

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Clifford A. Newport and Olive Newport Dann 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, then and there to answer the complaint of Bertha Seielstad.

Witness my hand this 23 day of February, 1961.

Alice J. Smith
Clerk

Ex. 2-28-61

BERTHA SEIELSTAD,

Plaintiff,

vs.

CLIFFORD A. NEWPORT and
OLIVE NEWPORT DANN,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

No. 4609

COUNT ONE:

The Plaintiff claims of the Defendants the sum of One Hundred Thousand Dollars (\$100,000.00) as damages for that, on heretofore, to-wit: June 27, 1960, on Alabama Highway 59, a public highway in Baldwin County, Alabama, at a point one-half mile North of Foley, Alabama, the Defendant Clifford A. Newport, the agent, servant or employee of the Defendant Olive Newport Dann 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 an automobile in which the Plaintiff was riding as a passenger and as a proximate consequence and result of the negligence of the Defendant Clifford A. Newport, aforesaid, the Plaintiff was injured in this: the ligaments, muscles and nerves in her back, shoulders and spine were twisted, contused and otherwise injured; her central nervous system was injured and damaged; her foot was fractured; her

face and head was cut, bruised and lacerated; the ligaments, muscles and nerves in her neck were injured and damaged, she was caused to suffer much physical pain and mental anguish and will continue to suffer much pain and mental anguish in the future; she was caused to be placed under the care and treatment of doctors and nurses and she will continue to be under such care and treatment in the future; she was caused to be hospitalized for the care and treatment of her injuries and wounds; she was caused to spend large sums of money and will be caused to spend large sums of money in the future in the care and treatment of her injuries and wounds; she was permanently injured and damaged; wherefore the Plaintiff brings this suit and asks judgment in the above amount.

COUNT TWO:

The Plaintiff claims of the Defendants the sum of One Hundred Thousand Dollars (\$100,000.00) as damages for that heretofore on, to-wit: June 27, 1960, at a point on Alabama Highway 90, a public highway in Baldwin County, Alabama, at a point one-half mile North of Foley, Alabama, the Defendant Clifford A. Newport, the agent, servant or employee of the Defendant Olive Newport Dann, while acting within the line and scope of his employment as such, wantonly injured the Plaintiff by then and there wantonly operating a motor vehicle so as to cause or allow the same to run into, upon and against an automobile in which the Plaintiff was riding as a passenger and as a proximate consequence and result of the wantonness of the Defendant Clifford A. Newport, aforesaid, the Plaintiff was injured in this: the ligaments, muscles and nerves in her back, shoulders and spine were twisted, contused and otherwise injured; her central nervous system was injured and damages; her foot was fractured; her face and head was cut, bruised and lacerated; the ligaments, muscles and nerves in her neck were injured and damaged; she was caused to suffer much physical pain and mental anguish and will continue to suffer much physical pain and mental anguish in the future; she was caused to be placed under the care and treatment of doctors and nurses and she will continue to be under such care and treatment in the future; she was caused to be hospitalized for the care and treatment of her injuries and wounds; she was caused to spend large sums of money and will be caused to spend large sums of money in the future in the

care and treatment of her injuries and wounds; she was permanently injured and damaged; wherefore the Plaintiff brings this suit and asks judgment in the above amount.

CORRETTI AND NEWSOM

and

CHASON & STONE

By:


Attorneys for Plaintiff

The Plaintiff respectfully demands
a trial of this cause by a jury.

CHASON & STONE

By:


Attorneys for Plaintiff

FILED

FEB 23 1961

AUDIE J. DUCK, CLERK
REGISTER

000.4609

Received 23 day of July 1962
and on 28 day of Sept 1961
served a copy of the within Bill Complaint
on Clifford A. Newport
Olive Newport Dann
By service

TAYLOR WILKINS, Sheriff
By Carl H. Shores D. S.
Gulf Shores
Sheriff claims 200 miles at
Ten Cents per mile Total \$ 20.00
TAYLOR WILKINS, Sheriff
BY CC
DEPUTY SHERIFF

The Jury find
for the Plaintiff and
against
Olive Newport Dann
&
Clifford Newport
and damages assessed at
\$ 5000.00
Forman James C. Carter

SUMMONS AND BILL OF COMPLAINT

BERTHA SEIELSTAD,
Plaintiff,

vs.

CLIFFORD A. NEWPORT and OLIVE
NEWPORT DANN,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

BERTHA SEIELSTAD,

PLAINTIFF

VS

CLIFFORD A. NEWPORT AND OLIVE
NEWPORT DANNE,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 4609

DEMURRER

Comes the Defendant in the above styled cause, Clifford A. Newport, by his attorney, and demurs to the complaint heretofore filed, and assigns, as grounds therefor, the following, separately and severally:

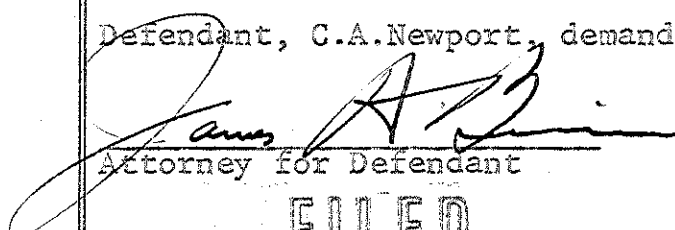
1. No facts are alleged showing the negligence of the defendant arose out of his employment or agency.

