HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS
SUITE 622 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON, JR.
LYMAN F. HOLLAND, JR.
J. THOMAS HINES, JR.
W. C. BOONE, JR.
DONALD F. PIERCE

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
HEMLOCK 2-5514

February 16, 1960

The Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

Re: Hazel Lynch v. Robert Jaye, et al., No. 4043
Roy Lynch v. Robert Jaye, et al., No. 4042

Dear Madam:

Enclosed are the original and first copy of two motions to require answers to interrogatories, which I would appreciate your filing in the above two cases, respectively.

Yours very truly,

Paul Brock

For the Firm

PB/js

HAZEL LYNCH, Plaintiff vs. ROBERT JAYE & JERALD LEE JAYE Separately and severally, Defendant	)	IN THE CIRCUIT COURT OF BALDWIN ~~MOBILE~~/COUNTY, ALABAMA. AT LAW. CASE NO. 4043

MOTION TO REQUIRE ANSWERS TO INTERROGATORIES

Comes now each of the following defendants, separately and severally, Robert Jaye and Jerald Lee Jaye, and shows unto the court that each said defendant has filed with the Clerk of the Court interrogatories to be propounded to the plaintiff; that said interrogatories were served on the plaintiff on, to-wit, the 30 day of November 1959; that more than sixty days have elapsed since said date and that the plaintiff has not answered said interrogatories.

WHEREFORE, each said defendant moves the court to attach the plaintiff and to cause the plaintiff to answer fully in open court, or to tax the plaintiff with such costs as may be just and to continue the cause until full answers are made, or to direct a non-suit to be entered, or to render such other judgment or decree as would be appropriate if the plaintiff had offered no evidence, or to require the plaintiff to answer said interrogatories on or before a day certain to be fixed by the court.

FILED
FEB 18 1960
ALICE J. DUCK, Clerk

HAND, ARENDALL, BEDSOLE,
GREAVES & JOHNSTON

By: Paul W. Brock
Attorneys for each said defendant

ROY LYNCH, Plaintiff vs. ROBERT JAYE & JERALD LEE JAYE, separately and severally, Defendant	)	IN THE CIRCUIT COURT OF BALDWIN ~~MOBILE~~/COUNTY, ALABAMA. AT LAW. CASE NO. 4042

MOTION TO REQUIRE ANSWERS TO INTERROGATORIES

Comes now each of the following defendants, separately and severally, Robert Jaye and Jerald Lee Jaye, and shows unto the court that each said defendant has filed with the Clerk of the Court interrogatories to be propounded to the plaintiff; that said interrogatories were served on the plaintiff on, to-wit, the 30 day of November 1959; that more than sixty days have elapsed since said date and that the plaintiff has not answered said interrogatories.

WHEREFORE, each said defendant moves the court to attach the plaintiff and to cause the plaintiff to answer fully in open court, or to tax the plaintiff with such costs as may be just and to continue the cause until full answers are made, or to direct a non-suit to be entered, or to render such other judgment or decree as would be appropriate if the plaintiff had offered no evidence, or to require the plaintiff to answer said interrogatories on or before a day certain to be fixed by the court.

FILED
FEB 18 1960
ALICE J. BOOK, Clerk

HAND, ARENDALL, BEDSOLE,
GREAVES & JOHNSTON

By: Paul W. Brock
Attorneys for each said defendant

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LAWYERS
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DONALD F. PIERCE

MAILING ADDRESS:
P. O. BOX 123
CABLE ADDRESS:
HAB
TELEPHONE:
HEMLOCK 2-5514

August 30, 1960

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Re: Lynch vs. Jaye, Cases No. 4043 and 4042,
Circuit Court of Baldwin County, Alabama

Dear Mrs. Duck:

Enclosed are Answers on behalf of the defendants in the above two cases which we would appreciate your placing of record.

Yours very truly,

W. C. Boone Jr.

For the Firm

WCB.pcb
Encls.

