

ROBERT H. McELHENNEY,	*	
	*	
Plaintiff,	*	IN THE CIRCUIT COURT OF
	*	
vs.	*	BALDWIN COUNTY, ALABAMA
	*	
ARNOLD L. CHANDLER,	*	AT LAW CASE NO. 4532
	*	
Defendant.	*	

DEFENDANT'S ANSWERS TO INTERROGATORIES

1. (a) Arnold L. Chandler, age 32, of Silverhill, Alabama, and am employed by Bidgood Stationery Company.
- (b) Yes.
- (c) Answered above.
2. (a) Person.
- (b) See above.
- (c) See above.
3. (a) 1959 4-door Ford Fairlane 500.
- (b) I owned it.
- (c) I was driving.
- (d) The front end of my automobile was badly damaged.
- (e) Charlie Epp of Epp's Repair Service in Robertsedale, Alabama, estimated the repairs at \$514.58.
- (f) It was repaired by Epp's Repair Service of Robertsedale, Alabama, for \$514.58.
- (g) All were in excellent condition except that the front tires were showing wear.
- (h) The brakes had a full pedal and were in good working condition; the signal devices were working; the steering apparatus was in good condition; the lights all burned properly and I had personally placed the rear tires on the front wheels the preceding Saturday.
4. (a) I owned and was driving the car.
- (b) Bidgood Stationery Company.
- (c) I was on my way to work.
- (d) I was to begin work at 7:30 and would be off at 12 Noon.
5. (a) I was alone in the car.
- (b) Answered above.
- (c) My home in Silverhill.
- (d) Mobile, Alabama.
- (e) For self.
- (f) For myself alone.

6. (a through e) I am not experienced in drawing maps and do not feel competent to accurately portray the scene by any such drawing. I can tell you accurately all the information that you requested at the time of trial.
7. (a through e) The accident did not occur at an intersection of a street or avenue, but at a cross-over.
8. (a) It was some 200 to 300 feet west of the cut-off travelling eastward.
(b) Yes.
(c) Answered above.
(d) Some 400 to 500 feet.
(e) The accident did not occur in the street that was being travelled by the vehicle in which the plaintiff was riding, but occurred in my lane of traffic when the automobile which he was riding suddenly came into my lane of traffic without warning and without stopping.
(f) About the center of the right lane for vehicles travelling toward Mobile.
9. (a) I was travelling toward Mobile at approximately 55 miles per hour; I saw an automobile coming from Mobile turn to its left and stop in the cross-over, then continue across in front of me. As I saw that it was crossing in front of me, I took my foot off the gas and started slowing down. Just after the first car crossed in front of me, the car in which plaintiff was riding came to the same cross-over and turned left, and without stopping at all, continued across in front of me. By that time I was so close to the car in which plaintiff was riding I could not stop although I immediately jammed on my brakes and turned to the right in an effort to avoid striking the other car.
(b) He failed to stop before coming into my lane of travel, while I was clearly visible to his driver and while we were in such close proximity that he should have known he could not safely pass in front of me.
(c) Answered above.
(d) As stated above, I was driving in a careful and prudent manner and do not consider that I did anything I should not have done, nor that I failed to do anything which I should have done, which proximately contributed to cause the accident.
(e) See above.
10. (a) I had not been drinking any intoxicating beverage, and I do not know about the occupants of the other car.
(b) Answered above.
(c) Answered above.
11. (a through i) When I first saw the other car it appeared to be going 25 to 30 miles per hour, and he appeared to slow down to about 10 to 15 miles per hour as he came to the cross-over and proceeded, without stopping, to cross in front of me. After the impact he continued

for what appeared to be about 200 feet at the same speed of 10 to 15 miles per hour.

12. (a) Answered above.
(b) The Bay Bridge Causeway consists of two lanes going one way and two lanes going in the other direction, each side approximately 25 feet wide, with about a 10-foot neutral zone in the middle, making an overall width of approximately 60 feet.
(c) Answered above.
13. (a) Answered above.
(b) " "
(c) " "
14. (a) They were.
(b) About 40 miles per hour, possibly 45.
(c) I didn't measure it and I don't know.
(d) As stated above, I did not measure and do not know the distance, but my car stopped almost at the point of impact, moving only a few feet over toward my right and turning back in the direction from which I had come.
15. (a) As I was trying to turn with the other car to avoid hitting it, the left front of my car struck the right side of the other car.
(b) There was only one impact, but as the impact occurred and as my car turned to the right, the left door to my car was damaged.
16. (a) Already answered.
(b) Answered above.
(c) There were no skid marks from the other vehicle as he apparently did not apply his brakes after he entered the cross-over and I do not know the length of my skid marks although I saw that I made some.
(d) The other vehicle skidded slightly to his left at the time of impact and then he left no further skid marks that I saw. My skid marks proceeded to my right for a few feet until I came to a stop.
(e) Answered above.
17. (a through h) I was going approximately 45 miles per hour when 300 feet from the point of impact, and had slowed to approximately 40 when I applied my brakes; at this time I was probably between 100 feet and 50 feet from the point of impact; from there on I was so busy trying to stop I did not have time to think about my speed, but know that I continued to reduce it.
18. (a) I did not hear him blow his horn and I did not have time to blow mine when he cut suddenly in front of me without warning.
(b) Answered above.


- (c) See above.
- (d) See above.
- 19. (a) There were.
- (b) A car crossed in front of me directly ahead of the car involved in the collision; there was a car following directly behind me and a truck slightly behind and to my right.
- (c) They did not.
- (d) It is my understanding that the driver of the car which crossed in front of me immediately before the accident was a friend of the driver of the other car involved in the collision, as they were going on a fishing trip together, but I do not know his name. Erick Hallberg of Silverhill, Alabama, was the driver of the car directly behind me. I do not know the name of the driver of the truck behind me and to my right.
- 20. (a) No.
- (b) See above.
- (c) The driver of the other car introduced himself as Marion Harvey Purvis, telling me he was the driver of the other car.
- (d) The only information I have has already been given above.
- (e) Answered above.


Arnold L. Chandler

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, the undersigned Notary Public in and for said State and County, personally appeared Arnold L. Chandler, who, being by me first duly sworn, deposes and says that the statements of fact contained in the foregoing are true and correct.


Arnold L. Chandler

Sworn to and subscribed before me on
this 10th day of March, 1961.


Notary Public, Mobile County, Alabama

ROBERT H. McELHENNEY,
Plaintiff,

-Vs-

ARNOLD L. CHANDLER,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
CASE NO. 4532

COUNT ONE

Plaintiff claims of the Defendant the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS as damages, for that heretofore and on, to-wit, November 12, 1960, the Defendant so negligently operated an automobile on U. S. Highway 90 on Mobile Bay Bridge Causeway at a point to-wit, one-half (1/2) mile West of the intersection of the said U. S. Highway 90 and U. S. Highway 31, both of said highways being public roads in Baldwin County, Alabama so as to cause said vehicle to then and there collide with the automobile in which the Plaintiff was riding as a passenger on said U. S. Highway 90 and as a proximate result of the negligence of the Defendant as aforesaid the Plaintiff was greatly injured in this, to-wit: He was made sick, sore and lame; he suffered multiple fractures of the pelvis; he suffered fractures of his ribs; his right hip was injured; his chest was injured; he suffered a severe laceration of his left wrist; he was permanently injured; he has suffered severe mental and physical pain and anguish and will continue to so suffer in the future; he has incurred medical and hospital expenses in and about the care and treatment of his said injuries and will continue to incur such expenses in the future; he has lost time from his employment and will continue to lose time from his employment in the future, for all of which he claims damages as aforesaid.

Robert T. Cunningham
ROBERT T. CUNNINGHAM

Richard Bounds
RICHARD BOUNDS
Attorneys for Plaintiff

Plaintiff demands a trial by jury.

Address of Defendant:
Silver Hill, Alabama

ROBERT H. McELHENNEY,

PLAINTIFF,

VS.

ARNOLD L. CHANDLER,

DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN
~~MOBILE~~-COUNTY, ALABAMA

No. 4532

INTERROGATORIES TO DEFENDANT,
ARNOLD L. CHANDLER

Comes the plaintiff in the above styled cause, and desiring the testimony of the defendants, propounds the following interrogatories to be answered separately and severally in the manner and form provided by law, viz:

1. (a) State your correct name, age, residence address and business address.
(b) Is your name correctly stated in the complaint on file in this cause?
(c) If you state that your name is not correctly stated, then state the correct way that you could be designated as a party plaintiff or a party defendant in an action at law:
 - (1) At the time that the accident which is made the basis of this suit occurred;
 - (2) At the time that you answer these interrogatories.
2. (a) State whether you are a person, firm, or corporation.
(b) If you state that you are a partnership, then state the name of each and every partner composing said partnership, and the name under which the partnership does business.
(c) If you state that you are a corporation, state on what date you were incorporated and at what place.
3. (a) Describe completely and in detail the vehicle occupied or owned by you on the occasion of the accident made the basis of this suit, stating in your answer the make, model, year, and body style of same.
(b) State the name and address of the owner of said motor vehicle on the date of said accident.
(c) State the name and address of the driver of said vehicle on said occasion.
(d) Describe completely and in detail every item of damage sustained by said vehicle.
(e) Give the amount of each repair estimate obtained on said damage and give the name and address of the person making said repair estimate.
(f) 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 who made said repairs.
(g) Describe the condition of the brakes, signal device, steering apparatus, tires, and lighting equipment on said motor vehicle at the time of the accident made the basis of this suit.
(h) When had the brakes, signal device, steering apparatus, lights and tires on said motor vehicle last been inspected prior to said accident and by whom?
4. (a) If you have stated that the owner of the vehicle which collided with the vehicle in which plaintiff was riding was not the driver on the occasion of said accident, explain fully and in detail the presence of the driver in said vehicle.
(b) State who was the employer of the driver of the vehicle which collided with the vehicle in which plaintiff was riding at the time that said accident occurred.

- (c) State on whose business or behalf said driver was acting at the time that said accident occurred.
 - (d) State the hours of work which said driver had at the time of said accident.
5. (a) State the number of persons occupying the motor vehicle which collided with the vehicle in which plaintiff was riding and state specifically how and in what manner each of said occupants were located in said vehicle on said occasion.
- (b) State fully the purpose of the trip you were making at the time of the accident made the basis of this suit.
- (c) From what point had you departed?
- (d) What was your destination?
- (e) Were you performing a mission, errand, or duty for anybody whatsoever? If so, state the nature of same and the name and address of the person for whom you were performing it.
- (f) Give the name and address of each and every person or firm who had any interest whatsoever in the trip that was being made by the driver of the vehicle which collided with the plaintiff on the occasion of said accident, and state the nature of said interest and the connection of said person or firm with the trip.
6. Prepare and attach to your answers to these interrogatories a map portraying the scene of the accident and the physical objects involved in the accident made the basis of this suit and designate on said map the following:
- (a) The point of impact and skid marks leading up to and from same;
 - (b) The resting place of the vehicles after the accident;
 - (c) Where you were located when you first saw the plaintiff's vehicle;
 - (d) Where the plaintiff's 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.
7. 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 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 see to the left and right on each of the streets entering the intersection and down each of the intersecting streets when you approached from a point fifty feet from said intersection.
 - (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 two hundred 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.
8. (a) State where the motor vehicle in which plaintiff was riding was located with reference to the point of the impact in the accident made the basis of this suit when you first observed same immediately prior to said accident.
- (b) Did you see the motor vehicle in which plaintiff was riding before the actual collision?
- (c) How many feet was the motor vehicle in which plaintiff was riding from the place of the impact when you first observed same?
- (d) How many feet were you from the point of impact when you first observed the vehicle in which plaintiff was riding?
- (e) Where did the impact occur with reference to the center line of the street on which the vehicle in which plaintiff was traveling?

