

JERRY KOSTELECKY,

Plaintiff,

vs.

BILLY JOE HOLCOMB and  
JOE HUGHES,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

INTERROGATORIES FROM THE PLAINTIFF TO THE DEFENDANT JOE HUGHES

Comes now the Plaintiff in the above styled cause, by his attorneys, and propounds the following interrogatories to the Defendant, Joe Hughes:

1. Please state your name, address and correct age.
2. Please state if, on August 18, 1956, you were the owner of a  $\frac{1}{2}$  ton Chevrolet Pick-up truck.
3. Please state if said pick-up truck was involved in an accident with a pick-up truck being driven by Jerry Kostelecky on the old Silverhill road at or near the intersection of the Silverhill to Loxley road approximately five miles East of Silverhill, Alabama.
4. If your answer to the last interrogatory is in the affirmative please state if Billy Joe Holcomb was operating your truck at said time and place.

CHASON & STONE

By:

  
Attorneys for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

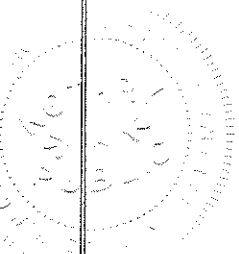
Before me, Blanche White, a Notary Public, in and for said County in said State, personally appeared Norborne C. Stone, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That he is one of the attorneys of record for the Plaintiff in the above styled cause and has authority to make this affidavit; that the answers to the foregoing instrument, if well and truly made, will be material testimony for the Plaintiff on the trial of this cause.

  
Norborne C. Stone, Jr.

Sworn to and subscribed before me  
on this the 28<sup>th</sup> day of August,  
1957.

Blanche White  
Notary Public, Baldwin County, Ala.



Received 28 day of Aug 1957  
and on 2 day of Sept 1957  
copy of the within for Interrog  
Joe Hughes  
J. J. Mashburn, atty.  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By Sindal D. S.

0 miles

3192

JERRY KOSTELECKY,

Plaintiff,

VS.

BILLY JOE HOLCOMB and JOE  
HUGHES,

Defendants.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

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INTERROGATORIES FROM THE  
PLAINTIFF TO THE DEFENDANT  
JOE HUGHES.

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Serve on J. J.  
Mashburn.  
Esq.

FILED

AUG 28 1957

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

JERRY KOSTELECKY,

Plaintiff,

vs

BILLY JOE HOLCOMB and  
JOE HUGHES,


Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW. NO. 3192.

PLEAS:

Comes now the Defendant, Billy Joe Holcomb, by his Attorney, and for answer to the complaint heretofore filed in this cause and to each and every count thereof, separately and severally, sets down and assigns the following separate and several pleas:

1. That the allegations of the complaint are untrue.
2. That the Plaintiff, at the time and place complained of in said complaint, was himself guilty of negligence which proximately contributed to his damages in that he negligently drove the automobile truck, which he was then and there driving into, over or against Defendant's automobile truck.

  
Attorney for Defendant, Billy Joe  
Holcomb.

JERRY KOSTELECKY,

Plaintiff,

vs.

BILLY JOE HOLCOMB and  
JOE HUGHES,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

NO. 3192.

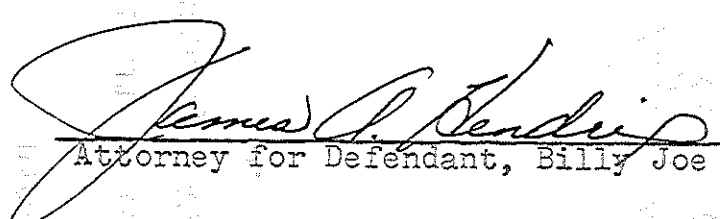
MOTION TO SET ASIDE DEFAULT JUDGMENT

Comes now the Defendant, Billy Joe Holcomb, in the above styled cause, by his Attorney, and moves the court to set aside the default judgment taken against him in said cause and assigns separately and severally, as grounds therefor the following:

1. That Defendant is ignorant and unlearned in the law and was unaware that a judgment had been taken against him in said cause.

2. That Defendant believed that a judgment could not be taken against him only in this cause since he was sued jointly with one Joe Hughes.

3. That Defendant has a good, adequate and meritorious defense to said action in the event that the court set aside said default judgment.

  
Attorney for Defendant, Billy Joe Holcomb.

JERRY KOSTELECKY,

Plaintiff,

VS.

BILLY JOE HOLCOMB and  
JOE HUGHES,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 3192

P L E A S

Comes now the defendant, JOE HUGHES, by his attorney, and for answer to the complaint heretofore filed in this cause and to each and every count thereof, separately and severally, sets down and assigns the following separate and several pleas:

1.

That the allegations of the complaint are untrue.

2.

That the plaintiff, at the time and place complained of in said complaint, was himself guilty of negligence which proximately contributed to his damages in that he negligently drove the automobile truck, which he was then and there driving, into, over or against ~~plaintiff's~~ <sup>Defendant's</sup> automobile truck.

3.

That the plaintiff, at the time and place complained of in said complaint, was himself guilty of negligence which proximately contributed to his damages in that he so negligently operated an automobile truck which he was then and there driving as to cause defendant's automobile truck, which was then and there being operated by one BILLY JOE HOLCOMB, to run into, upon, over, or against the plaintiff's said automobile truck.