HAZEL LYNCH,	)	IN THE CIRCUIT COURT OF
	)	MOBILE COUNTY,
Plaintiff	)	ALABAMA.
vs.	)	AT LAW
ROBERT JAYE & JERALD LEE JAYE, separately and severally,	)	CASE NO. 4043
Defendant	)	

INTERROGATORIES TO THE PLAINTIFF

Comes now each of the following defendants, separately and severally, Robert Jaye and Jerald Lee Jaye, and, desiring the testimony of the plaintiff , propounds to the plaintiff the following interrogatories, as is provided under Section 477, et seq., of Title 7 of the CODE OF ALABAMA of 1940, to wit:

1. State your correct name, age, residence address and business address.

2. State the name and address of your employer at the time of the occurrence made the basis of this suit and the type of work you were doing. (a) State your average weekly earnings at the time of said occurrence. (b) State the number of days and the dates of the days you actually lost from work as a result of the injuries you allege you received. (c) State whether or not you continued to receive wages from your said employer during the period of your disability as a result of the occurrence made the basis of this suit. (d) State the amount lost in wages by you as a result of said occurrence. (e) Give the name and address of your present employer and the type of work you are doing. (f) State the amount of your present average weekly earnings. (g) Give the name and address of each and every other person by whom you have been employed since the date of the occurrence made the basis of this suit and your average weekly wage in each employment. (h) How much gross earnings from your employment did you report to the Collector of Internal Revenue for income tax purposes for the calendar year immediately prior to the year of said occurrence? ~~(i) How much gross earnings from your employment did you report to the Collector of Internal Revenue for income tax purposes for the calendar year during which said occurrence happened?~~ ~~(j) How much gross earnings from your employment did you report to the Collector of Internal Revenue for income tax purposes for the calendar year next subsequent to the year of said occurrence?~~

3. Describe each and every injury received by you in the occurrence made the basis of this suit. (a) Describe and locate each and every laceration or cut you sustained in said occurrence. (b) Describe and locate each and every bruise, sprain, strain or contusion you sustained in said occurrence. (c) Describe and locate each and every fracture or dislocation suffered by you in said occurrence. (d) Specify which, if any, of said injuries are permanent in nature, and state the manner and degree in which each said injury disables you. (e) Specify and describe in detail any and all other ailments resulting from said occurrence which have not already been enumerated by you, and state how and to what degree said condition manifests itself.

4. Give the name and address of each and every doctor, if any, who has attended you for the injuries you allege to have received in the occurrence made the basis of this suit. (a) Give the dates of treatment or examination of you by each and every said doctor, respectively. (b) What was your condition with reference to said injuries and ailments when you were first attended by each of said doctors, separately and severally? (c) What was your condition with reference to said injuries and ailments when you were last attended by each of said doctors, separately and severally? (d) State the date on which you were last treated, examined or prescribed for by each of said doctors, separately and severally, and relate in substance what transpired at said time between you and each of said doctors, and include the substance of said doctor's instructions to you with reference to futher treatment. (e) State the amount of the bill, separately and severally, of each respective doctor for the treatment rendered you or services performed for you, resulting from the occurrence made the basis of this suit. (f) State which of said doctors, separately, have been paid, and, if so, by whom. (g) State whether you had any form of medical insurance or other protection which took care of said doctors' bills, and, if so, to what extent? (h) Were you referred to any of the doctors heretofore mentioned by you in your answers to these interrogatories by the attorney or attorneys who represent you and, if so, state the name or names of such doctors. (i) Did any of the doctors heretofore mentioned by you refer you to the attorney or attorneys who represent you and, if so, state which of said doctors did so.

5. State whether or not you were hospitalized as a result of the occurrence made the basis of this suit. (a) If so, give the name and address of said hospital where you were confined. (b) Give the dates of your confinement. (c) State the amount of the hospital bill incurred for your confinement. (d) State whether or not any portion of said bill was taken care of by hospitalization insurance or by any other form of protection, and, if so, what portion? (e) State who paid or became obligated to pay said hospital bill or portion thereof.

6. State whether or not any X-rays were taken of you as a result of the occurrence made the basis of this suit. (a) Give the name and address of every radiologist who took said X-rays or who supervised their taking and state when all said X-rays, respectively, were taken. (b) State each X-ray reading or your understanding of what each of the X-rays revealed, respectively. (c) Give the amount of each said X-ray bill, and state by whom each was paid.

7. State whether or not special nurses, registered nurses or practical nurses attended you in the treatment of the injuries you allege you received in the occurrence made the basis of this suit. (a) If so, give the name and address of each. (b) Give the dates you were attended by each of said nurses, separately and severally, and state whether they were special nurses, registered nurses or practical nurses. (c) Give the amount of each of said nurse's bill, separately and severally. (d) State who paid said bills, and also whether your said expenses were taken care of by any form of medical insurance or protection.