- (f) Where did the impact occur with reference to the right edge of the street on which your vehicle was traveling?
9. (a) 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 same as seen by you.
- (b) Describe each and everything which the driver of the vehicle in which plaintiff was riding failed to do to avoid said accident.
- (c) Describe each and everything done by the driver of the vehicle in which plaintiff was riding which contributed to the cause of said accident.
- (d) State each and everything done by you or which you omitted to do, which contributed proximately to cause the accident.
- (e) Describe each negligent act or omission of the driver of the vehicle in which plaintiff was riding on said occasion.
10. (a) State whether or not any of the occupants in any of the vehicles involved in the accident made the basis of this suit were intoxicated or drinking intoxicating beverages at the time of the said accident.
- (b) Give the name and address of each of said persons who was drinking or who was intoxicated.
- (c) State what each of said persons was drinking, where he or she had obtained same, the quantity or amount consumed, and the time and place where same was drunk.
11. State, according to your best judgment the speed of the vehicle in which plaintiff was riding 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 the impact;
- (i) Immediately after the impact.
12. (a) State in what direction and along what street or avenue each of the motor vehicles involved in the accident made the basis of this suit was traveling on the occasion of said accident.
- (b) State in your best judgment, in number of feet, the width of each of said streets or avenues or highways.
- (c) If either of the vehicles involved in the accident made the basis 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.
13. (a) State fully, specifically and in detail each and every act or thing done by the operator of the vehicle owned or occupied 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.
- (b) Describe each change in the course of travel made by the vehicle in which plaintiff was riding immediately prior to said accident.
- (c) Describe each change in the course of travel made by the vehicle in which you were riding immediately prior to the accident herein sued on.
14. (a) State whether or not the brakes on the vehicle occupied by you or owned by you at the time of the accident sued on were applied prior to the collision.

- (b) If so, state in your best judgment the speed in miles per hour said vehicle was traveling at the moment the brakes were applied.
 - (c) 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
 - (d) 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.
15. (a) State specifically what portion of the vehicles involved in the accident made the basis of this suit first came in contact with each other.
- (b) Describe the portions which next came in contact after the initial impact.
16. (a) 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.
- (b) In what direction did each of said motor vehicles move from the point of said collision until they came to a complete stop?
- (c) Describe each and every skid mark which led up to the point of collision.
- (d) Describe each and every skid mark which extended from the point of collision toward the place where either of the motor vehicles involved in the accident came to rest.
- (e) Locate the point where each motor vehicle came to rest with reference to the point of impact, the center of the intersection, the four corners of same and the right edge of the street on which it had been traveling.
17. State the speed of the motor vehicle which you owned or occupied, 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 the point of impact;
 - (g) At the time of said impact;
 - (h) When you first observed the other vehicle involved in said accident.
18. (a) State whether any horn or other signal was given as a warning by the operator of the vehicles involved in the accident made the basis of this suit prior to the time of the collision.
- (b) If so, describe each of said signals given by each respective driver specifically and in detail.
- (c) State how far distant from the point of collision each vehicle was located at the time said signal was given.
- (d) If any signals for stopping or turning were given by each driver immediately prior to said collision, describe same, and state how far distant from the point of impact said signal was given by each driver respectively.
19. (a) 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
- (b) 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.
- (c) 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.

- (d) Give the name and address of each driver or owner of each of said vehicles.
20. (a) Did you make any statements 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?
- (b) If so, state when, where and what was said by you.
- (c) Did the operator of the vehicle in which plaintiff was riding make any statement in your presence following the occurrence of the accident, and if so, state when, where and what was said by said driver.
- (d) Give the name and address of each and every person who was present when the accident made the basis of this suit occurred.
- (e) Give the name and address of each and every person who was present when any statements were made either by you or the driver of the vehicle in which plaintiff was riding following the occurrence of the accident made the basis of this suit.

CUNNINGHAM & BOUNDS
Attorneys for Plaintiff

BY: Richard Bounds
RICHARD BOUNDS

STATE OF ALABAMA

COUNTY OF BALDWIN

Before me, the undersigned Notary Public, in and for said County in said State, personally appeared Richard Bounds, who having been first duly sworn, deposes and says that he is attorney for the Plaintiff in the above styled cause and that if the foregoing interrogatories are truthfully answered, the answers will be material evidence for the Plaintiff on a trial of said cause.

Richard Bounds
RICHARD BOUNDS

Sworn to and subscribed

before me on this 28th

day of December, 1960.

Robert T. Cunningham
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4532

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon

ARNOLD L. CHANDLER

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

ARNOLD L. CHANDLER

, Defendant.

by

~~ROBERT H. McELHENNEY~~

ROBERT H. McELHENNEY

, Plaintiff.

Witness my hand this 30 day of December, 1960

Alvin J. Duck, Clerk

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

ROBERT H. McELHENNEY

Plaintiffs

vs.

ARNOLD L. CHANDLER

Defendants

1. Summons and Complaint

2. INTERROGATORIES TO DEFENDANT

Filed December 30, 1960

Alice J. Duck Clerk

Robert T. Cunningham

Richard Bounds

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

12-30-1960

Sheriff.

I have executed this summons

this 1-12 1961

by leaving a copy with

Arnold L. Chandler

Sheriff claims 60

Ten Cents per mile Total \$ 6.00

TAYLOR WILKINS, Sheriff

BY Deputy Sheriff

Taylor Wilkins

Sheriff.

Edleigh Steadham

Deputy Sheriff.

Silverhill, Ala

ROBERT H. MCELHENNEY,
Plaintiff,

vs.

ARNOLD L. CHANDLER,
Defendant.

X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
NO. 4532

DEMURRER:

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and assigns the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That said complaint does not sufficiently state the place where the accident occurred.
3. That said complaint claims damages because the Plaintiff has lost time from his employment but does not affirmatively state that he was employed at the time of the accident.
4. That said complaint does not allege how much time the Plaintiff has lost from his employment.
5. That said complaint does not state how much time the Plaintiff expects to lose from his employment in the future or that he can not ascertain with reasonable certainty how much time he will lose.
6. That said complaint claims speculative damages.

Chason & Stone
CHASON & STONE

R. F. Adams
R. F. ADAMS

Attorneys for Defendant.

FILED

JAN 31 1961

ALICE J. DUCK, CLERK
REGISTER

DEMURRER

ROBERT H. McELHENNEY,
Plaintiff,
vs.
ARNOLD D. CHANDLER,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW NO. 4532

FILED
JAN 31 1961
ALICE L. DICK, CLERK
REGISTER

ROBERT H. McELHENNEY,
Plaintiff,

vs.

ARNOLD L. CHANDLER,
Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 4532

Comes the Defendant in the above styled cause and for plea
to the complaint filed in said cause says:

1. Not guilty.

[Signature]

R. F. Adams

Attorneys for Defendant

FILED

JUL 21 1961

ALICE J. DUCK, CLERK

ROBERT H. McELHENNEY,
Plaintiff,

vs.

ARNOLD L. CHANDLER,
Defendant.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW NO. 4532

* * * * *

PLEA

* * * * *

FILED

JUL 21 1961

ALICE J. DUCK, CLERK
REGISTER

CUNNINGHAM AND BOUNDS

ATTORNEYS AT LAW

1350 DAUPHIN STREET

P. O. BOX 4483

MOBILE, ALABAMA

January 2, 1961

ROBERT T. CUNNINGHAM
RICHARD BOUNDS

HEMLOCK 8-6188

Clerk of Circuit Court
County Court House
Bay Minette, Alabama

Re: McElhenney v. Chandler

Dear Sir:

Will you please dismiss the above cause on motion of the Plaintiff and send your bill for costs to Mr. Robert F. Adams, attorney for the Defendant.

This case has been settled.

Very truly yours,

CUNNINGHAM & BOUNDS



RICHARD BOUNDS

RB/baw

cc/ Mr. Robert F. Adams
P. O. Box 4483
Mobile, Alabama