4.

Comes the defendant, JOE HUGHES, and claims of the plaintiff, JERRY KOSTELECKY, by way of recoupment, the sum of SIX HUNDRED (\$600.00) DOLLARS as damages, for that, heretofore, on, to-wit: August 18, 1956, at about 1:40 P. M., o'clock, on the Old Silverhill Road, a public highway in Baldwin County, Alabama, at or near the intersection of the Silverhill to Loxley Road, which <sup>is</sup> approximately five (5) miles East of Silverhill, Baldwin County, Alabama, and at the time and place referred

Isaac A. Madbury, Jr.  
ATTORNEY FOR DEFENDANT.

OF COUNSEL FOR PLAINTIFF.

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Billy Joe Holcomb and Joe Hughes 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, than and there to answer the complaint of Jerry Kostelecky.

WITNESS my hand this 17 day of April, 1957.

Reese J. Smith  
Clerk.

JERRY KOSTELECKY,

Plaintiff,

vs.

BILLY JOE HOLCOMB and  
JOE HUGHES,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

COUNT ONE:

The Plaintiff claims of the Defendants the sum of One Thousand Five Hundred Dollars (\$1,500.00) as damages for that on, to-wit, August 18, 1956, on the old Silverhill road, a public road in Baldwin County, Alabama, at or near the intersection of the Silverhill to Loxley road, which point is approximately <sup>one half mile North</sup> ~~five (5) miles East~~ of Silverhill, Baldwin County, Alabama, the Defendant, Billy Joe Holcomb, who was then and there acting as the agent, servant or employee of the Defendant, Joe Hughes, and while acting within the line and scope of his employment as such, so negligently operated a motor vehicle as to cause or allow the same to run into, upon or against a motor vehicle belonging to the Plaintiff, which he was then and there operating and in which his two minor children were then and there riding; and the Plaintiff alleges that as a proximate consequence of the negligence of the Defendant, Billy Joe Holcomb, aforesaid, that he was



cause to suffer and did suffer serious personal injuries in this: he was cut about the face and his body, he was made sick and sore, he suffered much physical pain and mental anguish, he was knocked unconscious, his neck and back was injured, he was caused to expend large sums in and about the care and treatment of his injuries and of the injuries of his two minor children who were then and there riding with him and he lost time from his work, all to the damage of the Plaintiff as aforesaid; wherefore he brings this suit and asks judgment in the above amount.

COUNT TWO:

The Plaintiff claims of the Defendants the sum of Eight Hundred Dollars (\$800.00) as damages for that on, to-wit, August 18, 1956, at approximately 1:35 o'clock P. M. on the old Silverhill, Alabama, road, a public road in Baldwin County, Alabama, at or near the intersection of the Silverhill to Loxley road, at a point approximately <sup>one half mile North</sup> ~~five (5) miles East~~ of Silverhill, Baldwin County, Alabama, the Defendant Billy Joe Holcomb, who was then and there acting as the agent, servant or employee of the Defendant Joe Hughes, while acting within the line and scope of his employment as such, so negligently operated a motor vehicle at said time and place as to cause or allow such motor vehicle to run into, upon or against a motor vehicle belonging to the Plaintiff and which he was then and there operating; and as a proximate consequence and result of the negligence of the Defendant Billy Joe Holcomb, aforesaid, while acting within the line and scope of his employment as the agent, servant or employee of the Defendant Joe Hughes, the motor vehicle of the Plaintiff was greatly and seriously damaged in this: the right front door was bent and broken, the upper panel assembly was bent and broken, the back panel was bent and broken, the back window was broken, the right window was broken, the running board apron on the right side was broken, the right rear fender was bent and broken, the frame was bent and broken and had to be replaced and said motor vehicle was otherwise bent and broken and damaged and the Plaintiff was caused to incur a wrecker bill; all to the damages of the Plaintiff, afore-

said; wherefore he brings this suit and asks judgment in the above amount.

ERNEST M. BAILEY

and

CHASON & STONE

By:

  
Attorneys for Plaintiff

Plaintiff demands a trial of this cause by jury.

CHASON & STONE

By:



ADDRESSES:

Billy Joe Holcomb  
Loxley, Alabama

Joe Hughes  
Silverhill, Alabama

served a copy of the within s/c.  
Billy Joe Holcomb and Leroy  
Joan Hughes Silverhill

3172 RECORDED

By service on \_\_\_\_\_

SUMMONS & COMPLAINT

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JERRY KOSTELECKY,  
Plaintiff,

vs.

BILLY JOE HOLCOMB and JOE  
HUGHES,

Defendants

\*\*\*\*\*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

\*\*\*\*\*

FILED  
APR 17 1957  
ALICE L. DUCK, Clerk

LAW OFFICES  
CHASON & STONE  
BAY MINETTE, ALABAMA

TAYLOR WILKINS, Sheriff  
By Pellinger Stadhens D. S.

Sheriff claims 100 miles at  
Ten Cents per mile Total \$ 10.00

TAYLOR WILKINS, Sheriff  
BY Stadhens  
DEPUTY SHERIFF