8. State whether or not you incurred any ambulance bills, drug expense or miscellaneous expense of any nature whatsoever not already enumerated as a result of the occurrence made the basis of this suit. (a) Describe each of said expenses, separately and severally, stating the amount of each. (b) By whom were each of said expenses paid?

9. State how long you were confined to bed at home after, and as the result of, the occurrence made the basis of this suit, if you were so confined, and state the dates of said confinement. (a) State how many days elapsed from the date of said occurrence until you were able to be out of bed and up and

how many days elapsed from the date of said occurrence until you were able to be out of bed and up and

about your home. (b) State how many days elapsed from the date of the occurrence until you were able to leave your home and come to town or go other places. (c) State the number of days which elapsed from the date of said occurrence before you were able to resume your normal activities.

10. State whether or not, prior to the occurrence made the basis of this suit, you were ever at any time injured in any manner whatsoever to any extent. (a) If you were injured prior to the occurrence made the basis of this suit in any manner, please describe in detail how you were injured, giving the date of each such injury and the extent of each such injury. (b) Have you sustained any injuries of any nature whatsoever subsequently to the occurrence made the basis of this suit? (c) If so, describe the same fully and in detail. (d) Have you ever made claim or filed suit for any injury or damage arising out of any occurrence prior to the accident made the basis of this suit? (e) If so, state where each such occurrence happened, against whom each such claim was made and the outcome of each. (f) Give the name and address of each and every doctor who has treated or examined you during the five years next preceding the date of the occurrence made the basis of this suit. (g) Describe the condition for which you were so treated or examined.

11. Describe completely and in detail the vehicle involved in, and occupied, driven by or owned by you on the occasion of the accident made the basis of this suit, stating in your answer the make, year, model and body style of the same. (a) State the name and address of the owner of said motor vehicle on the date of said accident. (b) State the name and address of the driver of said vehicle on said occasion. (c) State by whom said motor vehicle had been purchased prior to said accident, and give the date of the purchase. (d) How much was paid for said motor vehicle at the time of said purchase? (e) Give the name and address of any other person who had any interest of any nature whatsoever in said motor vehicle at the time of said accident and describe that interest.

12. Describe completely and in detail every item of damage sustained by said motor vehicle on the occasion of said accident. State in your opinion the fair reasonable market value of said motor vehicle immediately prior to said accident and also immediately after said accident, before it was repaired. (a) Give the amount of each repair estimate obtained as to said damage, and give the name and address of the person or company making said repair estimate. (b) State whether or not any of said damage was repaired, and, if so, give the amount of the repair bill and the name and address of the person, firm or corporation that made said repairs. (c) State who paid for said repairs. (d) State how long the motor vehicle was in the repair shop. (e) State whether or not there was any form of collision insurance on said motor vehicle. (f) If so, give the name and address of the insurer. (g) State whether or not you have made any sworn statement as to the amount of the damage to said motor vehicle. (h) If so, give the name and address of the person or company to whom said sworn statement was made, when it was made and the amount that was stated in same. (i) State whether or not said motor vehicle has been sold subsequently to the date of the accident made the basis of this suit, and, if so, for what amount, and state the name and address of the person, firm or corporation to which said vehicle was sold. (j) Give the mileage reading of said motor vehicle at the time of the accident made the basis of this suit. (k) Give the mileage reading of said motor vehicle at the time of answering these interrogatories. (l) Describe the condition of the brakes, signal device, steering apparatus, tires and lighting equipment on said motor vehicle, separately, at the time of the accident made the basis of this suit. (m) When had the brakes, signal device, steering apparatus, lights and tires on said motor vehicle, separately, last been inspected prior to said accident, and by whom?

