

LUVENA MAYFIELD,

Plaintiff,

vs.

J. B. CALLAHAN,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4576

AMENDED PLEAS:

Comes now the Defendant in the above styled cause, by his attorneys, and amends the pleas heretofore filed by him so that the same shall read as follows:

Comes now the Defendant, J. B. Callahan, by his attorneys, and for answer to the Complaint heretofore filed against him pleads, separately and severally, the following:

1. Not guilty.

2. The Defendant alleges that at the time and place complained of in the Complaint the Plaintiff was herself guilty of negligence which proximately contributed to her own injuries and damages in that she so negligently operated her automobile at said time and place as to cause or allow the same to run into, upon or against the automobile of the Plaintiff; hence she should not recover.

3. The Defendant, for further answer to the Complaint and by way of recoupment, claims of the Plaintiff the sum of Five Hundred Dollars (\$500.00) for that at the time and place complained of in the Complaint the Plaintiff so negligently operated the motor vehicle in which she was riding as to cause or allow the same to run into, upon or against the automobile of the Defendant, and as a proximate consequent and result of the negligence of the Plaintiff aforesaid, the Defendant's automobile was greatly damaged in this: the front bumper was broken, the right front fender was broken and bent, the grill was broken and bent, the frame was bent, the left front fender was bent, the hood was bent and his said automobile was otherwise damaged, wherefore he files this his plea of recoupment and claims judgment in

the above amount.

Respectfully Submitted,

HOLBERG, TULLY, HODNETTE & MOBLEY

and

CHASON & STONE

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

FILED
MAY 17 1961
ALICE J. DUCK, CLERK
REGISTER

LUVENA MAYFIELD,
Plaintiff,

vs.

J. B. CALLAHAN,
Defendant

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 4576

* * * * *

AMENDED PLEAS

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FILED
MAY 17 1961
ALICE J. DUCK, CLERK
REGISTER

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

LUVENA MAYFIELD)	IN THE CIRCUIT COURT OF
PLAINTIFF)	BALDWIN COUNTY, ALABAMA
)	
VS.)	CIVIL DIVISION
)	
J. B. CALLAHAN)	NO. 4576
DEFENDANT)	

Comes now Defendant, J. B. Callahan, and for answer to Complaint heretofore filed says, separately and severally, as follows:

PLEA I

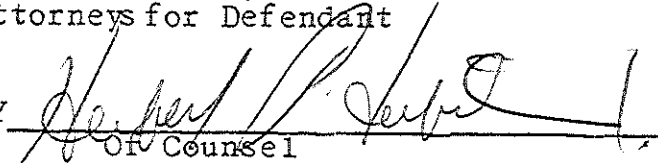
The allegations of the Complaint are untrue.

PLEA II

Not Guilty.

HOLBERG, TULLY, HODNETTE & MOBLEY
Attorneys for Defendant

BY


Of Counsel

I hereby certify that I have served a copy of the above and foregoing pleadings on the Honorable M. A. Marsal, attorney for Plaintiff by lodging a copy thereof in his office in the First National Bank Building, Mobile, Alabama, this the 7th day of March, 1961.

FILED

MAR 7 1961

ALICE L. DUCK, CLERK
REGISTER


HERBERT P. FEIBELMAN, JR.

LUVENA MAYFIELD

Plaintiff

VS

J. B. CALLAHAN

Defendant

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§

§

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA

CIVIL DIVISION

NO. 4576

The Plaintiff claims of the Defendant the sum of TEN THOUSAND (\$10,000.00) DOLLARS for that heretofore and on, to-wit the 25th day of October, 1960, the Defendant did negligently operate an automotive vehicle on and along U. S. Highway 90 at a distance approximately 100 yards east of the Tensaw River span as to run upon, over or against the Plaintiff's automobile that she was operating on U. S. Highway 90 at the time or place aforesaid, said road being a public road in Baldwin County, Alabama, and as a direct and proximate result of the Defendant's negligence, the Plaintiff's automobile was badly broken, bent or otherwise damaged and the Plaintiff received a whiplash injury to her neck and that she was made sick and sore and experienced severe physical pain and mental anguish and she has incurred expense in and about the treatment of her injuries, all for which the Plaintiff sues.

