

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Edmund R. Cimino, individually and Edmund R. Cimino d/b/a Smart Shop, to appear and plead, answer or demur within thirty days from the service hereto to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, by Dawnelle, Inc., a Corporation.

Witness my hand this the 2 day of Nov, 1961.

Alice J. Duck
Alice J. Duck, Clerk

DAWNELLE, INC., a Corporation

Plaintiff

VS

EDMUND R. CIMINO, individually
and EDMUND R. CIMINO d/b/a
SMART SHOP

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO.

4931

1.

The Plaintiff claims of the Defendant the sum of ONE HUNDRED TWENTY-NINE and 20/100 DOLLARS (\$129.20), due from him by account on the 17th day of October, 1960, which sum of money with the interest thereon, is till unpaid.

2.

The Plaintiff claims of the Defendant the sum of ONE HUNDRED TWENTY-NINE and 20/100 DOLLARS (\$129.20), due on account stated between the Plaintiff and Defendant on the 17th day of October, 1960, which sum of money with the interest thereon, is still unpaid.

3.

The Plaintiff claims of the Defendant the sum of ONE HUNDRED TWENTY-NINE and 20/100 DOLLARS (\$129.20), due from him by account on, to-wit, October 17, 1960, which sum of money with the interest thereon is still unpaid.

An itemized statement of the account sued on, verified by the affidavit of a competent witness, is attached hereto as Exhibit "A" and made a part hereof.

205

WILTERS, BRANTLEY & NESBITT

BY:

Phyllis S. Nesbitt
Attorneys for the Plaintiff

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4231

DAWNELLE, INC., A Corporation

Plaintiff

VS

EDMUND R. CIMINO, individually
and EDMUND R. CIMINO d/b/a
SMART SHOP

Defendant

Wilters, Brantley & Nesbit
Attorneys at Law
Robertsdale, Alabama

TEL. MURRAY HILL 9-7890

dawnelle, inc.

16 EAST 34th STREET ★ NEW YORK 16, N. Y.

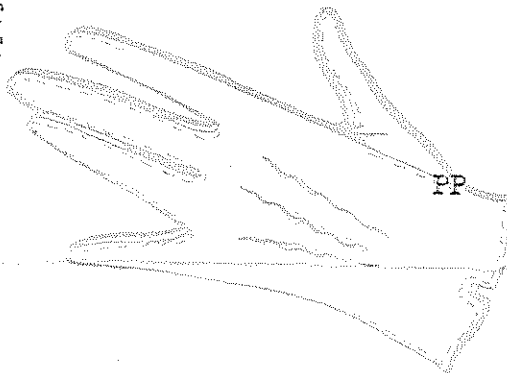
"America's Finest Double Woven Glove"

SOLD TO

SMART SHOP
EDMUND R. CIMINO
BAY MINNETTE ALA

DATE OCT 17 1960

No. 43130

| YOUR ORDER NO. | | DEPT. NO. | | SHIPPED VIA | | | | | TERMS F. O. B. N. Y. C. | | | | SALESMAN | |
|--|------|-----------|-------|-------------|---|----|---|----|-------------------------|----|-------|--------|----------|--------|
| | | | | PP | | | | | 6% 10 DOM | | | | PIRELL | |
| STYLE | DOZ. | TOTAL | COLOR | 5½ | 6 | 6½ | 7 | 7½ | 8 | 8½ | PRICE | AMOUNT | TOTAL | |
| AMY | 1 | 4 | WHT | | | | | | | | 15.00 | 60.00 | | |
| ARBOR | 1 | | WHT | | | | | | | | | | | |
| CLAUDIA | 1 | | WHT | | | | | | | | | | | |
| LYNN | 1 | | WHT | | | | | | | | | | | |
| PLAZA | 1 | | WHT | | | | | | | | 28.50 | 28.50 | | |
| DORIS | 3/4 | 1½ | WHT | | | | | | | | 25.50 | 38.25 | | 129.20 |
| MANHATTAN | 3/4 | | WHT | | | | | | | | | 126.75 | | |
|  | | | | | | | | | | | | 2.45 | | |
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GOODS SHIPPED AT PURCHASER'S RISK
GRAPHIC BUSINESS SYSTEMS, INC., NEW YORK, N. Y.



ORDER COMPLETE
BALANCE WILL FOLLOW

NO CLAIMS ALLOWED AFTER 5 DAYS

STATE OF New York

COUNTY OF New York

Before me, Peter Kornberg, a Notary Public, in
and for said County and State, personally appeared A.A. Alexander
who being by me duly sworn, deposes and says, that he is Comptroller
for the firm of Dawnelle, Inc.;

that the annexed statement of the account of said firm against the Smart
Shop, of Bay Minette, in the State of Alabama, is just, true and correct;
that there is now due on said account the sum of \$129.20, after
deducting all credits, set-offs or counter-claims.

AAA A.A. Alexander

Sworn to and subscribed before me this 8th day of August,
1961.

Peter Kornberg
Notary Public,

PETER KORNBERG
NOTARY PUBLIC, State of New York
No. 30-2180300
Qualified in Nassau County
Commission Expires March 30, 1963

Received 2 day of Nov 1961
and on 9 day of Nov. 1961
I served a copy of the within Dec
on Edmund R. Cimino
By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Albert D. S.
om

KORNBERG & BORDEN
COUNSELORS AT LAW

PENNSYLVANIA 6-0811

PETER KORNBERG
SELMA B. BORDEN

1440 BROADWAY
NEW YORK 18, N. Y.

August 10, 1961

Wilters, Brantley & Nesbit, Esqs.
P. O. Box 327
Bay Minette, Alabama

Attention: Mrs. Phyllis S. Nesbit

Re: Dawnelle, Inc. vs.
Smart Shop

Dear Mrs. Nesbit;

Herewith enclosed is affidavit form and copies of
statement. The merchandise sold consisted of ladies' gloves.

Thank you very much for your cooperation.

Very truly yours,

KORNBERG & BORDEN

By


Peter Kornberg

PK/rs
encs.

DAWNELLE, Inc., a Corporation,)
Plaintiff,)
Vs)
EDMUND R. CIMINO, Individually)
and EDMUND R. CIMINO d/b/a)
SMART SHOP,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Case No. 4931

DEMURRER\$

Comes now the Defendant in above styled cause, and for answer to the Complaint heretofore filed in this cause, and to each and every count thereof separately and severally, says as follows:

1.

The allegations of the Complaint fail to state a cause of action.

2.

The allegations of the Complaint are mere conclusions of the pleader.

3.

Neither the Complaint nor either of the counts thereto specify whether the alleged amount claimed is due from Edmund R. Cimino as an individual or whether it is due from The Smart Shop.

4.

Neither the Complaint nor either of the counts thereto allege which defendant is due to pay the sum alleged as unpaid.

5.

Count 3 of the Bill of Complaint is merely a repetition of Count 1 of the Bill of Complaint.

6.

Count three (3) of the Bill of Complaint should be stricken because it is a repetition of Count 1 of the Bill of Complaint.

Kenneth Cooper
Attorney for Defendant

Defendant demands a trial
by jury in this cause.

Kenneth Cooper
Attorney for Defendant

ATTORNEY OF RECORD FOR PLAINTIFF
Mrs Phyllis S. Nesbit
Attorney at Law
Robertsdales, Ala.

FILED

APR 22 1961

ALICE L. DUCK, CLERK
REGISTER