2. The Plaintiff fails to allege a description of the injuries, their nature and extent, with sufficient certainty.


Attorney for Defendant, C.A. Newport

DEMAND FOR TRIAL BY JURY

Defendant, C.A. Newport, demands trial by jury.


Attorney for Defendant

FILED

MAR 22 1961

ALICE J. DUCK, CLERK
REGISTER

BERTHA SEILSTAD,

Plaintiff,

vs.

CLIFFORD A. NEWPORT and
OLIVE NEWPORT DANN,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

Comes now Olive Newport Dann, one of the Defendants in the above styled cause, and files the following demurs to each and every count of the Plaintiff's Complaint separately and severally says:

1.

That the Complaint fails to state a cause of action.

WILTERS & BRANTLEY

BY: Sellen M Brantley

FILED

MAR 27 1961

ALICE J. DUCK, CLERK
REGISTER

4609

BERTHA SEILSTAD,
Plaintiff,

vs.

CLIFFORD A. NEWPORT and
OLIVE NEWPORT DANN,
Defendants,

DEMURRER

DETERMINED

CLIFFORD A. NEWPORT
OLIVE NEWPORT DANN

FILED
MAR 27 1961
ALICE J. DUCK, CLERK
REGISTER

BERTHA SEIELSTAD,

VS.

Plaintiff,

CLIFFORD A. NEWPORT and
OLIVE NEWPORT DANN,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4609

ANSWER

Now comes the defendant, Olive Newport Dann, by her attorney, and for answer to the complaint filed against her in this cause and to each and every count thereof, separately and severally, says:

1. Not guilty.

J. B. Blalock
Attorney for Defendant, Olive Newport Dann.

FILED

MAR 28 1961

ALICE J. DUCK, Clerk

4609
ANSWER

BERTHA SEIELSTAD,

VS.

Plaintiff,

CLIFFORD A. NEWPORT and OLIVE
NEWPORT DANN,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 4609

FILED
MAR 28 1961
ALICE J. DUCK, Clerk

BERTHA SEIELSTAD,

Plaintiff,

vs.

CLIFFORD A. NEWPORT and
OLIVE NEWPORT DANN,

Defendants.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

4609

Comes now the Plaintiff in the above styled cause, by her attorneys, an affidavit having been made by Norborne C. Stone, Jr., one of the attorneys for the Plaintiff, and propounds the following interrogatories to the Defendant, Olive Newport Dann:

1. Please state your name, residence and occupation.
2. Please state if you are married.
3. If you state that you are not now married please state when you were divorced from Mr. Dann.
4. Were you, prior to Mr. John Dann, married to Clifford A. Newport, one of the Defendants in this cause, and if you state that you were married to Mr. Clifford A. Newport, please state when you were married and when you were divorced.
5. Please state if Mr. Clifford A. Newport, one of the Defendants in this cause, lives in a trailer at the back of the restaurant operated by you at Gulf Shores, Alabama, known as Harbor Inn.
6. If your answer to the last interrogatory was in the affirmative, please state how long Mr. Clifford A. Newport has been living in back of the restaurant operated by you; and, in particular, whether he was living there on June 27, 1960.
7. Please state if you are the owner of the trailer in which Mr. Clifford A. Newport resided on June 27, 1960; and if you state that you are not the owner state whether or not you have ever owned the trailer and when you parted with the title thereto.
8. Please state whether the Defendant, Clifford A. Newport, ever assists you in the operation of the restaurant at Gulf Shores, Alabama, by doing such tasks as sweeping or cleaning up or

Similar chores around the restaurant.

9. Please state whether the Defendant, Clifford A. Newport, pays you rent for the trailer in which he resides at Gulf Shores, Alabama, and if he has ever paid you rent for the trailer.

10. Please state whether or not Clifford A. Newport was paying you rent on June 27, 1960.

11. Please state whether you furnish electricity for the trailer in which Mr. Clifford A. Newport resides and which is located immediately behind the restaurant operated by you at Gulf Shores, Alabama.

12. Please state whether you were the owner of an automobile on June 27, 1960.

13. If your answer to the foregoing interrogatory is in the affirmative please describe the automobile as to make, model and license number for the year 1960.

14. If you have answered that you owned an automobile please state if the Defendant, Clifford A. Newport, was driving that automobile on June 27, 1960, when he was involved in an accident.

CHASON & STONE

By: Norborne C. Stone, Jr.
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 his name is Norborne C. Stone, Jr., and he is one of the attorneys of record for the Plaintiff in the above styled cause. That the answers to the foregoing interrogatories, if truly made, will be material evidence in said cause.

