

WILLIE E. WILLIAMS,

Plaintiff,

VS.

WILLIAM WELCH AND  
JEWELL LUVERNE SPRINGER,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 4611

C O U N T   O N E

The plaintiff claims of the defendants the sum of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS as damages for that, heretofore, on, to-wit: on the 30th day of October, 1960, at about 9:25 o'clock, P. M., in the City Limits of Bay Minette, Alabama, on U. S. Highway No. 31, a public highway in Baldwin County, Alabama, at a point about 1,000 feet south of the West viaduct over the L & N RR, the defendant, WILLIAM WELCH, who was then and there acting as an agent, servant or employee of the defendant, JEWELL LUVERNE SPRINGER, Acting within the line and scope of his employment as such, so negligently operated an automobile belonging to the defendant, JEWELL LUVERNE SPRINGER, that by reason thereof and as a proximate result and consequence thereof he caused, permitted or allowed the automobile which he was then and there operating to run into, upon or against plaintiff's automobile and as a proximate consequence thereof plaintiff received severe personal injuries in this, to-wit: he lost his left eye, he suffered cuts and bruises about his head, face and body, his plate was broken, his back was injured, he suffered permanent injuries; he suffered and continues to suffer great mental anguish and physical pain; he lost much time from his work; he was forced to incur considerable expense for medical treatment, hospital services, nurses hire and the purchase of medicines and drugs in and about the treatment of his injuries; and further, his automobile, a 1960 Ford 2-door Sedan was rendered a total loss; all to his great damage as aforesaid, hence this suit.

CUNNINGHAM & BOUNDS AND TELFAIR J.  
MASHBURN,

by Telfair J. Mashburn  
ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a jury trial of this cause.

**FILED**

FEB 24 1961

WALTER E. DUCK, Clerk

Telfair J. Mashburn  
ATTORNEY FOR PLAINTIFF.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. 4611

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WILLIE E. WILLIAMS,  
Plaintiff,

vs.

WILLIAM WELCH AND  
JEWELL LUVERNE SPRINGER,  
Defendants.

\*\*\*\*\*

FILED

FEB 24 1961

COMPLAINT

ALICE J. DUCK, Clerk

William Welch lives near the  
West Viaduct in Bay Minette,  
Alabama.

Jewell Luverne Springer lives  
206 South Main Street,  
Atmore, Alabama

She works at the Vanity Fair  
Mill

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4611

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon William Welch & Jewell Luverne Springer

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

William Welch & Jewell Luverne Springer, Defendant

by Willie E. Williams

Plaintiff

Witness my hand this 24 day of February 19 61

Ex 2-28-61

Alice J. Duck, Clerk

Atmore

No. 4611

Page

The State of Alabama

Baldwin County

CIRCUIT COURT

WILLIE E. WILLIAMS

Plaintiffs

vs.

WILLIAM WELCH & JEWELL

LUVERNE SPRINGER

Defendants

Summons and Complaint

Filed February 24, 1961

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

2/24/61 1961

Sheriff

I have executed this summons

this 28 Feb 1961

by leaving a copy with

William Welch

3/5/61

Luverne Springer

by getting Greens D.S. - Atmore all

Sheriff

Deputy Sheriff

Om

WILLIE E. WILLIAMS,	)	IN THE CIRCUIT COURT
Plaintiff,	(	OF BALDWIN COUNTY,
vs.	)	ALABAMA
	(	AT LAW
WILLIAM WELCH and JEWELL	)	
LUVERNE SPRINGER,		
Defendants.	(	CASE NO. <u>4611</u>

Comes now the Defendants in the above styled cause and demur to Plaintiff's complaint as a whole and each and every count thereof, separately and severally, upon the following separate and several grounds:

1. Said count fails to state a cause of action.
2. Said count fails to allege the existence of any legal duty owing from the Defendants to the Plaintiff therein.
3. Said count fails to allege the breach of any duty owing from the Defendants to the Plaintiff therein.
4. For aught appearing from the allegations of said count, there was no causal connection between the alleged negligence of the Defendants and the alleged injuries and damages of the Plaintiff.
5. Because there is a misjoinder of causes of action in said count.
6. Said count seeks to set out the quomodo constituting the negligence without alleging sufficient facts in support thereof.
7. The allegations of said count with respect to the alleged injuries of the Plaintiff are vague, indefinite and uncertain and do not apprise the Defendants of what they will be called upon to defend.

