

EVERETT M. GUDMUNDSEN,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
HOWARD W. BRANTLEY,	I	AT LAW
Defendant.	I	NO. 2882

Comes now the Plaintiff in the above styled cause and objects to interrogatories numbered 4a, 4b, 5a, 5b, 5c, 5d, 9, 10a, 10b, 10c, 11, 12a, 12b, 13, 14a, 14b, 14c, 14d, 14e, 14f, 14g, 14h, 14i, 58f, 58g and 58h, and to each of said interrogatories, separately and severally, assigns the following separate and several grounds in support thereof:

1. They are immaterial, irrevelant and incompetent.
2. The Plaintiff was a guest in the automobile in which he was riding at the time of this accident and the negligence, if any, of the driver of said automobile could not be imputed to him.
3. The doctrine of the last clear chance is not applicable under the pleadings in this case.

Without waiving the foregoing objections but expressly insisting thereon, comes now the Plaintiff and for answer to the interrogatories heretofore propounded to him, as follows:

1. Jim D. Gudmundsen.
2. Son.
3. a. Home (Silverhill).
b. East.
c. Working in Mobile.
4. a. No.
b. No.
5. a. About 55 miles per hour.
b. Same.
c. Same.
d. Same
e. Same
f. 55 miles per hour or a little slower.
g. I do not know exactly but we were putting on brakes at about this point and were slowing down.

- h. About 30 miles per hour.
- i. About 15 miles per hour.
- 6. Around 200 feet.
- 7. I do not know how fast the Defendant was driving but he was making a turn across the lane in which the automobile that I was riding in was traveling.
- 8. About 5 or 10 miles per hour.
- 9. Yes.
- 10. a. Around 100 feet.
- b. There might possibly have been room but the Defendant was on the crest of a hill and we could not see if any other vehicle was behind the Defendant's truck or in the North lane of the road.
- c. No.
- 11. Yes.
- 12. a. Yes.
- b. 90 feet.
- 13. No.
- 14. We did not see the Defendant's vehicle until he came upon the crest of a hill at which time he began to make a turn across the lane of travel of the car that I was riding in. See diagram which is attached.
- 15. No, but I was semi-conscious.
- 16. See answer to "15."
- 17. Yes.
- 18. Jordan's Clinic, Fairhope, Alabama.
- 19. Franklin Smart.
- 20. Franklin Smart's.
- 21. About an hour.
- 22. a. Dr. H. C. Jordan.
- b. Jr. Jordan and Dr. Van Weazel.
- 23. I received a bruised knee, a cut on my forehead over my right eye and a bruised wrist.
- 24. My forehead is disfigured and scared and the sight in my right eye was impaired.
- 25. One
- 26. a. Over my right eye and on my forehead.
- b. Back to skull.
- c. $1\frac{1}{2}$ inch or 2 inch.

- d. Yes, except for the scar.
27. I don't know exactly.
28. Yes.
29. Harry Raske.
30. See answer to "26.", above.
31. 60.
32. Right after the accident.
33. About a week or ten days.
34. a. Made me nervous.
b. It caused me to lose time from my work.
c. 25 working days.
35. Yes.
36. 15 years.
37. a. My eye is affected.
b. Dr. W. F. Gessler
38. No.
39. Yes.
40. He increased the lens power in my glasses and put drops in my eye.
41. Dr. W. F. Gessler.
42. On my knee and my wrist.
43. See "42.". About 2 inches in diameter.
44. About a week.
45. See attached statements.
46. See attached statements.
47. Carpentry.
48. Same.
49. Yes.
50. No.
51. None.
52. About 5 weeks of convalescence, I was not actually restricted to my home.
53. I am claiming damages for the laceration on my face, the injury to my head, headaches, the impairment of my sight, the bruises which I received, the loss of time from my work, the pain and suffering which I experienced and the medical and optical expenses which I had to incur. My medical and optical expenses totaled \$319.00, I

have spent around \$1.50 for drugs and I lost \$648.00 in wages as a result of not being able to work.

