

500
ALFRED G. HATCH, JR.,
Plaintiff,
VS.
L. L. WALKER,
Defendant.

3829
IN THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY.

TESTIMONY TAKEN IN OPEN COURT, ON FEBRUARY 7, 1960.

MRS. ALFRED G. HATCH, JR., BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Mashburn.

Q. Your name is Mrs. Alfred G. Hatch, Jr.?

A. That's right.

Q. Were you involved in an automobile accident when you were driving your husband's car some time in November of 1958?

A. I was involved in the accident, but I was not driving.

~~XXXXXXXXXXXXXXXXXXXX~~

Q. You were a passenger?

A. Yes sir.

Q. Where did the accident occur?

A. On the Mobile cause-way in front of the Sea Ranch Restaurant.

Q. Who was driving your car at the time?

A. My uncle, Phillip Bohannon.

Q. Tell the Judge what happened?

A. My uncle, my mother and I had been to a funeral in Jay, Florida, and were on the way back to Mobile; that was on November 21, 1958 about 5:15 P. M. and as we approached the Sea Ranch Restaurant we saw that there was an accident; the road was completely blocked and we came to a complete stop, I would say about 50 feet from the accident, as the other cars did on the other side of us, and in just a few seconds why a big pulp wood truck, a '59 Chevrolet truck loaded with pulp-wood came up from the rear and hit us from the rear with such impact that it pushed us into the other automobile that was in the highway - it was with such an impact it knocked the Mercury off the road completely in the drive of the Sea-Ranch

after the accident?

A. Oh it wouldn't have brought \$100.00 if it had been junked.

Q. What damages were done?

A. The trunk was hit from the rear and it caved in the rear; bursted the gas tank; tore the transmission and engine loose and threw them in the radiator. It knocked the car into the automobile in front of it and tore up the front bumper, grill work, water pump and fan and, and of course, all engine mounts; the damage to the front fenders were negligible; the front seat was tore loos from the floor; my wife and the driver were sitting on the seat. The total cost of repair came to \$340.00 some odd dollars and that was with my discount.

Q. You say the costs of repairs to your automobile was three hundred forty and some odd dollars?

A. \$347.00, and that was with my discount off.

Q. Was that a reasonable charge for the repairs?

A. Yes sir.

Q. And that included your discount of how much to you?

A. 10%.

C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1 to 3 both inclusive, correctly sets forth a true and correct transcript of the evidence as taken by me in open Court in the above styled cause.

This 7th day of February, 1960.

Louise Dusenbury
Court Reporter

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

JOHN CHASON
NORBORNE C. STONE, JR.

PHONE 3641

February 5, 1960

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

Dear Mrs. Duck:

Re: Hatch vs. Walker

Would you please withdraw our appearance as attorneys
for the Defendant in the above styled cause.

We have notified Mr. Walker of this action.

Sincerely,

CHASON & STONE

By: 

NCS:jab

CC: Hon. T. J. Mashburn
Attorney at Law
Bay Minette, Alabama

FILED

FEB 8 1960

ALICE J. DUCK, CLERK
REGISTER

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW
817 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA
HEMLOCK 2-0568

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1925-1958)
WILLIAM H. McDERMOTT

JUNE 29, 1959

MRS. ALICE J. DUCK, CLERK
CIRCUIT COURT OF BALDWIN COUNTY
BALDWIN COUNTY COURT HOUSE
BAY MINETTE, ALABAMA

IN RE: HATCH V. WALKER
CIRCUIT COURT OF BALDWIN COUNTY
AT LAW NO. 3829

DEAR MRS. DUCK:

THE PLAINTIFF IS WILLING TO SUBMIT FOR RULING
ON DEMURRER IN THIS MATTER, WITH OR WITHOUT ARGU-
MENT BY THE DEFENDANT.

VERY TRULY YOURS,

COLLINS, GALLOWAY & MURPHY

By: 
WILLIAM H. McDERMOTT

WHMcD/FS
cc: HON. N. C. STONE
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW
817 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA
HEMLOCK 2-0568

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1925-1956)
WILLIAM H. McDERMOTT

SEPTEMBER 22, 1959

MRS. ALICE J. DUCK, CLERK
CIRCUIT COURT OF BALDWIN COUNTY
BALDWIN COUNTY COURT HOUSE
BAY MINETTE, ALABAMA

IN RE: HATCH V. WALKER
CIRCUIT COURT OF BALDWIN COUNTY
AT LAW, No. 3829

DEAR MRS. DUCK:

PLEASE BE ADVISED THAT THIS OFFICE NO LONGER REPRESENTS THE PLAINTIFF IN THE ABOVE CASE. WE WOULD APPRECIATE IT IF YOU WOULD ENTER OUR WITHDRAWAL FROM THIS CASE IN THE COURT FILE.