ARMBRECHT, JACKSON, McCONNELL  
& DeMOUY

By Marshall J. DeMouy  
Marshall J. DeMouy

FILED  
MAR 17 1961  
ALICE J. DUCK, CLERK  
REGISTER

WILLIE E. WILLIAMS,

Plaintiff,

vs.

WILLIAM WELCH and JEWELL  
LUVIERNE SPRINGER,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4611

DEMURRER:

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

1. The complaint fails to state a cause of action.
2. The complaint fails to allege that the injuries complained of were the proximate result of any negligence on the part of the Defendant.
3. The complaint fails to allege any duty owing from this Defendant to the Plaintiff and a breach thereof proximately resulting in the injuries complained of.

Respectfully submitted,

CHASON & STONE

FILED

MAR 27 1964

ALICE L. DUNK, Clerk

By:

  
Attorney for William Welch

4611

WILLIE E. WILLIAMS,

Plaintiff,

vs.

WILLIAM WELCH and JEWELL  
LUVIERNE SPRINGER,

Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 4611

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

FILED

MAR 27 1961

ALICE L. DUCK, Clerk

WILLIE E. WILLIAMS,

Plaintiff,

VS.

WILLIAM WELCH AND  
JEWELL LUVERNE SPRINGER,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 4611

AMENDED COMPLAINT

Comes the plaintiff, WILLIE E. WILLIAMS, and amends his complaint, heretofore filed in this cause, so that, as amended, said complaint is as follows:

C O U N T O N E

The plaintiff claims of the defendants the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS as damages, for that, heretofore, on, to-wit: the 30th day of October, 1960, at about 9:25 o'clock, P. M., in the City Limits of Bay Minette, Alabama, on U. S. Highway No. 31, a public highway in Baldwin County, Alabama, at a point approximately one thousand (1,000.00) feet south of the West viaduct over the L & N Railroad, the defendant, WILLIAM WELCH, who was then and there an agent, servant or employee of the defendant, JEWELL LUVERNE SPRINGER, acting within the line and scope of his employment as such, so negligently operated an automobile belonging to the defendant, JEWELL LUVERNE SPRINGER, as to cause, permit or allow said automobile to run into, upon or against plaintiff's automobile, and as a direct and proximate consequence of the negligence of the said WILLIAM WELCH, as aforesaid, plaintiff received severe personal injuries in this, to-wit: He was made sick, sore, lame and disordered; he was permanently injured; he lost his left eye; he suffered cuts and bruises about his head, face and body; his plate was broken; his back was injured; he suffered and continues to suffer great mental anguish and physical pain; he lost much time from his work; he was forced to incur considerable expense for doctors, medical treatment, hospital services, nurses hire and the purchase of medicines and drugs in and about the treatment of his said injuries; and further, his automobile, a 1960 Ford 2-door Sedan was rendered a total loss; all to his great damage as aforesaid; hence this suit.

250

CUNNINGHAM AND BOUNDS AND  
TELFAIR J. MASHBURN

by Telfair J. Mashburn  
ATTORNEYS FOR PLAINTIFF

*Filed 5-29-61*



IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.      NO. 4611

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WILLIE E. WILLIAMS,  
Plaintiff,

VS.

WILLIAM WELCH AND  
JEWELL LUVERNE SPRINGER,  
Defendants.

\*\*\*\*\*

AMENDED COMPLAINT.

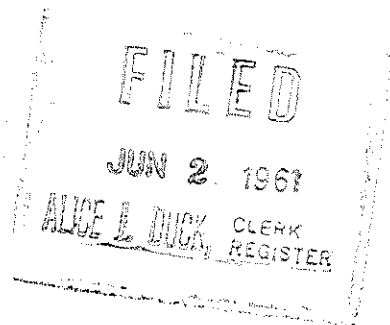
FILED  
MAY 29 1961  
ALICE J. DUCK, CLERK  
REGISTER

WILLIE E. WILLIAMS,	)	IN THE CIRCUIT COURT
Plaintiff,	(	OF BALDWIN COUNTY,
VS.	)	ALABAMA
WILLIAM WELCH and JEWELL	(	AT LAW
LUVERNE SPRINGER,	)	
Defendants.	(	NO. 4611

Come now the Defendants in the above styled cause, separately and severally, and re-file to Plaintiff's complaint, as amended, and each and every count thereof, separately and severally, the demurrer previously filed therein.