13. State the number of persons occupying the motor vehicle in or on which you also were riding or which you were driving at the time of the accident made the basis of this suit, and state specifically how and in what manner said occupants were located in or on said vehicle on said occasion. Give their names and addresses. (a) State fully the purpose of the trip you were making at the time of the accident made the basis of this suit. (b) From what point had you departed? (c) What was your destination? (d) Were you performing a mission, errand or duty for anybody whomsoever? If so, state the nature of same and the name and address of the person or company for whom you were performing it. (e) Give the name and address of each and every company or person who had any interest whatsoever in the trip you were making at said time, the nature of said interest and the connection of said company or person with the trip. (f) If you were not an occupant of the vehicle involved in said accident, but owned it, state the purpose of trip on which it was engaged and whether same was in connection with your business or for your benefit.

14. Prepare and attach to your answers to these interrogatories a sketch portraying the scene of the accident and the physical objects involved in the accident made the basis of this suit, and designate on said sketch, giving your best judgment as to distances, the following: (a) The point of impact and skid marks leading up to and from same. (b) The resting places of the vehicles and of any pedestrian after the accident. (c) Where you were located when you first saw the defendant's vehicle or other vehicle involved in the accident. (d) Where the defendant's or other vehicle was located when first seen by you. (e) The placement of any other vehicles or physical objects which had anything to do with said accident.

15. State whether or not the accident made the basis of this suit occurred at an intersection of streets or avenues, and, if so, then state: (a) At what intersection of streets or avenues said accident occurred. (b) Whether any buildings or objects were then located within any of the four corners of the intersection which would obscure the vision of any person approaching the intersection. (c) State how far you, in your judgment, could then see to the left and right on each of the streets entering the intersection and down each of the intersecting streets when you approached at a point 50 feet from said intersection immediately prior to said accident. (d) Describe the locus of said accident with reference to the contour of the land, the grade or curve of the road, highway or intersection and any physical structures located within 200 feet of the place of the accident. (e) Describe any traffic controls located at the scene of the accident and the operation of same, stating the directions in which said traffic signals or controls faced.

16. State where the motor vehicle allegedly operated by or on behalf of the defendant (hereinafter sometimes called defendant's motor vehicle) was located with reference to the point of impact in the accident made the basis of this suit when you first observed same immediately prior to said accident. (a) Did you see the defendant's motor vehicle before the actual collision? (b) How many feet was the defendant's motor vehicle from the place of the impact when you first observed same? (c) How many feet were you from the place of impact when you first observed the defendant's motor vehicle? (d) Where was the defendant's motor vehicle when you first entered the intersection with reference to the place of impact? (e) Where was the defendant's motor vehicle with reference to the intersection when you first entered same? (f) Describe the condition of all automatic traffic signal lights located in the intersection at the time each of said motor vehicles entered same on the occasion of the accident made the basis of this suit, stating the condition, if you know, of the color of the light which was facing the approaching driver. (g) Where did the impact occur with reference to the center line of the street on which defendant's motor vehicle was traveling? (h) Where did the impact occur with reference to the right edge of the street on which defendant's motor vehicle was traveling? (i) How far distant were you from the nearest intersection when the impact occurred?

17. State specifically and in detail exactly how the accident made the basis of this suit occurred and describe chronologically the events that occurred leading up to the same as seen by you. (a) If you were a passenger in a vehicle involved in this accident, describe each and everything done by the operator of the said vehicle in which you were riding to avoid said accident. (b) Describe each and everything which the driver of the defendant's motor vehicle failed to do to avoid said accident. (c) Describe each and everything done by the driver of defendant's motor vehicle immediately prior to and at the time of said accident. (d) State each and everything done by you immediately prior to said accident.

18. State whether or not any of the operators of any of the vehicles involved in the accident made the basis of this suit were intoxicated, in your opinion, or were drinking intoxicating beverages at the time of the said accident. (a) Give the name and address of each of said operators who was drinking or who was intoxicated. (b) State what each of said persons was or had been drinking, where he or she had obtained same, the quantity or amount consumed and the time and place where same was drunk. (c) If you were an occupant of a vehicle involved in the accident made the basis of this suit, state whether either you or the driver of the vehicle (if different persons) in which you were riding pleaded guilty to a charge of reckless driving or of driving while intoxicated arising from said accident. If so, when and in what court was this done.

19. State, according to your best judgment, the speed of the defendant's motor vehicle at the following points: (a) When you first observed same prior to the accident made the basis of this suit. (b) At a point 300 feet from the place where the impact occurred. (c) At a point 200 feet from the place where the impact occurred. (d) At a point 100 feet from the place where the impact occurred. (e) At a point 50 feet from the place where the impact occurred. (f) At a point 25 feet from the place where the impact occurred. (g) At a point 10 feet from the place where the impact occurred. (h) At the time of impact. (i) Immediately after the impact.