54. The total of the expenses which I can definitely ascertain is \$968.50 plus interest from the date of the wreck.
55. Fair.
56. The visibility was obscured in the sense that the car in which I was riding was going uphill and the Defendant's truck was coming up the other side of the same hill and I did not see it until it reached the crest of the hill.
57. See answer to "56."
58. a. Uphill.
b. "
c. "
d. "
e. Level.
f. "
g. "
h. "
59. Right on top.

Everett M. Gudmundsen
Everett M. Gudmundsen

STATE OF ALABAMA

BALDWIN COUNTY

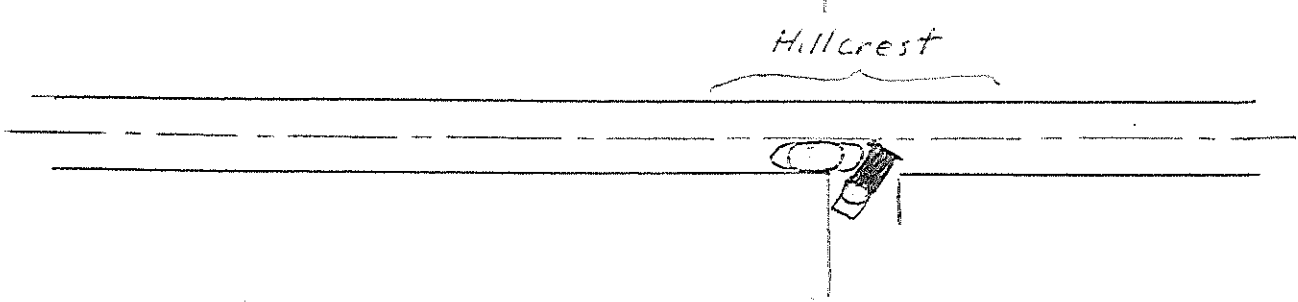
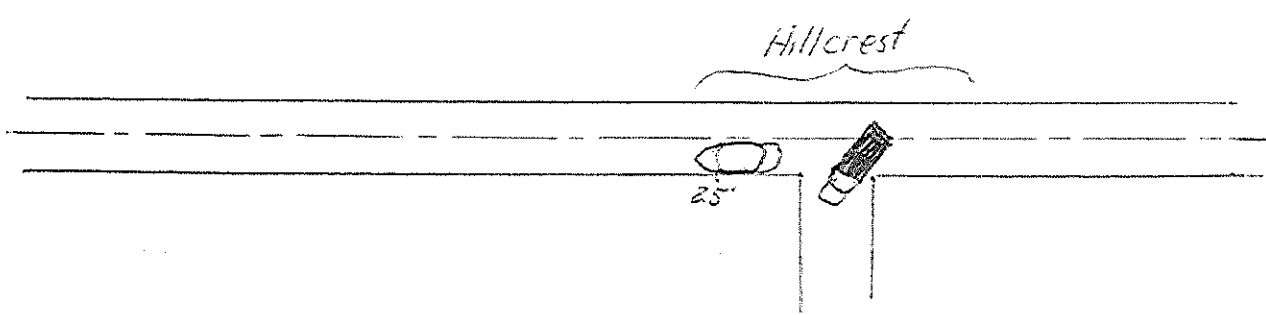
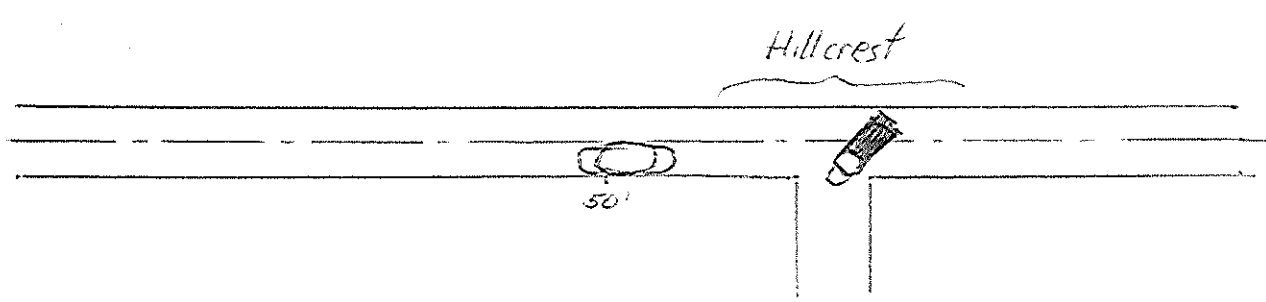
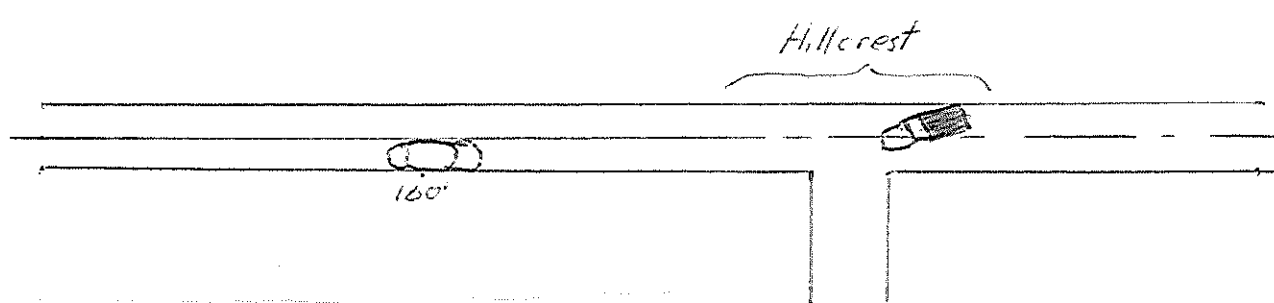
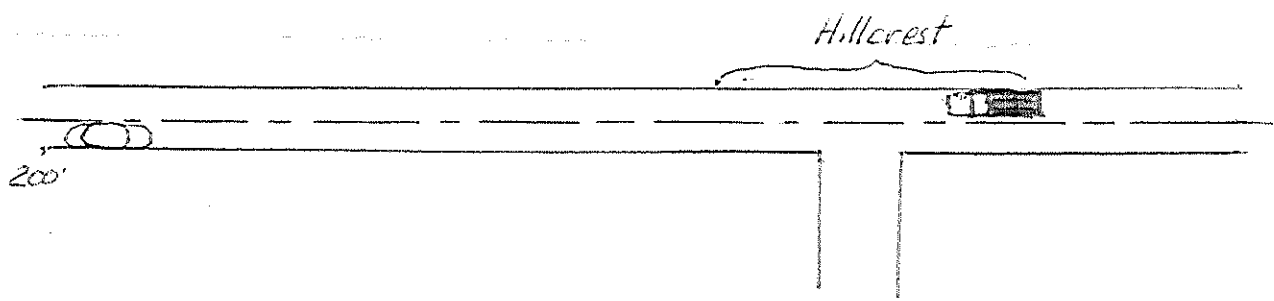
Before me, Malcolm C. Shaw, Jr., a Notary Public, in and for said County in said State, personally appeared Everett M. Gudmundsen, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Everett M. Gudmundsen and he signed his name to the foregoing answers to interrogatories and that he has read over said interrogatories and the answers thereto and that said answers are true and correct.

Everett M. Gudmundsen
Everett M. Gudmundsen

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

Malcolm C. Shaw, Jr.
Notary Public, Baldwin County, Ala



Alice J. Duck Clerk.

Received in office this 6 day of

Sept, 1956

SHERIFF

I have executed this writ:

9-8-56

By Serving

Franklin Smart

Mildred Smart

N.E. Thiel

Taylor Wilkins

Edw. J. Steadman SHERIFF

ORIGINAL

No. 28821

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Gudmundsen

Plaintiff

Vs.