VERY TRULY YOURS,

COLLINS, GALLOWAY & MURPHY

BY: 
WILLIAM H. McDERMOTT

WHMcD/FS
CC: MR. ALFRED G. HATCH
2256 ROBERTA DRIVE
MOBILE, ALABAMA

ALFRED G. HATCH, JR.,	I		
Plaintiff,	I	IN THE CIRCUIT COURT OF	
vs.	I		
	I	BALDWIN COUNTY, ALABAMA	
L. L. WALKER,	I		
Defendant.	I	AT LAW	NO. 3829
	I		

DEMURRER

Comes now the Defendant in the above styled cause, by his Attorneys, and demurs to the complaint heretofore filed against him and assigns the following separate and several grounds in support thereof:

1. The complaint fails to state a cause of action.
2. The complaint fails to allege a duty owing from the Defendant to the Plaintiff and a breach of that duty proximately resulting in injuries or damages to the Plaintiff.
3. The allegations of the complaint are vague, indefinite and uncertain.
4. The complaint fails to allege with sufficient certainty how or in what manner the motor vehicle of the Plaintiff was damaged.

Respectfully submitted,

CHASON & STONE

FILED
 JUN 10 1959
 ALICE J. DICK, CLERK
 REGISTER

By: *Malone S. Stone, Jr.*
 Attorneys for Defendant

ALFRED G. HATCH, JR.,
Plaintiff,

vs.

L. L. WALKER,
Defendant.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 3829

* * * * *

DEMURRER

* * * * *

FILED

JUN 10 1959

ALICE J. DUCK, CLERK
REGISTER

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

AMENDED COMPLAINT

ALFRED G. HATCH, JR.,
Plaintiff,
VS.
L. L. WALKER,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NO. 3829

Comes the plaintiff in the above styled cause and amends
Count One of his complaint, heretofore filed in this cause, so
that, as amended, said Count One reads as follows:

C O U N T O N E

The plaintiff claims of the defendant the sum of FIVE
HUNDRED (\$500.00) DOLLARS as damages, for that, heretofore, on
to-wit: November 21, 1958, at about 5:15 o'clock, P. M., at a
point on U. S. Highway Number 90, approximately opposite the Sea
Ranch Restaurant on the Mobile Bay Causeway in Baldwin County,
Alabama, at which point U. S. Highway 90 is a public highway,
the plaintiff's automobile was stopped on said Highway 90 be-
cause of a wreck which had just occurred, and at said time and
place the defendant so negligently operated a motor vehicle as
to cause, permit or allow the same to run into, upon or against
plaintiff's said automobile, and as a proximate consequence and
result of defendant's negligence as aforesaid, plaintiff's auto-
mobile was greatly smashed, bent and broken in this, to-wit: the
left rear bumper, the left and right rear guard, the rear body
gravel shield, the rear bumper gravel shield and the rear center
bumper bracket were all smashed and broken, the radiator was
broken, the frame was bent, the motor supports were bent and
broken, the transmission supports were bent and broken, the gas
tank was ruined, the front grill was smashed and the chrome, both
front and rear was ruined; all to the damage of the plaintiff in
the amount herein sued for, hence this suit.

Julian A. Mascher
ATTORNEY FOR PLAINTIFF.

IN THE CIRCUIT COURT OF
BAKDWIN COUNTY, ALABAMA.

AT LAW.

NØ. 3829

ALFRED G. HATCH, JR.,

Plaintiff,

VS.

L. L. WALKER,

Defendant.

AMENDED COMPLAINT.

FILED

OCT 3 1959

ALICE J. DUCK, CLERK
REGISTER

ALFRED G. HATCH, JR., : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY,
VS: : ALABAMA
L. L. WALKER,
Defendant : CASE NO. _____

COUNT ONE

The Plaintiff claims of the Defendant the sum of FIVE HUNDRED AND 00/100 (\$500.00) DOLLARS, damages for that heretofore on, to-wit, November 21, 1958 plaintiff's vehicle was stopped on U. S. Highway 90 on the Mobile Bay Causeway, at or near a point approximately opposite the Sea Ranch Restaurant, at which point U. S. Highway 90 is a public road in the County of Baldwin, Alabama, and at said time and place defendant so negligently operated a motor vehicle as to cause or allow the same to collide with the motor vehicle of the plaintiff, and as a proximate result and consequence of the aforesaid negligence of defendant, plaintiff's vehicle was greatly smashed, bent and broken, all to his great damage in the amount aforesaid, hence this suit.

COLLINS, GALLOWAY & MURPHY

BY: William W. Galloway
Attorneys for Plaintiff

Address of Defendant:

Route 3
Atmore, Alabama

(Please direct summons to the
Sheriff of Escambia County,
Alabama)

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 3829

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon L.L. WALKER

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

L.L. WALKER

, Defendant

by ALFRED G. HATCH, JR.

, Plaintiff

Witness my hand this 5th day of May 1959

, Clerk

110A

No. 3829 Page

The State of Alabama
Baldwin County

CIRCUIT COURT

ALFRED G. HATCH, JR.

Plaintiffs

vs.

L.L. WALKER

Defendants

Summons and Complaint

Filed May 5, 1959

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19

, Sheriff

I have executed this summons

this 5/16 1959

by leaving a copy with

P. L. Walker

Sheriff

Deputy Sheriff