20. State in what direction and along what street or highway each of the motor vehicles involved in the accident made the basis of this suit was traveling on the occasion of said accident. (a) State in your best judgment, in number of feet, the width of each of said streets or highways. (b) If any of the vehicles involved in the accident made the baasis of this suit was engaged in making a turn from a direct line of travel, describe same, and the course followed with reference to the center of the intersection and also the four corners of same and with reference to the center line of the street, avenue, or highway on which said motor vehicle had been traveling prior to said turn. (c) If you were a passenger, then state at what point had the motor vehicle in which you were riding entered the street upon which you were traveling at the time of the said accident? (d) If you were a pedestrian, state from which corner you had started to cross the street, or if you were crossing at a point not in a cross-walk, state from where you started. (e) If you were a pedestrian, describe each and every precaution taken by you, if any, before attempting to cross the street. (f) If you were a pedestrian, state whether you were crossing the street at a point between intersections.

21. State fully, specifically and in detail each and every act or thing done by the operator of the vehicle occupied or driven by you at the time of the accident made the basis of this suit during the last 100 feet of said vehicle's approach to the point of said collision, stating in your answer the chronological order in which said operator did each of said acts or things. (a) Describe each change in the course of travel

made by the defendant's motor vehicle immediately prior to said accident. (b) Describe each change in the course of travel made by the vehicle in which you were immediately prior to said accident.

22. State whether or not the brakes on the vehicle occupied by you or driven by you at the time of said accident were applied prior to the collision. (a) If so, state in your best judgment the speed in miles per hour said vehicle was traveling at the moment the brakes were applied. (b) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until said collision occurred. (c) State in your best judgment the distance in number of feet said vehicle traveled from the moment the brakes were applied until it came to a stop after the occurrence of the accident made the basis of this suit.

23. State specifically what portion of the vehicles involved in the accident made the basis of this suit first came in contact with each other. (a) Describe the portions which next came in contact after the initial impact. (b) If you were a pedestrian, describe what portion of the defendant's vehicle struck you and where on your body you were struck.

24. State in your best judgment the distance each of the vehicles involved in the accident made the basis of this suit traveled on said occasion from the moment of the collision to the point where each of said vehicles first came to a stop immediately thereafter. (a) In what direction did each of said motor vehicles move from the point of said collision until they came to a complete stop? (b) Describe each and every skid mark which led up to the point of collision. (c) Describe each and every skid mark which extended from the point of the collision toward the place where either or both of the motor vehicles involved in the accident came to rest. (d) Locate the point where each motor vehicle came to rest with reference to the point of the impact, the center of the intersection, the four corners of same and the right edge of the street on which it had been traveling.

25. State the speed of the motor vehicle which you were driving or in which you were riding, according to your best judgment, at the following points: (a) When you were within a distance of 300 feet from the point of impact in the accident made the basis of this suit. (b) When you were 200 feet from the point of impact. (c) When you were 100 feet from the point of impact. (d) When you were 50 feet from the point of impact. (e) When you were 25 feet from the point of impact. (f) When you were 10 feet from point of impact. (g) At the time of said impact. (h) When you first observed the other vehicle involved in said accident.

26. State whether any horn was sounded or any other signal was given as a warning by the operator of any of the vehicles involved in the accident made the basis of this suit prior to the time of the collision. (a)If so, describe each of said signals given by each respective driver specifically and in detail. (b) State how far distant from the point of collision each vehicle was located at the time each said signal was given, respectively. (c) If any signals for stopping or turning were given by any driver immediately prior to said collision, describe same, and state how far distant from the point of impact each said signal was given by each driver, respectively.

27. State whether or not there were any other vehicles at or near the scene of the accident at the time of and immediately prior to the occurrence of same. (a) If so, state the number of such other vehicles and where they were located with reference to the point of the accident at the moment same

occurred. (b) State whether or not any of the other vehicles located at or near the scene of the accident played any part, or contributed in any manner, to cause the collision made the basis of this suit. (c) Give the name and address of each driver and owner of each of said vehicles, as fully as you can.

