

STATE OF ALABAMA )  
 )  
BALDWIN COUNTY )

CASE NO. 5131

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA-- Greetings:

You are hereby commanded to summons HOUSTON D. GRANTHAM; DONALD GRANTHAM; JOHN DOE and RICHARD ROE, being the individuals, partnerships or corporations legally responsible for the operation of the motor vehicle which collided with the motor vehicle operated by Donald V. Gaar, Jr., on to-wit: the 9th day of May, 1961, on Michigan Road, a public highway, at or near its intersection with the dirt road, approximately 30 feet north of REA power pole, No. 45-A, at a point approximately 2.1 miles west of Foley, Baldwin County, Alabama, the true legal identity of said defendants presently being unknown to plaintiff but will be substituted by amendment when correctly ascertained; to appear before the said Circuit Court at the place of holding the same in the Court House in Bay Minette, Baldwin County, Alabama, within thirty (30) days from service of this process, then and there to answer the complaint of DONALD V. GAAR, JR.

WITNESS MY HAND this 2nd day of May, 1962.

Alice J. Luck  
C L E R K

Ex-5-23-62

C O M P L A I N T

DONALD V. GAAR, JR.,

Plaintiff,

vs.

HOUSTON D. GRANTHAM; DONALD GRANTHAM; JOHN DOE and RICHARD ROE, being the individuals, partnerships or corporations legally responsible for the operation of the motor vehicle which collided with the motor vehicle operated by Donald V. Gaar, Jr., on to-wit: the 9th day of May, 1961, on Michigan Road, a public highway, at or near its intersection with the dirt road, approximately 30 feet north of REA power pole, No. 45-A, at a point approximately 2.1 miles west of Foley, Baldwin County, Alabama, the true legal identity of said defendants presently being unknown to plaintiff but will be substituted by amendment when correctly ascertained,

Defendants.

COUNT ONE

Plaintiff claims of the defendants the sum of EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00), as damages, for that heretofore on to-wit: the 9th day of May, 1961, while the plaintiff was operating an automobile on a public highway, to-wit: on Michigan Road at or near its intersection with a dirt road, approximately 30 feet north of REA power pole, No. 45-A, at a point approximately 2.1 miles west of Foley, Baldwin County, Alabama, the defendants were in charge or control of an automobile vehicle, and at said time and place the defendants ran their said vehicle into and against the plaintiff's said automobile and as a proximate consequence thereof, plaintiff sustained the following injuries and damages:

Plaintiff suffered a crushing fracture of one of his vertebraes, breaking it into several pieces and dislocating it from his spine, plaintiff's kidneys were injured and damaged, plaintiff's face was lacerated and bruised, plaintiff

was caused to suffer severe bruises and strains about his body, plaintiff's nerves were injured and damaged and continue to be injured and painful, plaintiff was caused to have a deformity in the bone or bones of his spine and is unable to use his spine and back normally, plaintiff was caused to suffer prolong and intense pain and was obligated to submit to painful medical measures and treatment and caused to be put in traction in an effort to obtain relief and heal and cure his said injuries, plaintiff was caused to wear a brace on his back, plaintiff was rendered unable to follow his regular occupation and lost the income therefrom, plaintiff's earning capacity has been impaired permanently, plaintiff was caused to be put to great expense and inconvenience for medical attention, doctors' bills, hospital bills, and other medical treatment and expense in an effort to attempt to heal and cure his injuries, and plaintiff may be caused to suffer further expense in the future for proper medical attention, plaintiff has been caused and will be caused to suffer physical pain and mental anguish, plaintiff was permanently injured, all to his damage.

And plaintiff avers that he sustained all of his aforesaid injuries and damages as a proximate consequence of the negligence of the defendants in that the defendants negligently caused said automobile vehicle so controlled and operated by defendants at the time and place as aforesaid to run into and against the automobile vehicle in which plaintiff was riding.

COUNT TWO

Plaintiff adopts and refers to all of the words and figures of Count One of his complaint down to and including

the words: "plaintiff was permanently injured, all to his damage" and adds thereto the following: and plaintiff avers that the defendants wantonly injured the plaintiff on said date and occasion by wantonly running the automobile vehicle operated by said defendants into and against the automobile in which plaintiff was riding and as a proximate consequence of the said wanton conduct, plaintiff suffered the aforesaid injuries and damages described in Count One of plaintiff's complaint.

TELFAIR J. MASHBURN, JR.

Telfair J. Mashburn, Jr.

HUIE, FERNAMBUCQ & STEWART

BY: [Signature]

Attorneys for Plaintiff

Plaintiff demands a jury for the trial of the above styled cause.

TELFAIR J. MASHBURN, JR.

Telfair J. Mashburn, Jr.

HUIE, FERNAMBUCQ & STEWART

BY: [Signature]

Attorneys for Plaintiff.

Plaintiff's Address:  
Rural Route, Foley, Alabama

Defendants' Addresses:  
Houston D. Grantham  
Route Two, Foley, Alabama  
Donald Grantham  
Route Two, Foley, Alabama

FILED

MAY 2 1962

ALICE J. BUCK, CLERK  
REGISTER

303

CASE NO. 5131

IN THE CIRCUIT COURT FOR

BALDWIN COUNTY,

ALABAMA

DONALD V. GAAR, JR.,  
Plaintiff,

vs.

HOUSTON D. GRANTHAM, et al,  
Defendants.

SUMMONS & COMPLAINT

SERVE: Houston D. Grantham  
and Donald Grantham  
Route Two, Foley, Alabama

Telfair J. Mashburn, Jr.  
and  
Huie, Fernambucq & Stewart  
2014 - 6th Avenue North  
Birmingham 3, Alabama

Attorneys for Plaintiff

FILED

MAY 2 1962

ALICE J. DUCK, CLERK  
REGISTER

Sheriff claims 144 miles at  
Ten Cents per mile Total \$ 14.40  
TAYLOR WILKINS, Sheriff  
BY [Signature]  
DEPUTY SHERIFF

Received 2 day of May 1962  
and on 23 day of May 1962  
I served a copy of the within  
on Houston D. Grantham  
& Donald Grantham  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
BY [Signature] D. S.

Foley

DONALD V. GAAR, JR.,

Plaintiff,

VS.

HOUSTON D. GRANTHAM; DONALD GRANTHAM; JOHN DOE and RICHARD ROE, being the individuals, partnerships or corporations legally responsible for the operation of the motor vehicle which collided with the motor vehicle operated by Donald V. Gaar, Jr., on, to-wit: the 9th day of May, 1961, on Michigan Road, a public highway, at or near its intersection with the dirt road, approximately 30 feet north of REA power pole, No. 45-A, at a point approximately 2.1 miles west of Foley, Baldwin County, Alabama, the true legal identity of said defendants presently being unknown to plaintiff but will be substituted by amendment when correctly ascertained,

Defendants.

IN THE CIRCUIT COURT OF

AT LAW

b. That such allegations are speculative.

CHASON & STONE

By:

*Phil Chason*  
Attorneys for Houston D. Grantham  
and Donald Grantham

FILED

JUN 5 1962

ALICE J. DUCK, CLERK  
REGISTER

MOTION

\* \* \* \* \*

DONALD V. GAAR, JR.,

Plaintiff,

vs.

HOUSTON D. GRANTHAM, ET AL,

Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5131

\* \* \* \* \*

FILED

JUN 5 1962

ALICE J. DUCK, CLERK  
REGISTER



8. That it is not alleged in either count of said complaint that the Defendants, or either of them, were driving the automobile which ran into the Plaintiff.

9. That the allegations in each of the counts of the complaint that the Defendants were in charge or control of an automobile vehicle and that they ran their vehicle into Plaintiff's automobile fails to state who was driving said vehicle or who owned such vehicle.

10. That there is no allegation in either of said counts that the Plaintiff had any regular occupation at the time of his injuries.

11. That the damages claimed in each of said counts are speculative in regard to future medical expenses.

CHASON & STONE

By: 

Attorneys for Houston D. Grantham and  
Donald Grantham

FILED

JUN 5 1962

ALICE J. DUCK, CLERK  
REGISTER

DEMURRER

\* \* \* \* \*

DONALD V. GAAR, JR.,

Plaintiff,

vs.

HOUSTON D. GRANTHAM, ET AL,

Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5131

\* \* \* \* \*

FILED

JUN 5 1962

ALICE J. DUCK, CLERK  
REGISTER

AMENDED COMPLAINT

DONALD V. GAAR, JR.,

Plaintiff,

VS

HOUSTON D. GRANTHAM; DONALD  
GRANTHAM, et al.,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 5151

Comes now DONALD V. GAAR, JR., the plaintiff in the above entitled cause, and amends his complaint, heretofore filed in said cause, by adding thereto, or substituting therefor, Counts A and B, in manner and form as follows:

COUNT A

Plaintiff claims of the defendants the sum of EIGHTY-FIVE THOUSAND (\$85,000.00) DOLLARS, as damages, for that, heretofore, on, to-wit: the 9th day of May, 1961, at about 8:30 o'clock, A. M., while the plaintiff was operating an automobile on a public highway, in Baldwin County, Alabama, to-wit: on Michigan Road, at or near its intersection with a dirt road approximately 30 feet North of REA power Pole No. 45-A, at a point approximately 2.1 miles west of Foley, Alabama, the defendant, HOUSTON D. GRANTHAM, who was then and there an agent, servant or employee of the defendant, DONALD GRANTHAM, acting within the line and scope of his employment as such, so negligently operated an automotive vehicle, which he was then and there operating, as to cause, permit or allow said vehicle to run into, upon or against plaintiff's said automobile, and, as a proximate consequence thereof, plaintiff sustained the following injuries and damages, to-wit:

Plaintiff suffered a crushing fracture of one of his vertebrae, breaking it into several pieces and dislocating it from his spine, plaintiff's kidneys were injured and damaged, plaintiff's face was lacerated and bruised; he was caused to suffer severe bruises and strains about his body; his nerves were injured and damaged and continue to be injured and painful; he was caused to have a deformity in the bone or bones of his spine and is unable to use his spine and back normally; he was caused to suffer prolonged and intense pain and was forced to submit to painful medical measures and treatment and

caused to be put in traction in an effort to obtain relief and heal and cure his said injuries; he was caused to wear a brace on his back; he was rendered unable to follow his regular occupation and lost the income therefrom; his earning capacity was permanently impaired; he was caused to be put to great expense and inconvenience for medical attention, doctor's bills, hospital bills and other medical treatment and expenses, in an effort to heal and cure his injuries, and he will probably be caused to suffer further expenses in the future for proper medical attention; he has been caused, and will be caused, to suffer physical pain and mental anguish; and he was permanently injured, all to his damages as aforesaid.

And plaintiff avers that he sustained all of his aforesaid injuries and damages as a proximate result and consequence of the negligence of the defendant, HOUSTON D. GRANTHAM, who was an agent, servant, or employee of the defendant, DONALD GRANTHAM, acting within the line and scope of his employment as such, in that the said HOUSTON D. GRANTHAM negligently cause, permitted or allowed said automotive vehicle, which he was then and there operating, to run into, upon or against the automobile in which plaintiff was riding; hence this suit.

#### COUNT B.

Plaintiff claims of the defendants the sum of EIGHTY-FIVE THOUSAND (\$85,000.00) DOLLARS, as damages, for that, heretofore, on, to-wit: the 9th day of May, 1961, at about 8:30 o'clock, A. M., while the plaintiff was operating an automobile on a public highway in Baldwin County, Alabama, to-wit: on Michigan Road, at or near its intersection with a dirt road approximately 30 feet North of REA power pole No. 45-A, at a point approximately 2.1 miles West of Foley, Alabama, the defendant, HOUSTON D. GRANTHAM, who was then and there an agent, servant or employee of the defendant, DONALD GRANTHAM, acting within the line and scope of his employment as such, wantonly operated an automotive vehicle, which he was then and there operating, by wantonly running said automotive vehicle into, upon or against the automobile in which plaintiff was riding, and, as a proximate consequence of the said wanton conduct, plaintiff suffered the aforesaid injuries and damages described in Count A of plaintiff's Amended Complaint.

HUIE, FERNAMBUCQ & STEWART

TELFAR J. MASHBURN

by Telfair J. Mashburn  
ATTORNEYS FOR PLAINTIFF

I hereby certify that I have served a copy of the Amended Complaint on John Chason, Esq., one of the attorneys for the defendants, HOUSTON D. GRANTHAM AND DONALD GRANTHAM, by leaving the same at his office in Bay Minette, Alabama, on this the 1st day of August, 1962.

Telfair J. Mashburn  
TELFAR J. MASHBURN

FILED  
AUG 1 1962  
ALICE J. DUCK, CLERK  
REGISTER

DONALD V. GAAR, JR.,	⌘		
Plaintiff,	⌘	IN THE CIRCUIT COURT OF	
vs.	⌘		
	⌘	BALDWIN COUNTY, ALABAMA	
HOUSTON D. GRANTHAM; DONALD	⌘		
GRANTHAM, ET AL.,	⌘	AT LAW	NO. 5131
Defendants.	⌘		
	⌘		

Come Houston D. Grantham and Donald Grantham, Defendants in the above styled cause, separately and severally, and for plea to the amended complaint filed in said cause, say:

1. Not guilty.

2. As to "COUNT A" of the amended complaint the Defendants say that at the time and place complained of in said amended complaint, the Plaintiff himself was guilty of negligence which was the proximate cause of his injuries and damages, hence he cannot recover.

*Chas. W. Stone*  
 Attorneys for Defendants Houston  
 D. Grantham and Donald Grantham

FILED  
 AUG 1 1962  
 ALICE L. DUCK, CLERK  
 REGISTER

DONALD V. GAAR, JR.,

Plaintiff,

vs.

HOUSTON D. GRANTHAM; DONALD  
GRANTHAM, ET AL.,

Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 5131

\* \* \* \* \*

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\* \* \* \* \*

FILED

AUG 1 1962

ALICE J. DUCK, CLERK  
REGISTER

DONALD V. GAAR, JR.,  
Plaintiff,  
vs.

HOUSTON D. GRANTHAM, DONALD  
GRANTHAM, JOHN DOE and RICHARD  
ROE, being the individuals,  
partnerships or corporations  
legally responsible for the  
operation of the motor vehicle  
which collided with the motor  
vehicle operated by Donald V.  
Gaar, Jr., on, to-wit: the 9th  
day of May, 1961, on Michigan  
Road, a public highway, at or  
near its intersection with the  
dirt road, approximately 30  
feet north of REA power pole,  
No. 45-A, at a point approxi-  
mately 2.1 miles west of Foley,  
Baldwin County, Alabama, the  
true legal identity of said  
defendants presently being un-  
known to plaintiff but will be  
substituted by amendment when  
correctly ascertained,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5131

DEMURRER

Come the Defendants, Houston D. Grantham and Donald Grant-  
ham, and, without waiving the motion heretofore filed by them in  
this cause, demur to "COUNT ONE" and "COUNT TWO" of the complaint  
filed in said cause, and assign the following separate and several  
grounds, viz:

1. That said complaint does not state a cause of action.
2. That "COUNT ONE" of the complaint is vague and indefinite.
3. That "COUNT TWO" of the complaint is vague and indefinite.
4. That each count of said complaint attempts to set up  
a joint suit against these Defendants without any allegation of  
agency.
5. That it is not alleged in either count whether the ac-  
cident occurred in Baldwin County, Alabama.
6. That there is no allegation in either count of any duty  
owing by the Defendants to the Plaintiff.
7. That said counts do not allege that the Defendants negli-  
gently injured the Plaintiff.

8. That it is not alleged in either count of said complaint that the Defendants, or either of them, were driving the automobile which ran into the Plaintiff.

9. That the allegations in each of the counts of the complaint that the Defendants were in charge or control of an automobile vehicle and that they ran their vehicle into Plaintiff's automobile fails to state who was driving said vehicle or who owned such vehicle.

10. That there is no allegation in either of said counts that the Plaintiff had any regular occupation at the time of his injuries.

11. That the damages claimed in each of said counts are speculative in regard to future medical expenses.

CHASON & STONE

By: 

Attorneys for Houston D. Grantham and Donald Grantham

FILED

JUN 5 1962

ALICE J. DUCK, CLERK  
REGISTER

DONALD V. GAAR, JR.,  
Plaintiff,  
vs.

HOUSTON D. GRANTHAM, DONALD  
GRANTHAM, JOHN DOE and RICHARD  
ROE, being the individuals,  
partnerships or corporations  
legally responsible for the  
operation of the motor vehicle  
which collided with the motor  
vehicle operated by Donald V.  
Gaar, Jr., on, to-wit: the 9th  
day of May, 1961, on Michigan  
Road, a public highway, at or  
near its intersection with the  
dirt road, approximately 30  
feet north of REA power pole,  
No. 45-A, at a point approxi-  
mately 2.1 miles west of Foley,  
Baldwin County, Alabama, the  
true legal identity of said  
defendants presently being un-  
known to plaintiff but will be  
substituted by amendment when  
correctly ascertained,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5131

DEMURRER

Come the Defendants, Houston D. Grantham and Donald Grant-  
ham, and, without waiving the motion heretofore filed by them in  
this cause, demur to "COUNT ONE" and "COUNT TWO" of the complaint  
filed in said cause, and assign the following separate and several  
grounds, viz:

1. That said complaint does not state a cause of action.
2. That "COUNT ONE" of the complaint is vague and indefinite.
3. That "COUNT TWO" of the complaint is vague and indefinite.
4. That each count of said complaint attempts to set up  
a joint suit against these Defendants without any allegation of  
agency.
5. That it is not alleged in either count whether the ac-  
cident occurred in Baldwin County, Alabama.
6. That there is no allegation in either count of any duty  
owing by the Defendants to the Plaintiff.
7. That said counts do not allege that the Defendants negli-  
gently injured the Plaintiff.

8. That it is not alleged in either count of said complaint that the Defendants, or either of them, were driving the automobile which ran into the Plaintiff.

9. That the allegations in each of the counts of the complaint that the Defendants were in charge or control of an automobile vehicle and that they ran their vehicle into Plaintiff's automobile fails to state who was driving said vehicle or who owned such vehicle.

10. That there is no allegation in either of said counts that the Plaintiff had any regular occupation at the time of his injuries.

11. That the damages claimed in each of said counts are speculative in regard to future medical expenses.

CHASON & STONE

By:

*[Signature]*  
Attorneys for Houston D. Grantham and  
Donald Grantham

FILED

JUN 5 1962

ALICE J. DUCK, CLERK  
REGISTER

DONALD V. GAAR, JR.,

Plaintiff,

vs.

HOUSTON D. GRANTHAM; DONALD GRANTHAM; JOHN DOE and RICHARD ROE, being the individuals, partnerships or corporations legally responsible for the operation of the motor vehicle which collided with the motor vehicle operated by Donald V. Gaar, Jr., on, to-wit: the 9th day of May, 1961, on Michigan Road, a public highway, at or near its intersection with the dirt road, approximately 30 feet north of REA power pole, No. 45-A, at a point approximately 2.1 miles west of Foley, Baldwin County, Alabama, the true legal identity of said defendants presently being unknown to plaintiff but will be substituted by amendment when correctly ascertained,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5131

Come the Defendants, Houston D. Grantham and Donald Grantham, and move the Court to strike the Summons issued by the Clerk of the Circuit Court of Baldwin County, Alabama, in the above styled cause and assign the following separate and several grounds for their motion, viz:

1. That said Summons is not in code form.
2. That said Summons is vague and indefinite.
3. That said Summons seeks to join these Defendants in an action with other Defendants and the Sheriff of Baldwin County, Alabama, was directed to serve only Houston D. Grantham and Donald Grantham.

Such Defendants also move the Court to strike the allegations in "COUNT ONE" and "COUNT TWO" of the Complaint which allegations are as follows: "plaintiff may be caused to suffer further expense in the future for proper medical attention" , and as grounds for this motion, says:

- a. That such allegations do not state a proper claim for damages against these Defendants.

b. That such allegations are speculative.

CHASON & STONE

FILED

JUN 5 1962

ALICE L. DUCK, CLERK  
REGISTER

By:

*John D. Chason*  
Attorneys for Houston D. Grantham  
and Donald Grantham

DONALD V. GAAR, JR.,

Plaintiff,

vs.

HOUSTON D. GRANTHAM; DONALD GRANTHAM; JOHN DOE and RICHARD ROE, being the individuals, partnerships or corporations legally responsible for the operation of the motor vehicle which collided with the motor vehicle operated by Donald V. Gaar, Jr., on, to-wit: the 9th day of May, 1961, on Michigan Road, a public highway, at or near its intersection with the dirt road, approximately 30 feet north of REA power pole, No. 45-A, at a point approximately 2.1 miles west of Foley, Baldwin County, Alabama, the true legal identity of said defendants presently being unknown to plaintiff but will be substituted by amendment when correctly ascertained,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5131

Come the Defendants, Houston D. Grantham and Donald Grantham, and move the Court to strike the Summons issued by the Clerk of the Circuit Court of Baldwin County, Alabama, in the above styled cause and assign the following separate and several grounds for their motion, viz:

1. That said Summons is not in code form.
2. That said Summons is vague and indefinite.
3. That said Summons seeks to join these Defendants in an action with other Defendants and the Sheriff of Baldwin County, Alabama, was directed to serve only Houston D. Grantham and Donald Grantham.

Such Defendants also move the Court to strike the allegations in "COUNT ONE" and "COUNT TWO" of the Complaint which allegations are as follows: "plaintiff may be caused to suffer further expense in the future for proper medical attention" , and as grounds for this motion, says:

- a. That such allegations do not state a proper claim for damages against these Defendants.

b. That such allegations are speculative.

CHASON & STONE

FILED

JUN 5 1962

ALICE L. DUCK, CLERK  
REGISTER

By:

*John D. Chason*  
Attorneys for Houston D. Grantham  
and Donald Grantham

IN THE CIRCUIT COURT ~~FOR THE TENTH JUDICIAL CIRCUIT~~ OF  
BALDWIN COUNTY, ALABAMA

DONALD V. GAAR, JR.,

Plaintiff,

vs.

HOUSTON D. GRANTHAM, et al,

Defendants.

CASE NO. 5131

INTERROGATORIES TO DEFENDANT

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.

21. Please state on approaching the point of impact with the vehicle occupied by the plaintiff to what object or thing your attention was directed and you were observing, stating specifically the different objects or things if more than one, when you were at a distance from said point of impact as follows: (a) When you were 300 feet from the point of impact, (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) Point of impact (g) And after the vehicles collided.

22. State what, if anything, interrupted your attention or the operation of your vehicle as you proceeded up to and approached the point of impact, stating specifically the different things, if more than one, when you were at a point from the point of impact as follows: (a) When you were 300 feet from the point of impact, (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) At point of impact, (g) And immediately following the impact of vehicles.

23. State what, if any, objects obstructed your view of the intersection or of the road on which the plaintiff's vehicle was traveling as you were approaching the point of impact and when you were at a point from the point of impact as follows: (a) When you were 300 feet from the point of impact, (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) At the point of impact, (g) And immediately following the impact of the vehicles.

24. State what, if any, mechanical difficulty or failure you had in the operation of your vehicle, describing same specifically, especially as concerns your steering apparatus and your braking apparatus on your vehicle, which said mechanical difficulty or failure in any way interrupted or hindered you in the operation of the vehicle you were operating on said occasion, when you were approaching the point of impact and at a point from the point of impact as follows: (a) When you were 300 feet from the point of impact, (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) At the point of impact (g) And immediately following the impact of the vehicles.

HUIE, FERNAMBUCQ & STEWART

BY: 

TELFAIR J. MASHBURN, JR.

  
Attorneys for Plaintiff.

STATE OF ALABAMA )  
 )  
BALDWIN COUNTY )

Personally appeared before me, a Notary Public,  
in and for the state and county aforementioned, the undersigned,  
Telfair J. Mashburn, Jr., who having been by me first duly  
sworn, deposes and says that he is one of the attorneys for  
the plaintiff and as such has authority to make this affidavit  
and that answers to the foregoing interrogatories, if well and  
truly made, will be material testimony for the plaintiff upon  
the trial of this cause.

Telfair J. Mashburn  
Telfair J. Mashburn, Jr.

Sworn to and subscribed before me

this 30<sup>th</sup> day of July,  
1962.

James Owen, Jr.  
NOTARY PUBLIC

I hereby accept service of the above and foregoing  
interrogatories as one of the attorneys of record for Houston  
D. Grantham and Donald Grantham.

Dated this the 30th day of July, 1962.

John D. Grantham

FILED  
JUL 30 1962  
ALICE J. DUCK, CLERK  
REGISTER

IN THE CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA

DONALD V. GAAR, JR.,  
Plaintiff,

vs.

HOUSTON D. GRANTHAM, et al,

Defendants.

INTERROGATORIES TO THE  
DEFENDANTS

SERVE ON: Chason & Stone  
Bay Minette, Alabama  
Attorneys of Record for  
Defendants.

Telfair J. Mashburn, Jr.  
and  
HUIE, FERNAMBUCG & STEWART  
2014 - 6th Avenue North  
Birmingham 3, Alabama

FILED  
JUL 30 1962  
CLERK  
REGISTE

DONALD V. GAAR, JR.,	℥		
Plaintiff,	℥	IN THE CIRCUIT COURT OF	
vs.	℥		
	℥	BALDWIN COUNTY, ALABAMA	
HOUSTON D. GRANTHAM, DONALD	℥		
GRANTHAM, ET AL.,	℥	AT LAW	NO. 5131
Defendants.	℥		

ANSWERS TO INTERROGATORIES

Comes Houston D. Grantham, one of the Defendants in the above styled cause, and for answer to the interrogatories propounded by the Plaintiff, says:

1. (a) Houston D. Grantham, age 58, Foley, Alabama, Route 5.  
 (b) See answer to 1 (a).  
 (c) -----
2. (a) Partnership.  
 (b) Houston D. Grantham and Donald R. Grantham, doing business as H. D. Grantham & Son.  
 (c) -----
3. (a) 1952 model, International pick-up truck.  
 (b) Donald R. Grantham.  
 (c) H. D. Grantham.  
 (d) Right front fender was bent and right front headlight broken.  
 (e) None  
 (f) No.  
 (g) Condition of brakes, good; signal device, in proper condition; steering apparatus, good condition; tires, extra good; lighting equipment, in proper order.  
 (h) I do not remember.
4. (a) My pickup was in the shop and I borrowed my son's pickup that morning for my use.  
 (b) Self-employed.  
 (c) I was going to look at some cattle.  
 (d) About two hours.
5. (a) One.  
 (b) I was going to look at some cows.  
 (c) From my farm.  
 (d) For another place on my farm.

- (e) I was on business for myself. I was going to pen some cows.
  - (f) I was on my way to pen some cows that were on my farm as stated above.
6. (a through e) I am not good at drawing maps but I will be glad to answer any questions in regard to these matters

7. Highways

7. (a) Michigan Road and Vines Road.

- (b) No buildings. A field with a few trees along the edge and the difference in elevation of the roads.
- (c) I do not know how far I could see at that point.
- (d) A house was on the South side of the highway; both roads were straight; there was a difference in the elevation of the roads, Michigan Road being at a higher elevation.
- (e) None.

8. (a) As I was going South to the intersection where the accident occurred and was about 75 to 100 feet from the intersection I saw a vehicle approximately one-fourth of a mile West of me traveling East toward the intersection. Later this vehicle entered the intersection just after I had entered it. I did not see this vehicle again until he entered the intersection. I do not know his speed but I was traveling at about five to ten miles per hour and the Plaintiff's vehicle was traveling at a high rate of speed. He was probably going from sixty to seventy-five miles per hour when he entered the intersection.

- (b) Answered in 8 (a).
- (c) Answered in 8 (a).
- (d) Answered in 8 (a).
- (e) Near the Southern edge of the highway.
- (f) In my proper lane of travel.

9. (a) I was traveling South on Vines Road at about twenty miles an hour. It had been raining and the road was wet. As I approached Michigan Road there was no stop sign for either vehicle. The road on which I was traveling went down hill slightly and then there was a rise as it went into Michigan Road. Before I made the decline I looked to my right across the field and saw a vehicle about one-fourth of a mile from the intersection. At that time I was a little over seventy-five feet from the intersection and had slowed down to five or ten miles an hour. I did not see that vehicle any more until I entered the intersection. It must have been traveling at a speed of from seventy to eighty miles per hour for it to have gotten to the intersection just after I had entered it.

- (b) He failed to drive at a proper speed and failed to keep a proper lookout.
  - (c) See 9 (b).
  - (d). I do not think that I caused the accident.
  - (e) See 9 (b).
10. (a) None
- (b) -----
- (c) \_\_\_\_\_
11. (a) I could not tell.
- (b) I do not know.
- (c) I do not know.
- (d) I do not know.
- (e) I do not know.
- (f) I do not know.
- (g) Sixty miles per hour or more.
- (h) Sixty miles per hour or more.
- (i) He then turned over after hitting a culvert which was about 47 feet East of us.
12. (a) I was travelling South on Vines Road and the Plaintiff was travelling East on Michigan Road.
- (b) Michigan Road is about 19 feet wide and Vines Road is about 15 or 16 feet wide.
- (c) Both vehicles were going in a straight direction.
13. (a) I had been travelling about twenty miles an hour until I was a little over 100 feet from the intersection and at approximately that point I slowed to approximately 5 or 10 miles an hour. I looked to my right across the field and saw the vehicle hereinabove referred to and as I approached the road I looked to the left. I would have had plenty of time to cross the intersection if the Plaintiff's vehicle had not been travelling at an excessive rate of speed, without any trouble, but as it was I entered the intersection before he did and was near the center of Michigan Road when he suddenly came in front of me. I struck him on his left rear fender.
- (b) He turned to his right just before we collided.
- (c) No change in my direction.
14. (a) I applied my brakes just about the time we collided. I only had about an instants notice.
- (b) Answered above.
- (c) Answered above.
- (d) Answered above.
15. (a) The right front fender and headlight of my vehicle and the left rear fender of the Plaintiff's vehicle.

- (b) None.
16. (a) I stopped immediately. The Plaintiff's vehicle travelled approximately 120 feet.
- (b) The Plaintiff's vehicle continued in an Eastwardly direction.
- (c) I did not see any skid marks which were made before the collision.
- (d) The Plaintiff's vehicle did not have any skid marks after the impact until he hit the culvert except that his back wheels were skidding a little to their right. His car turned over two or three times after he hit the culvert.
- (e) Answered above.
17. (a) 20 miles per hour.
- (b) 20 miles per hour.
- (c) 15 miles per hour.
- (d) 5 to 10 miles per hour.
- (e) 5 to 10 miles per hour.
- (f) 5 to 10 miles per hour.
- (g) 5 miles per hour.
- (h) 15 to 20 miles per hour.
18. (a) No.
- (b) Answered above.
- (c) Answered above.
- (d) None given.
19. (a) No.
- (b) Answered above.
- (c) Answered above.
- (d) Answered above.
20. (a) No.
- (b) Answered in 20 (a).
- (c) No.
- (d) Besides the Plaintiff and my self, Mr. Eugene Koehle and Clifton Strong.
- (e) I discussed the matter with the Highway Patrolman but no one else was present.
21. (a) I was looking ahead of me down the road.
- (b) I was looking ahead of me down the road.
- (c) I looked to my right and saw the Plaintiff's vehicle about one-fourth of a mile away.
- (d) Straight ahead.
- (e) I looked to the left to see if there was anything

coming from that direction.

(f) I was looking at the Plaintiff's vehicle.

(g) I was watching him after the collision.

22. (a) through (g), Nothing.

23. (a) through (g). Nothing obstructed my view of the intersection of the road at any of the points mentioned. My view of the road to the West approaching the intersection was partially obstructed at points (d) and (e) by a few trees and the difference in elevation of the roads.

24. (a) through (g). No mechanical difficulties.

Houston D. Grantham  
Houston D. Grantham

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Evelyn M. Wirth a Notary Public, in and for said County in said State, personally appeared Houston D. Grantham, 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 Houston D. Grantham; that he signed the foregoing answers to interrogatories and such answers are true and correct.

Houston D. Grantham  
Houston D. Grantham

Sworn to and subscribed before me on  
this the 20 day of October, 1962.

Evelyn M. Wirth  
Notary Public, Baldwin County, Alabama

DONALD V. GAAR, JR.,

Plaintiff

vs.

HOUSTON D. GRANTHAM, ET AL.

Defendants.

\*\*\*\*\*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5131

\*\*\*\*\*

ANSWERS TO INTERROGATORIES

\*\*\*\*\*

FILED

OCT 22 1962

ALICE I. DUCK, CLERK  
REGISTER

DONALD V. GAAR, JR.,	℥		
Plaintiff,	℥	IN THE CIRCUIT COURT OF	
vs.	℥		
	℥	BALDWIN COUNTY, ALABAMA	
HOUSTON D. GRANTHAM, DONALD	℥		
GRANTHAM, ET AL.,	℥	AT LAW	NO. 5131
Defendants.	℥		

ANSWERS TO INTERROGATORIES

Comes Donald Grantham, one of the Defendants in the above styled cause, and for answer to the interrogatories propounded by the Plaintiff, says:

1. (a) Donald R. Grantham, age 30, Route 5, Foley, Alabama.
- (b) See 1 (a).
- (c) -----
2. (a) Partnership.
- (b) Houston D. Grantham and Donald R. Grantham, doing business as H. D. Grantham & Son.
- (c) -----
3. (a) 1952 model, International pickup truck.
- (b) Donald R. Grantham.
- (c) H. D. Grantham.
- (d) Right front fender was bent and right front headlight broken.
- (e) None.
- (f) No.
- (g) Condition of brakes, good; signal device, in proper condition; steering apparatus, good condition; tires, extra good; lighting equipment, in proper order.
- (h) Front tires practically new; rear tires in good condition. I do not remember when it had been serviced last.
4. (a) I loaned my pickup to my Father that morning.
- (b) Self-employed.
- (c) I do not know.
- (d) I was not at home when my Father left.
5. (a) I do not know.
- (b) I do not know.
- (c) I do not know.
- (d) I do not know.

- (e) I do not know.
- (f) This is unknown to me.
6. (a) through (e). I was not present when the accident occurred and cannot give you this information.
7. Highways.
7. (a) Michigan Road and Vines Road
- (b) There were no buildings. There were a few trees along the edge and there was a difference in the elevation of the roads.
- (c) Less than fifty feet.
- (d) There was a house on the South side of the highway both roads were straight and there was a difference in the elevation of the roads. Michigan Road is at a higher elevation than Vines Road.
- (e) There were none.
8. (a) through (f). I was not in the automobile and am unable to answer these questions.
9. (a) through (e). I do not know.
10. (a) through (c). This is unknown to me.
11. (a) through (i). I do not know.
12. (a) through (c). Anything that I could tell you would be heresay.
13. (a) through (c). I was not driving the vehicle and cannot answer these questions.
14. (a) through (d). I do not know.
15. (a) through (b). I cannot say, I do not know.
16. (a) through (e). The answers to these questions are unknown to me.
17. (a) through (h). I do not know.
18. (a) through (d). I do not know.
19. (a) through (d) . Unknown to me.
20. (a) through (e). I was not at the scene of the accident at the time it occurred.
21. (a) through (g). I was not driving the vehicle at the time of the accident and I do not know.
22. (a) through (g). I do not know, I was not there.
23. See 22 (a) through (g).
24. (a) through (g). To my knowledge or information there was none.

  
Donald R. Grantham

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Evelyn M. Wirth, a Notary Public, in and for said County in said State, personally appeared Donald R. Grantham, 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 Donald R. Grantham; that he signed the foregoing answers to interrogatories and such answers are true and correct.

Donald R. Grantham  
Donald R. Grantham

Sworn to and subscribed before me on  
this the 20 day of October, 1962.

Evelyn M. Wirth  
Notary Public, Baldwin County, Alabama

DONALD V. GAAR, JR.,

Plaintiff,

vs.

HOUSTON D. GRANTHAM, ET AL.

Defendants

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 5131

\* \* \* \* \*

ANSWERS TO INTERROGATORIES

\* \* \* \* \*

FILED

OCT 22 1962

AME L. DICK, CLERK  
REGISTER