ARMBRECHT, JACKSON, McCONNELL  
& DeMOUY

By \_\_\_\_\_  
Marshall J DeMouy



250-A

WILLIE E. WILLIAMS,  
Plaintiff,  
vs.

WILLIAM WELCH and  
JEWELL LUVERNE SPRINGER,  
Defendant.

X  
X  
X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 4611

DEMURRER:

Comes now the Defendant, William Welch, in the above styled cause and refiles to the amended complaint the demurrer heretofore filed by him to the original complaint and assigns, separately and severally, the grounds therein specified.

Respectfully Submitted,  
CHASON & STONE

By:   
Attorney for William Welch

FILED  
JUN 13 1961  
ALICE J. DUCK, Clerk

WILLIE E. WILLIAMS,

Plaintiff,

vs.

WILLIAM WELCH and JEWELL  
LIVERNE SPRINGER,

Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 4611

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

CHASON & STONE

ATTORNEYS AT LAW  
BAY MINETTE, ALABAMA

WILLIE E. WILLIAMS,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
WILLIAM WELCH and JEWELL	X	
LUVERNE SPRINGER,	X	AT LAW NO. 4611
Defendants.	X	
	X	

PLEAS

Comes now the Defendant William Welch in the above styled cause and for answer to the complaint theretofore filed against him, pleads, separately and severally, the following:

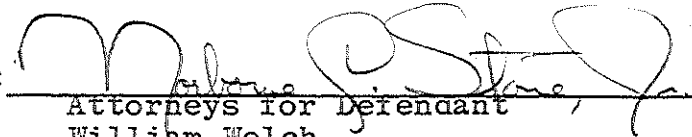
1. Not guilty.

2. For further answer to the complaint the Defendant William Welch claims of the Plaintiff the sum of Ten Thousand Dollars (\$10,000.00) for that at the time and place complained of in the complaint the Plaintiff Willie E. Williams, so negligently operated a motor vehicle as to cause or allow the same to run into, upon or against an automobile being then and there operated by the Defendant William Welch and as a proximate consequence and result of the negligence of the Plaintiff, aforesaid, the Defendant William Welch was seriously and permanently injured in this: his right knee cap was shattered and broken, his jaw was bruised, he suffered cuts and bruises about his body, he was caused to suffer and did suffer great mental pain and anguish, he was caused to be hospitalized and to incur hospital and medical bills in and about the care and treatment of his wounds and he was caused to lose time from his employment; wherefore the Defendant William Welch files this his plea of recoupment and claims judgment against the Plaintiff in the sum of \$10,000.00.

ARMBRECHT, JACKSON, MCCONNELL & DeMOUY

and

CHASON & STONE

By:   
Attorneys for Defendant  
William Welch

WILLIE E. WILLIAMS,

PLAINTIFF,

VS.

WILLIAM WELCH AND  
JEWELL LUVERNE SPRINGER,

DEFENDANTS.

IN THE CIRCUIT COURT OF  
BALDWIN  
MOBILE COUNTY, ALABAMA

No. 4614

INTERROGATORIES TO DEFENDANTS

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 and TELFAIR  
J. MASHBURN, Attorneys for Plaintiff

BY: Telfair J. Mashburn

STATE OF ALABAMA )

COUNTY OF BALDWIN )

Before me, the undersigned Notary Public, in and for said County in said State, personally appeared Telfair J. Mashburn, who having been first duly sworn, deposes and says that he is one of the attorneys 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.

Telfair J. Mashburn

Sworn to and subscribed before me  
on the 18<sup>th</sup> day of April,  
1961.

Harmon Owens, Jr.  
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA

4611

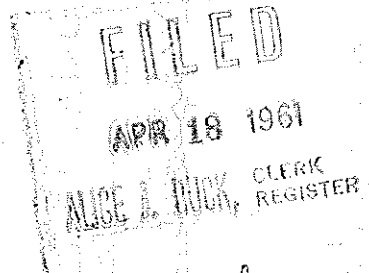
Willie E. Williams  
vs

William Welch &  
Jewel Luverne Springle

Received 19 day of April 1961  
and on 19 day of April 1961  
I served a copy of the within Subpoena  
on Chasms & Stone

By service on the Chasms

TAYLOR WILKINS, Sheriff  
By W. A. Zeller D. S.  
& me



To be served on:  
Chasms & Stone