

HOWARD E. LANGHAM	)	IN THE CIRCUIT COURT OF
Plaintiff)	
vs	)	BALDWIN COUNTY, ALABAMA
HARVEY UNDERWOOD and	)	AT LAW
LOWELL THOMAS UNDERWOOD	)	CASE NO. 2,876
jointly and individually)	
Defendants)	

MOTION TO REQUIRE DEFENDANT TO ANSWER INTERROGATORIES

Now comes the plaintiff in the above styled cause and says that plaintiff filed interrogatories to the defendant Lowell Thomas Underwood on September 13, 1956 under the provisions of Title 7, Section 477, together with an affidavit that the answer to said interrogatories propounded would be material testimony for the plaintiff in said cause, and plaintiff further says that said interrogatories were served on the said defendant on September 17, 1956, and that defendant has failed to answer said interrogatories within sixty (60) days of service of said interrogatories upon said defendant and that plaintiff now moves that the court either require the defendant to answer said interrogatories in open court, enter a judgment by default, or render such judgment or decree as would be appropriate if such defaulting party offered no evidence, as provided by Title 7, Section 483, Code of Alabama 1940.

McCONNELL & FOREMAN

BY Alvin McConnell
Attorneys for the Plaintiff

Defendant's attorney:

Cecil G. Chasen
Foley, Alabama

FILED
DEC. 14 1956


ALICE J. DUCK, Clerk

HOWARD E. LANGHAM	)	IN THE CIRCUIT COURT OF
Plaintiff)	
vs	)	BALDWIN COUNTY, ALABAMA
HARVEY UNDERWOOD and	)	AT LAW
LOWELL THOMAS UNDERWOOD)	
jointly and individually)	CASE NO. 2,876
Defendants)	

MOTION TO REQUIRE DEFENDANT TO ANSWER INTERROGATORIES

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McCONNELL & FOREMAN

EW 
Attorneys for the Plaintiff

Defendant's attorney:

Cecil G. Chasen
Foley, Alabama

FILED
DEC 14 1956
ALICE J. DUCK, Clerk

HOWARD E. LANGHAM,)	
Plaintiff,	)	IN THE CIRCUIT COURT
vs.	)	OF BALDWIN COUNTY,
HARVEY UNDERWOOD and	)	ALABAMA
LOWELL THOMAS UNDERWOOD,)	
jointly and individually,	)	CASE No. 2,876
Defendants.)	
)	

INTERROGATORIES TO THE DEFENDANT - HARVEY UNDERWOOD

Now comes the Plaintiff in the above styled cause and propounds the following interrogatories to the Defendant, Harvey Underwood, to be answered under oath as required by law:

1. Please state your full name and age.
2. Please state your place of residence.
3. Please state your occupation and place of employment.
4. Please state whether you owned an automobile on January 7, 1956.
5. If the answer to question four is in the affirmative, please state what kind, year, model, and motor number.
6. Please state whether that automobile or any other automobile owned by you was involved in an accident with the Plaintiff on U. S. 90 approximately 6/10 of a mile from Loxley, Alabama.
7. If your answer to question six is in the affirmative, please state whether you were driving your automobile at the said time and place.
8. If your answer to question seven is in the negative, please state who was driving your automobile at the said time and place referred to in question six above.
9. If your answer to question seven is negative, and you state some person other than yourself was driving the said automobile, please state whether the driver was your employee, agent, or servant.
10. Please state the blood relationship, if any, existing between yourself and the driver of the said vehicle referred to in question six.

11. Please state the time and place that you gave the said motor vehicle to the care and custody of the said driver.

12. Please state what, if any, specific restrictions or conditions you placed on the use of the automobile at the time of placing said vehicle in the hands of the driver referred to in question eight above.

13. Please state whether any consideration was paid to you by the driver of the said automobile.

McCONNELL & FOREMAN

By: George E. McNally
Attorneys for the Plaintiff

STATE OF ALABAMA,)
COUNTY OF ~~MOBILE~~ Baldwin

Personally appeared before me, the undersigned authority in and for said County in said State, GEORGE E. McNALLY, who, being by me first duly sworn, deposes and says that he is one of the attorneys of record for the Plaintiff in the above named cause, and that the answers to the above and foregoing interrogatories, if well and truly made, will be material evidence for the Plaintiff on a trial of this cause.