Brantley

Defendant

CIVIL SUBPOENA

Issued this 6th day of

Sept

1956

alice J. Duck

Clerk

b. Was there room on the left side of the road for your driver to go around the Defendant's vehicle?

c. Did the driver of your car attempt to go around the Defendant's vehicle?

11. If the driver of your car applied his brakes; did they hold?

12. a. Did the tires make any skid marks?

b. How long were these skid marks?

13. Did you warn the driver of your vehicle that he was about to have a collision?

14. Draw a diagram, indicating distances of the relative position of the car in which you were riding and the Defendant's vehicle; a. when you first saw the Defendant's vehicle; b. When you were 1000 feet away.

c. 500 feet.

d. 250 feet.

e. 100 feet.

f. 50 feet.

g. 25 feet.

h. At the moment of the collision.

i. Just after the collision.

15. Were you knocked unconscious in the collision?

16. If so, how long did you remain unconscious?

17. Were you hospitalized?

18. To what hospital were you taken.

19. Who took you?

20. In whose automobile did you go?

21. How long did you remain there?

22. a. Name the doctor who first treated you.

b. Name all the doctors who have treated you for the injuries you suffered as a result of this wreck.

23. List in detail the injuries you received from this wreck.

24. List the permanent injuries you received.

25. How many lacerations did you receive on your face?

26. a. Where are they located?
- b. How deep are they?
- c. How long are they?
- d. Are they completely healed?
27. How many stitches were taken to close these lacerations?
28. Did you have pictures taken of these lacerations soon after the accident?
29. Who took these pictures?
30. Describe in detail how your head was injured.
31. How old are you?
32. When did you start having headaches?
33. How long did they continue?
34. a. How do they affect you physically?
- b. Did they cause you to lose your job?
- c. How many days' work did you lose as a result of this accident?
35. Do you wear glasses?
36. How long have you worn them.
37. a. How is your sight impaired?
- b. Who informed you that your sight is impaired?
38. Were both of your eyes affected by the wreck?
39. Have you seen a specialist concerning your impaired eyesight?
40. How did he treat it?
41. Give his name and address.
42. Where were you bruised?
43. Give the location and size of the bruises.
44. How long did it take for them to heal?
45. Attach hereto a true copy of all the doctor and hospital bills you have received in an effort to cure your injuries caused by this wreck.
46. List the number of times you have visited each doctor who treated you.
47. What type of work did you do before the accident?
48. What type of work do you do now?

49. Are you paid as much for working as before the accident?

50. Did the injuries you received restrict your social activities?

51. How long did you remain in bed as a result of the wreck?

52. How long were you restricted to your home?

53. List each and every item of damage which you are claiming as a

result of the wreck, excluding paid and suffering, and set out the monetary cost of each.

54. Total this itemized list of damages.

55. What was the weather condition at the time of the wreck?

56. Was visibility obscured?

57. What was the terrain of the road at the point of impact?

58. Were you going up hill or down hill:

a. At the point of impact?

b. 50 feet away.

c. 100 feet away.

d. 250 feet,

e. 500 feet,

f. One quarter mile,

g. One half mile,

h. One mile.

59. If you answer question 57 showing that the wreck occurred at or near the crest of the hill state which side of the crest the wreck occurred.

Walters & Brantley

By: Forrest M Brantley
Attorney for the Defendant

STATE OF ALABAMA

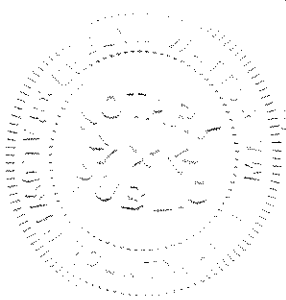
BALDWIN COUNTY

Personally appeared before me, the undersigned authority, Forrest M. Brantley, 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 answer to the above and foregoing interrogatories, if well and truly made, will be material evidence for the Defendant on a trial of this cause.

Forrest M Brantley

Sworn to and subscribed before me this 17 day of July, 1956.