28. Did you make any statement or statements concerning said accident in the presence of the operator of any of the vehicles involved in the collision made the basis of this suit following the occurrence of same? (a) If so, state when, where and what, in substance, was said by you. (b) Did the driver of the defendant's motor vehicle make any statement in your presence concerning the accident following the occurrence of the accident, and, if so, state when, where and what, in substance, was said by said driver. (c) Did the operator of the vehicle in which you were riding at the time of said occurrence make any statement concerning the accident following the same? (d) If so, state when, where and what, in substance, was said. (e) Give the name and address of each and every person who was present when any and all of said statements, respectively, were made either by you, the driver of the vehicle in which you were riding or by the driver of the defendant's motor vehicle following the occurrance of the accident made the basis of this suit, and further identify each such person as to what statement was made in his or her presence.

HAND, ARENDALL, BEDSOLE, GREAVES AND JOHNSTON

By: Paul M. Brock

Attorneys for Defendant

THE STATE OF ALABAMA:

COUNTY OF MOBILE :

Before me, the undersigned authority in and for said county in said state, this day personally appeared Paul W. Brock, who is known to me, and who, being by me first duly sworn, upon oath deposes and says that he is one of the attorneys for said specified defendant in the above entitled cause, and as such is authorized to make this affidavit; that the answers of the plaintiff to the foregoing interrogatories, when well and truly made and filed, will be material testimony for said defendant on the trial of this cause.

Paul W. Brock

Sworn to and subscribed before me on this 19 day of November 19 59.

Jean E. Smith
Notary Public

FILED
NOV 23 1959
ALICE J. DUCK, CLERK REGISTER

eceived 23 day of Nov 1952
nd on 30 day of Nov 1952
served a copy of the within Interrog
on Collins, Galloway & Murphy
By service on Mr. Fred G. Collins

Ray D. Bates Sheriff
By H. B. Braswell D. S.

C8
18 4043 143

Hazel Lynch
vs.
Roberts Joyce &
Jerald Lee Joyce

30 x
Bros.

Collins.

FILED
NOV 28 1952
ALICE J. DUCK, CLERK
By Deputy

To be served on
Collins, Galloway & Murphy.

HAZEL LYNCH	:	IN THE CIRCUIT COURT OF
Plaintiff	:	BALDWIN COUNTY,
VS:	:	ALABAMA
ROBERT JAYE & JERALD LEE JAYE, separately and severally,	:	AT LAW
	:	
Defendants	:	CASE NO. 1043

COUNT ONE

The plaintiff claims of the defendants, separately and severally, the sum of TWENTY FIVE THOUSAND AND 00/100 ($25,000.00) DOLLARS, for this, that heretofore, and on, to-wit, the 10th day of November, 1958, the plaintiff was operating an automobile on or along U. S. Highway 31, at or near a point approximately three miles east of Spanish Fort said U. S. Highway 31 being then and there a public highway in Baldwin County, Alabama, and at the time and place aforesaid the defendant, Jerald Lee Jaye, an agent, servant or employee of the defendant, Robert Jaye, while acting within the line and scope of his employment, did so negligently operate a motor vehicle so as to cause or allow the same to run into and against the automobile which the plaintiff was then and there operating and as a direct and proximate result of the aforesaid negligence of the defendant, Jerald Lee Jaye, an agent, servant or employee of the defendant Robert Jaye, while acting within the line and scope of his employment, the plaintiff was greatly injured in that she was made sick, lame and sore, was caused to have a tooth broken from her mouth, suffered multiple abrasions about her body and being pregnant at the time was caused to suffer a great deal of mental anguish over the condition of her unborn child, and has suffered severe and permanent injuries in that she was caused to have a vaginal prolapse, all to her damage in the amount aforesaid, hence this suit.

COLLINS, GALLOWAY & MURPHY

BY: Thos. M. Galloway
Attorneys for Plaintiff

FILED
NOV 6 1959
ALICE L. DUCK, CLERK REGISTER

Plaintiff respectfully demands a trial by Jury of this cause.