George E. McNally
Affiant

Sworn to and subscribed
before me this 13 day of September, 1956.

E. J. Duck
Notary Public, ~~Mobile~~ County, Alabama
Baldwin

FILED
SEP 13 1956

ALICE J. DUCK, Clerk

HOWARD E. LANGHAM,

Plaintiff,

-vs-

HARVEY UNDERWOOD and
LOWELL THOMAS UNDERWOOD,
Jointly and individually,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

No. 2876

ANSWER TO INTERROGATORIES

Comes the Defendant, Harvey Underwood, and in answer to the interrogatories heretofore propounded by the Plaintiff in said cause, says as follows:-

1. John Harvey Underwood, 56 years of age.
2. Foley, Alabama.
3. Self-employed as a farmer.
4. I own a truck and had title to an automobile in my name, though I was not the actual owner thereof.
5. The automobile referred to in Interrogatory #4 was a 1951 model Plymouth Sedan, but the Motor Number is unknown.
6. I know that this automobile was involved in an accident, however, not being present, cannot state from my own knowledge exactly where this accident occurred.
7. I have not driven that automobile, nor was I driving it at any time when it was involved in an accident.
8. Not being present at the time of any accident, I cannot state under oath who was driving this automobile.
9. I feel quite sure that no one who was any agent, servant or employee of mine was driving the automobile at the time of the accident, as I had authorized no agent, servant or employee of mine to drive this car.
10. Not being present I could not state who was driving the automobile referred to in Question #6.
11. Same as Answer Number 10.
12. Same as Answer Number 10.
13. As I have already stated, I do not know who was driving the automobile, however, no one paid me any consideration for

the use of this vehicle at any time.

John Harvey Underwood

STATE OF ALABAMA

BALDWIN COUNTY

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

John Harvey Underwood

Sworn to and subscribed before me,
a Notary Public, on this the 30th
day of November, 1956.

F. G. Mallory

Notary Public, Baldwin County
State of Alabama

McCONNELL & FOREMAN

ATTORNEYS AT LAW

SUITE 214 FIRST NATIONAL BANK ANNEX

MOBILE 13, ALABAMA

ALVIN McCONNELL
ALEXANDER FOREMAN, JR.
GEORGE E. McNALLY

March 7, 1956

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

Re: Howard E. Langham
vs. Harvey Underwood and
Lowell Thomas Underwood
File No. 56-2030-GM

Dear Mrs. Duck:

Please find enclosed Summons and Complaint in the matter styled Howard E. Langham vs. Harvey Underwood and Lowell Thomas Underwood.

We will appreciate your filing this matter for us, and informing us when service is perfected upon the Defendants.

Very truly yours,

McCONNELL & FOREMAN



By:

George E. McNally

GEM:K

HOWARD E. LANGHAM)	
Plaintiff,	)	IN THE CIRCUIT COURT
vs.	)	OF BALDWIN COUNTY,
HARVEY UNDERWOOD and	)	ALABAMA
LOWELL THOMAS UNDERWOOD,	)	CASE No. 2,876
jointly and individually,)	
Defendants.)	
)	

INTERROGATORIES TO THE DEFENDANT - LOWELL THOMAS UNDERWOOD

Now comes the Plaintiff in the above styled cause and propounds the following interrogatories to the Defendant, Lowell Thomas Underwood, to be answered under oath as required by law.

1. Please state your full name and age.
2. Please state your place of employment and occupation.
3. Please state your place of residence on the 7th day of January, 1956.
4. Please state whether you were involved in an accident on U. S. 90 approximately six-tenths of a mile West of Loxley, Alabama, on January 7, 1956, involving Mr. Howard E. Langham.
5. Please state whether you own an automobile.
6. If the answer to question number three is in the affirmative, please state whether you were driving when said accident occurred.
7. If the answer to question number three, is in the affirmative please state the make, color and model of car you were driving at the time and place of the accident described in question number three above.
8. Please state whether you were the owner of the car you were driving at the said time and place.
9. Please state who was the owner of the automobile you were driving at the time and place of the accident in which you were involved.
10. Please state where you were going at the time of the accident.

11. Please state whether you were employed by the owner of the automobile you were driving.

12. Please state whether you were on any business whatsoever for the owner of the automobile.

13. If your answer to question twelve is in the affirmative, please state the nature of the business.

14. If your answer to question eight is negative, please state the time and place that you obtained said automobile from the owner.

15. Please state the name of the person from whom you obtained the automobile.

16. Please state the relationship between you and the registered owner of the vehicle you were driving at the time of the said accident, if any.

17. Please state whether there were any restrictions on the use of the said vehicle you were operating at the time of the accident referred to in question three.

18. Please state what kind of automobile you were involved with in the accident above referred to.

19. Please state when you first saw the other car with which you were involved.

20. Please state the approximate distance you were from the other vehicle when you first saw the other car.

21. Please state your approximate speed in miles per hour when:

- a. You first saw the other car.
- b. You were 100 feet from the point of impact.
- c. You were 50 feet from the point of impact.
- d. You were at the point of impact.

22. Please state whether you applied brakes.

23. Please state what time of day the accident occurred.

24. Please state whether you worked the day before the accident.

25. Please state whether you were asleep or awake immediately before you first saw the Plaintiff's automobile.

26. Please state, where the automobile you had been driving at the time of the accident came to a rest.

27. Please state where the point of impact was relative to the center of the highway.

28. Please state the approximate distance in feet point of impact was from the center of the highway.

29. Please state where the point of impact was to the car you were driving.

30. Please state what part of the car you had been driving at the time of the accident was damaged.

31. Please state what portion of the Plaintiff's automobile was damaged.

32. Please state whether you had had any alcoholic beverages to drink at any time between the hours of 12:01 A. M. and 6:00 A. M. January 7, 1956.

33. If you answer question thirty-two in the affirmative, please state what kind of alcoholic beverages you drank, at what approximate time, and what approximate quantity in volumetric ounces and please state your height and weight.

34. Please state the approximate distance the automobile you were driving traveled from the point of impact to the place where said automobile came to rest.

McCONNELL & FOREMAN

By: George E. McNally
Attorneys for the Plaintiff.

STATE OF ALABAMA,)
COUNTY OF ~~MOBILE~~ Baldwin

Personally appeared before me, the undersigned authority in and for said County in said State, GEORGE E. McNALLY, who, being by me first duly sworn, deposes and says that he is one of the attorneys of record for the Plaintiff in the above named cause, and that the answers to the above and foregoing interrogatories, if well and truly made, will be material evidence for the Plaintiff on trial of this cause.

George E. McNally

Subscribed and sworn to before me this 13 day of ~~August~~ Sept. 1956

George E. McNally
Notary Public, Mobile County, Alabama.
Baldwin

FILED
SEP 18 1956
ALICE J. DUCK, Clerk

S U M M O N S

STATE OF ALABAMA,
COUNTY OF BALDWIN.

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

You are hereby commanded to summon HARVEY UNDERWOOD and LOWELL THOMAS UNDERWOOD to appear in the Circuit Court of Baldwin County, Alabama, at the place of holding of same, and plead, answer or demur, within thirty days from service hereof, to the complaint of HOWARD E. LANGHAM.

WITNESS my hand this 9th day of March, A. D., 1956.

Reice J. Smith CLERK

C O M P L A I N T

HOWARD E. LANGHAM,	)	IN THE CIRCUIT COURT
Plaintiff,	)	OF BALDWIN COUNTY,
vs.	)	ALABAMA.
HARVEY UNDERWOOD and	)	AT LAW
LOWELL THOMAS UNDERWOOD,	)	Case No. _____
jointly and individually,)	
Defendants.)	
)	

COUNT ONE

Plaintiff claims of the defendants the sum of THREE HUNDRED and no/100 (\$300.00) DOLLARS as damages for that heretofore, on, to-wit, the 7th day of January, 1956, the truck of the plaintiff was being operated on and along U. S. Highway 90 at a point approximately six-tenths of a mile West of Loxley, Alabama, said highway being then and there a public highway in Baldwin County, Alabama, and at the said time and place, the defendant, Lowell Thomas Underwood, an agent, servant or employee of the defendant, Harvey Underwood, all while acting within the line and scope as such agent, servant or

employee, so negligently operated a motor vehicle on and along said highway as to cause or allow the same to run into, over, against, or upon said automobile of the plaintiff, and as a direct and proximate consequence thereof, the said automobile of the plaintiff was badly bent, broken, crushed, and otherwise damaged in the aforesaid sum; hence this suit.

McCONNELL & FOREMAN

By:

Alvin M. McConnell
Attorneys for the Plaintiff
214 First Nat'l Bk Annex
Mobile, Ala

Defendants' Address:

R. F. D.

Foley, Alabama

2876.

Howard E. Langham

vs.

Harvey Underwood.
* Lowell Thomas Underwood

RECEIVED

M. D. D.

FILED

9 1956

MADE 1. NOV. 1956

+

Received 9 day of mar 1956
and on 14 day of April 1956
I served a copy of the writ on ACC
on Harvey Underwood 3-23
By service Lowell Thomas Underwood
4-14

TAYLOR WILKINS, Sheriff
By Deputy D. S.
Deputy
Harvey Underwood
Lowell

Sheriff claims 144 miles at
Ten Cents per mile Total \$ 14.40
TAYLOR WILKINS, Sheriff
BY Childress
DEPUTY SHERIFF

2876

HOWARD E. LANGHAM,
 Plaintiff,
 -vs-
 HARVEY UNDERWOOD and
 LOWELL THOMAS UNDERWOOD,
 jointly and individually,
 Defendants,

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

Comes the Defendants, Harvey Underwood and Lowell Thomas Underwood, jointly and individually, and demur to the Bill of Complaint heretofore filed in said cause, and as grounds for demurer set out, separately and severally, the separate and several following grounds:-

1. The Complaint does not state a cause of action.
2. The Complaint is vague and indefinite.


 Attorney for Defendants

HOWARD E. LANGHAM,

Plaintiff,

-vs-

HARVEY UNDERWOOD and
LOWELL THOMAS UNDERWOOD,
jointly and individually,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

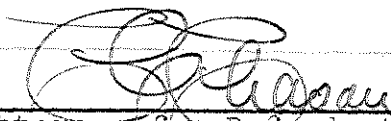
AT LAW

No. 2876

Come the Defendants in the above styled cause and for
answer to the Bill of Complaint heretofore filed herein sayeth:-

1. Not Guilty.

2. For further plea to the Bill of Complaint the defendant,
Harvey Underwood, states that the defendant Lowell Thomas
Underwood was not his agent, servant or employee, acting within
the line and scope as such agent, servant or employee, at the
time and place of the collision with the automobile driven by
the Plaintiff.


Attorney for Defendants

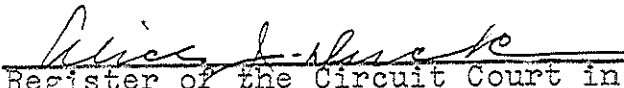
HOWARD E. LANGHAM,)	
)	
Plaintiff	)	IN THE CIRCUIT COURT OF
)	
-vs-	)	BALDWIN COUNTY, ALABAMA
)	
HARVEY UNDERWOOD and	)	AT LAW. No. <u>2876</u>
)	
LOWELL THOMAS UNDERWOOD,)	
Jointly and individually)	
)	
Defendants.)	

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM.

TO Honorable C. G. Chason :

You are hereby notified that by order of this Court you have been appointed as Guardian Ad Litem to represent, Lowell Thomas Underwood, a minor, who is interested in the proceedings in the above styled cause.


Dated this 3rd day of January, 1957.


Register of the Circuit Court in
Equity.

STATE OF ALABAMA
BALDWIN COUNTY

I, the undersigned, do hereby accept the appointment as guardian ad litem to represent Lowell Thomas Underwood, a minor interested in this proceeding.

Dated this 3rd day of January, 1957


As Guardian Ad Litem, representing
Lowell Thomas Underwood, a minor.

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

April 10, 1956

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

Dear Mrs. Duck:

Enclosed herewith is demurer in the case of Howard E.
Langham -vs- Harvey Underwood and Lowell Thomas Underwood.

Yours very truly,



C. G. Chason

CGC:fm

encls. 1