M. A. Marsal
M. A. MARSAL

The Plaintiff demands that this cause be tried by Jury.

M. A. Marsal
M. A. MARSAL

FILED

JAN 31 1961

ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 4576

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon J.B. Callahan

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

J.B. Callahan, Defendant

by Luvena Mayfield

Plaintiff

Witness my hand this 31 day of January 19 61

Ed-2-10-61

Alice J. Duck, Clerk

24412
No. 4576 Page

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

LUVENA MAYFIELD

Plaintiffs

vs.

J. B. CALLAHAN

Defendants

Summons and Complaint

Filed January 31, 1961

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

Jan. 31, 1961

Sheriff.

I have executed this summons

this 10 Feb 1961

by leaving a copy with

J. B. Callahan

Sheriff claims 5 1/4 miles at

Ten Cents per mile Total \$ 540

TAYLOR WILKINS, Sheriff

BY Danner
DEPUTY SHERIFF

Taylor Wilkins

Sheriff.

W. O. Garner

Deputy Sheriff.

Daphne

No. 1

4576

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STATE of ALABAMA

Baldwin County

CIRCUIT COURT

LUVENA MAYFIELD

Plaintiffs

vs.

J. B. CALLAHAN

Defendants

Summons and Complaint

Filed January 31, 1961

Alice J. Duck

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

Jan. 31, 1961

Sheriff.

I have executed this summons

this 10 Feb 1961

by leaving a copy with

J. B. Callahan

Sheriff claims 54 miles at

Ten Cents per mile Total \$ 5.40

TAYLOR WILKINS, Sheriff

BY

Daphne
DEPUTY SHERIFF

Taylor Wilkins

Sheriff.

W. O. Garner

Deputy Sheriff.

Daphne

4574
Mayfield v. Callahan

DOCTORS JOHNSON, GILCHRIST, LINGO & DISMUKES
1357 SPRINGHILL AVENUE
MOBILE, ALABAMA

GAYLE T. JOHNSON, M. D.
PHILIP P. GILCHRIST, M. D.
JOHN K. LINGO, M. D.
HENRY M. DISMUKES, M. D.

January 29, 1962

Hon. Hubert Hall,
Circuit Court, Civil Division,
Baldwin County,
Bay Minette, Ala.

Dear Sir:

On January 23, 1962 I examined Mrs. Bertie Mayfield, 2351 Hart Avenue, Mobile, Alabama. At the request of your court the following is a brief summary of my findings.

She stated that she was in an automobile accident approximately fifteen months ago and that she was thrown against the dashboard, hitting the left side of her head. No examination or treatment was done for several days but she specifically did not notice any discharge from the left ear nor did she have any bleeding from the left ear. Since that time she has noticed a ringing noise in the ear and she does not hear well in this ear. She has no complaints referable to the right ear.

Her clinical findings at this time shows some definite changes in both ears. She has a combination hearing loss in the right ear, the loss being air and conduction and at the same time there is a loss of function of the hearing organ and hearing nerve. There was no fluid noted in the middle ear on this side. The left ear shows essentially the same findings for a combined conduction and neurological hearing loss, showing both loss of conduction in getting sound to the hearing organ as well as damage to hearing organ and hearing nerve. The conduction loss is greater than in the right ear. However, this ear is full of serous fluid which would explain the twenty or so decibel increase in the hearing loss in this ear compared to the right ear. The hearing organ and nerve damage in the left ear corresponds to the damage in the right ear and they are essentially equal.

At this time I cannot say definitely as to the cause of the difficulty with Mrs. Mayfield's ears. I do feel however that removing the fluid from the left ear some improvement would be shown and it is possible that the hearing in the left ear would equal the hearing in the right ear. Audiogram revealed a 14 1/2% loss in the right ear and a 58% loss in the left ear.

Yours very truly,

Philip P. Gilchrist
Philip P. Gilchrist, M.D.

FILED

FEB 13 1962

ALICE I. DUCK, CLERK
REGISTER