COLLINS, GALLOWAY & MURPHY

BY: Thomas M. Galloway
Attorneys for Plaintiff

ADDRESS OF DEFENDANTS:

Atmore, Alabama

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No. 4043

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ROBERT JAYE & JERALD LEE JAYE, Separately and severally

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 ROBERT JAYE & JERALD LEE JAYE, Separately and severally, Defendant

by HAZEL LYNCH, Plaintiff

Witness my hand this 6th day of November 1959

Alice J. Duck, Clerk

HAZEL LYNCH,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA.
vs.	)	
		AT LAW
ROBERT JAYE & JERALD LEE JAYE, separately and severally,	)	
	)	
Defendants.	)	CASE NO. 4043

D E M U R R E R

Comes now the defendant, Jerald Lee Jaye, separately, and demurs to the complaint as a whole and to each count thereof, separately, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

1) That it does not state facts sufficient to constitute a cause of action against this defendant.

2) For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by the defendant to the plaintiff.

3) For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.

4) For that the averments set up, if true, do not show any liability on the part of this defendant.

5) No facts are alleged to show that plaintiff sustained any damage or injury as a proximate result of any negligence or breach of duty on the part of this defendant.

6) It is not alleged with sufficient certainty where said accident occurred.

7) For aught that appears, plaintiff had no right to be where plaintiff was at the time and place of said accident.

8) For that each alternative averment does not state facts sufficient to constitute a cause of action against this defendant.

9) For that said suit purports to be brought against this defendant and another defendant, separately and severally, and plaintiff has no right as a matter of law to sue said defendants separately and severally.

10) For that said action cannot be maintained against the two named defendants "separately and severally."

11) For that said plaintiff is not entitled to recover against the two named defendant separate and several judgments, as is claimed.

Paul W. Brock

Paul W. Brock
Attorney for Jerald Lee Jaye

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

Defendant respectfully demands that this cause be tried by jury.

Paul W. Brock

Paul W. Brock
Attorney for Jerald Lee Jaye

HAZEL LYNCH,	)	IN THE CIRCUIT COURT
Plaintiff,	)	OF BALDWIN COUNTY,
vs.	)	ALABAMA.
ROBERT JAYE & JERALD LEE JAYE, separately and severally,	)	AT LAW.
Defendants.	)	CASE NO. 4043

D E M U R R E R

Comes now the defendant, Robert Jaye, separately, and demurs to the complaint as a whole and to each count thereof, separately, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

1) That it does not state facts sufficient to constitute a cause of action against this defendant.

2) For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by the defendant to the plaintiff.

3) For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.

4) For that the averments set up, if true, do not show any liability on the part of the defendant.

5) No facts are alleged to show that plaintiff sustained any damage or injury as a proximate result of any negligence or breach of duty on the part of this defendant.

6) It is not alleged with sufficient certainty where said accident occurred.

7) For aught that appears, plaintiff had no right to be where plaintiff was at the time and place of said accident.'

8) For that each alternative averment does not state facts sufficient to constitute a cause of action against this defendant.

9) For that said suit purports to be brought against this defendant and another defendant, separately and severally, and plaintiff has no right as a matter of law to sue said defendants separately and severally.

10) For that said action cannot be maintained against the two named defendants "separately and severally."

11) For that said plaintiff is not entitled to recover against the two named defendants separate and several judgments as is claimed.

Paul W. Brock

Paul W. Brock, Attorney for
Robert Jaye

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

Defendant respectfully demands that this cause be tried by jury.

Paul W. Brock

Paul W. Brock, Attorney for
Robert Jaye

HAZEL LYNCH,	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
Vs.	)	AT LAW
ROBERT JAYE and JERALD LEE JAYE, separately and severally,	)	CASE NO. 4043
	)	
Defendants	)	

A N S W E R

Come now the defendants in the above styled cause, and for answer to the complaint heretofore filed, and each count thereof, set down and assign the following separate and several pleas, separately and severally:

ONE

Not guilty.

TWO

The material allegations thereof are untrue.

THREE

At the time and place complained of in the complaint, the plaintiff so negligently operated an automobile on U. S. Highway 31, at or near a point approximately three miles East of Spanish Fort, Alabama, said U. S. Highway 31 being then and there a public highway in Baldwin County, Alabama, so as to cause or allow same to collide with the motor vehicle driven by the defendant, Jerald Lee Jaye, and as a direct and proximate result and consequence of said negligence of the plaintiff, she contributed to the injuries and damages complained of by her, and hence she ought not recover.