Evelyn Watts
Notary Public, Baldwin County, Alabama



Wm Stone

*Q. William Stone, one of the attorneys for the Plaintiff
in the above styled cause do hereby acknowledge service of a copy
of the within interrogatories - this 17th day of July, 1956*

FILED
JUL 17 1956
FBI - NEW YORK

INTERROGATORIES

JOHN F. BRANNEN

LEWIS J. GUDINOSKI

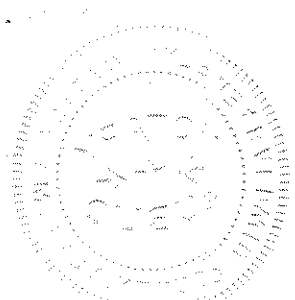
VS

INTERVIEW

28812

Am

Wm Stone



EVERETT M. GUDMUNDSEN

PLAINTIFF

VS

HOWARD W. BRANTLEY

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. 2382

Comes now the Defendant in the above styled cause and for answer to the Complaint heretofore filed against him pleads as follows:

1.

Not guilty.

2.

At the time and place complained of in the Bill of Complaint, Plaintiff proximately contributed to the injuries and damages complained of by his own negligence in this: the incompetence and unfitness of Jim D. Gudmundsen, the operator of the automobile in which the Plaintiff was riding, was then well known to the Plaintiff, and the Plaintiff appreciating the danger of likely injury and damage to himself by riding in an automobile operated by the said Jim D. Gudmundsen as aforesaid, and notwithstanding such knowledge on the part of the Plaintiff and Plaintiff appreciation of said danger and risk at said time and place, the Plaintiff negligently entered into and rode in said automobile as a passenger, which said negligence of Plaintiff proximately contributed to the injuries and damages complained of in the Complaint; wherefore the Plaintiff should not recover.

3.

At the time and place complained of in the Complaint, the Plaintiff proximately contributed to the injuries and damages complained of by his own negligence in this: the carelessness, incompetence, indifference, heedlessness, and recklessness of Jim D. Gudmundsen, the operator of the automobile in which the Plaintiff was riding, was well known to the Plaintiff, and the Plaintiff appreciating the danger of like injury and damage to himself by riding as a guest in the automobile of Jim D. Gudmundsen as aforesaid, notwithstanding such knowledge on the part of the Plaintiff and appreciation of said danger at the said time and place, the Plaintiff negligently entered into and rode

in said automobile as a passenger, which said negligence of the Plaintiff
proximately contributed to the injuries and damages complained of in the
Complaint; wherefore Plaintiff should not recover.

Wiltors & Brantley

BY:

Robert M Brantley
Attorneys for the Defendant

EVERETT M. GUDMUNDSEN

PLAINTIFF

VS

HOWARD W. BRANTLEY

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

CASE NO. 2882

Comes now the Defendant in the above styled cause and demurs to the Plaintiff's complaint and for grounds therefor says:

1.

The count states no cause of action against the Defendant.

2.

The alleged negligence of the Defendant is not set forth with sufficient certainty.

3.

The averments of negligence are mere conclusions of the Plaintiff with no facts alleged in support thereof.

4.

For aught appearing the Defendant owed the Plaintiff no duty at that time and place of said accident.

Wilters & Brantley

BY:

Howard W. Brantley
Attorneys for the Defendant

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

Witness my hand this 23 day of March, 1956.

Mer k

VS.

HOWARD W. BRANTLEY, ---
Defendant.

AT-LAW

The Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) as damages for that on heretofore to-wit: the 9th day of January, 1956, at to-wit: 4:30 o'clock p.m., at a point 3.2 miles West of the City Limits of Silverhill in Baldwin County, Alabama, on Alabama Highway No. 104, a public road in Baldwin County, Alabama, the Defendant, Howard W. Brantley, so negligently operated a motor truck at said time and place as to cause or allow the same to run into or collide with a motor vehicle in which the Plaintiff was riding as a passenger and as a proximate consequence and result of the negligence of the Defendant aforesaid, the Plaintiff was severely injured in this: he suffered severe lacerations of the face, his head was injured and he was caused to have headaches and his sight was impaired and he was otherwise bruised and caused to suffer great pain and anguish, he was caused

to lose time from his work and to incur medical and optical expenses in and about the treatment of his said injuries, all to his damage aforesaid, wherefore the Plaintiff brings this suit and asks judgment in the above amount.

CHASON & STONE

By: 
Attorneys for Plaintiff.

Plaintiff respectfully demands
a trial of this cause by jury.

By: 
Attorneys for Plaintiff.

Defendant's Address:

General Delivery
Daphne, Alabama

FILED
MAR 23 1956
JAMES L. DICK, Clerk

Received 23 day of mar 19 56
and on 29 day of March 19 56
I served a copy of the within see
on Howard W. Brantley

By service on _____

TAYLOR WILKINS, Sheriff
By Edleigh Steadman D. S.

Belforest

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY Steadman
DEPUTY SHERIFF

2882
EVERETT M. GUDMUNDSEN,
Plaintiff,
vs.

HOWARD W. BRANTLEY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

SUMMONS AND COMPLAINT

FILED

MAR 23 1956

W. A. WALKER

LAW OFFICES

CHASON & STONE
BAY MINETTE, ALABAMA

We the jury find in favor of
the defendant.

Leon F. Walker

EVERETT M. GUDMUNDSEN,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
HOWARD W. BRANTLEY,	I	CASE NO. 2882
Defendant.	I	

DEMURRER TO PLEAS

Comes now the Plaintiff in the above styled cause and demurs to pleas numbered "2." and "3." heretofore filed in this cause by the Defendant, and to each of said pleas separately and severally and assigns the following separate and several grounds in support thereof:

1. Said pleas are immaterial.
2. The allegations of said pleas do not constitute a defense to this cause of action.
3. The allegations of plea "2" do not constitute a defense to this cause of action.
4. The allegations of plea "3" do not constitute a defense to this cause of action.
5. For aught that appears from the allegations of said pleas the alleged negligence of the Plaintiff was not the proximate cause of his injury.
6. The allegations of said pleas do not show by necessary implication that the negligent collision charged in the complaint was the proximate result of the conditions, allegedly known to the Plaintiff, under which the automobile in which the Plaintiff was riding as a guest was being operated.
7. The allegations of plea "2" do not show by necessary implication that the negligent collision charged in the complaint was the proximate result of the condition, allegedly known to the Plaintiff, under which the automobile in which the Plaintiff was riding as a guest was being operated.
8. The allegations of plea "3" do not show by necessary implication that the negligent collision charged in the complaint was the proximate result of the condition, allegedly known to the

Plaintiff, under which the automobile in which the Plaintiff was riding as a guest was being operated.

9. The allegations of said pleas fail to allege a duty owing from the Plaintiff to the Defendant, the breach of which proximately contributed to the injuries of the Plaintiff.

10. The allegations of said pleas failed to allege a duty owing from the Plaintiff to the Defendant.

11. It affirmatively appears from the allegations of said pleas that the Defendant and the operator of the automobile in which the Plaintiff was riding were joint tort-feasors.

12. No facts are alleged in said pleas to show that the Plaintiff negligently remained in the automobile in which he was riding as a guest under the circumstances and conditions as they existed at the time and place alleged in the complaint.

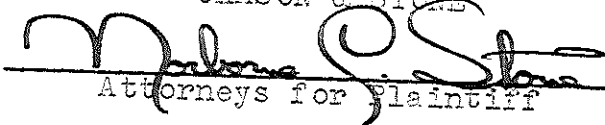
13. The allegations of said pleas that the Plaintiff "negligently entered into and rode in said automobile as a passenger" are mere conclusions of the pleader and no facts are alleged to show any such negligence on the part of the Plaintiff.

14. The allegations of said pleas are conclusions of the pleader.

Respectfully submitted,

CHASON & STONE

By:


Attorneys for Plaintiff