Norborne C. Stone, Jr.
Norborne C. Stone, Jr.

Sworn to and subscribed before me on this the 6th day of July, 1961.

Blanche White
Notary Public, Baldwin County, Alabama

FILED
JUL 16 1961

ALICE J. DUCK, Clerk

*Service completed
7-6-1961
J. B. Blackburn
J. B. Campbell
J. B. Campbell
J. B. Campbell*

4609

BERTHA SEIELSTAD,
Plaintiff,

vs.

CLIFFORD A. NEWPORT and
OLIVE NEWPORT DANN,

Defendants

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

* * * * *

INTERROGATORIES PROPOUNDED TO
DEFENDANT OLIVE NEWPORT DANN

* * * * *

FILED
JUL 16 1961
ALICE J. DUCK, Clerk

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

BERTHA SEIELSTAD,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
Vs.	X	BALDWIN COUNTY, ALABAMA
CLIFFORD A. NEWPORT and	X	AT LAW
OLIVE NEWPORT DANN,	X	CASE NO. 4609
Defendants.	X	

ANSWERS TO INTERROGATORIES

Comes now the Defendant, Olive Newport Dann, one of the Defendants in the above styled cause, and files the follow answers to Interrogatories heretofore propounded to her in this cause:

1.

Olive Newport Dann - Gulf Shores, Alabama - Restuarant Operator

2-7.

The Defendant, Olive Newport Dann, advised by her attorneys that the answers to Interrogatories from two through seven call for incompetent, irrelevant and immaterial testimony, respectfully declines to answer the same.

8.

For answer to Interrogatory #8, the Defendant says that Clifford A. Newport has on occasions worked in her restuarant at Gulf Shores; that he helped by sweeping the floor, mopping the place and washing dishes; that this is not regular employment, and is done about twice a week, and is done to pay for his meals.

9-11.

The Defendant, being advised by her attorneys, that the answers to Interrogatories from nine through eleven call for incompetent, irrelevant and immaterial testimony, respectfully declines to answer the same.

12.

Yes.

13.

Oldsmobile - 2-door - 1955 Model. The Defendant says that she cannot recall the license number of this car for the year 1960.

14.

I cannot answer this question of my own personal knowledge. I have been informed that Clifford A. Newport was driving the above described automobile and that he was involved in a wreck with it on this date. This automobile was left on the side of my place of business on the 27th day of June, 1960, when I came to work that morning. About 3:00 o'clock that afternoon, I discovered that my car was gone. Later that afternoon, Clifford A. Newport passed my place across the street. I asked him if he had seen my automobile, and he said that it was at a garage for repairs. And being satisfied, I did not inquire further about my automobile. The next day I was informed that Clifford A. Newport had been involved in a wreck with my automobile.

Olive Newport Dann
Olive Newport Dann

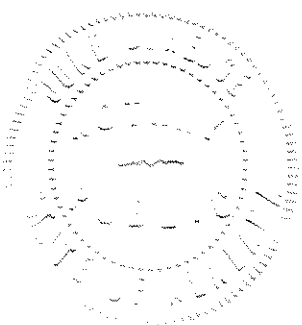
STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned Notary Public for said County and State, personally appeared, Olive Newport Dann, who being by me first duly sworn, deposes and says, that she has read the foregoing answers to Interrogatories propounded to her and says further that they are all true and correct.

Olive Newport Dann
Olive Newport Dann

Sworn to and subscribed before me on this the 1st day of September, 1961.

June B. Hedger
Notary Public, Baldwin County, Ala.



BERTHA SEIELSTAD,

PLAINTIFF,

VS

CLIFFORD A. NEWPORT & OLIVE NEWPORT
DANN,

DEFENDANT.

IN THE CIRCUIT COURT OF

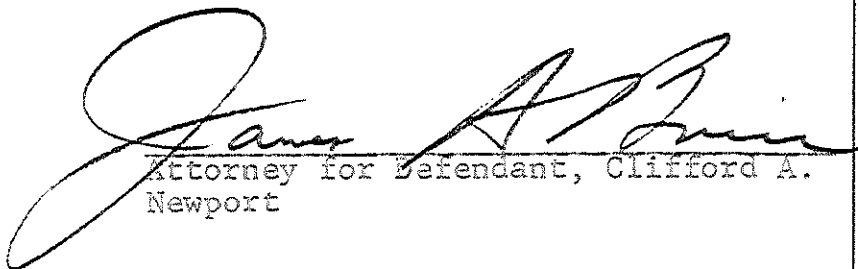
BALDWIN COUNTY, ALABAMA

AT LAW, NO. 4609

ANSWER

Comes the defendant, Clifford A. Newport, by his attorney,
and for answer to the complaint heretofore filed by the plaintiff,
says:

1. Not guilty.


Attorney for Defendant, Clifford A.
Newport

Filed 9-13-61

Receiv. clerk
Quinn