FOUR

Defendants, pleading specially by way of recoupment, sue to recover from plaintiff the sum of Four Hundred Eighty-Five and 93/100 Dollars ($485.93) as damages, for that on, to-wit, the 10th. day of November, 1958, being the same time and place complained of in the complaint, the plaintiff did so negligently operate a motor vehicle on U. S. Highway 31, at or near a point approximately three miles East of Spanish Fort, Alabama, said highway then and there being a public highway in Baldwin County, Alabama, as to cause or allow same to run into and against the motor vehicle of the defendant, Robert Jaye, which motor vehicle was then and there being driven by, and was in the possession, custody and control of, defendant, Jerald Lee Jaye, and as a direct and proximate result and consequence of said negligence, the defendant's motor vehicle was mashed, bent, broken and damaged, hence this plea of recoupment.

FIVE

Defendants, pleading specially by way of set-off, sue to recover from plaintiff the sum of Four Hundred Eight-Five and 93/100 Dollars ($485.93) as damages, for that on, to-wit, the 10th. day of November, 1958, being the same time and place complained of in the complaint, the plaintiff did so negligently operate a motor vehicle on U. S. Highway 31, at or near a point

approximately three miles East of Spanish Fort, Alabama, said highway then and there being a public highway in Baldwin County, Alabama, as to cause or allow same to run into and against the motor vehicle of the defendant, Robert Jaye, which motor vehicle was then and there being driven by, and was in the possession, custody and control of, defendant, Jerald Lee Jaye, and as a direct and proximate result and consequence of said negligence, the defendant's motor vehicle was mashed, bent, broken and damaged hence this plea of set-off.

W. C. Boone Jr.
Attorney for Defendants

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE

I hereby certify that I have mailed a true and correct copy of this answer to Tom Galloway, Esq., attorney for the plaintiff, on this 30th day of August, 1960.

W. C. Boone Jr.

4043

HAZEL LYNCH,	)	IN THE CIRCUIT COURT
Plaintiff	)	OF ~~MOBILE~~ BALDWIN COUNTY, ALABAMA.
vs.	)	AT LAW
ROBERT JAYE AND JERALD LEE JAYE,	)	CASE NO.
Defendant	)	

MOTION FOR A MEDICAL EXAMINATION

Comes now each of the following defendants, separately and severally, ROBERT JAYE AND JERALD LEE JAYE, and moves the court to appoint a disinterested and qualified GYNECOLOGIST to examine the person of the plaintiff, and, as grounds for such motion, shows unto the court that the plaintiff is claiming damages for personal injuries allegedly suffered as the result of the alleged negligence of this defendant, and that this defendant is unable to properly prepare a defense to such allegations or to determine the extent of said alleged personal injuries, if any, unless such an examination be conducted, and this defendant further shows unto the court that it would be in furtherance of a just adjudication in this cause for such examination to be held.

WHEREFORE, this defendant moves the court to enter an order granting this motion and such other, further, different and general relief as to which this defendant may be entitled in the premises.

FILED
FEB 23 1980
ALICE I. DUCK, CLERK REGISTER

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

By: W. E. Boone Jr.
Attorney for Defendant

I hereby consent to the granting of this Motion and agree that Drs. O.M. Otts, Jr. and/or John Hope, Jr., be appointed by the court to make the examination.

Hugh M. Galloway
Attorney for the Plaintiff

I hereby consent to the granting of this Motion and agree that Drs. O.M. Otts, Jr. and/or John Hope, Jr., be appointed by the court to make the examination.

W. E. Boone Jr.
Attorney for the Defendant

HAZEL LYNCH,	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
Vs.	)	CASE NO. 4043
ROBERT JAY and JERALD LEE JAYE, Separately and Severally,	)	
Defendants	)	

MOTION TO STRIKE

Come now the defendants in the above styled cause, separately and severally, and respectfully move the Court to strike that portion of the complaint in this cause which reads as follows:

". . . suffered a great deal of mental anguish over the condition of her unborn child."

As separate and several grounds for such Motion to Strike, the defendants set down and assign the following, separately and severally:

1. Said allegation constitutes an improper and illegal measure of damage.

2. Said allegation attempts to recover an illegal element of damage.

3. Said allegation is mere surplusage.

4. Said allegation constitutes an unlawful measure of damage.

W. C. Boone Jr.
Attorney for the Defendants

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON