
SYDNEY S. PFLEGER

April 25, 1956

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

Dear Mrs. Duck:

I hand you herewith security for costs in the case
of Hermann Weinman versus William O. Wiggins. I would
appreciate your filing same in said cause.

Your courtesy is more than appreciated.

Very truly yours,

McDERMOTT & PFLEGER

BY: 

SSP/cel

Enl. 1

McDERMOTT & PFLEGER

ATTORNEYS AT LAW

304-306 STAPLES-PAKE BUILDING

MOBILE, ALABAMA

WM. V. McDERMOTT
SYDNEY S. PFLEGER

August 31, 1956

Hon. Alice Duck, Clerk
Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

I am enclosing herewith ~~two~~ motions which I would appreciate your filing and having served in the case of Hermann Weinman against William O. Wiggins.

Your courtesy in the matter is more than appreciated.

Very truly yours,

McDERMOTT & PFLEGER

BY: 

SSP/cel