

STATE OF ALABAMA )  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Spiegel of Illinois, Inc., a corporation, 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 the same, then and there to answer the complaint of George S. Stough.

WITNESS my hand this 7 day of March, 1968.

*Alice J. Duck*  
Clerk

The defendant is an Illinois corporation qualified in the State of Alabama. The statutory agents of the defendant are Fred S. Ball, Jr., and Richard A. Ball, 200 South Lawrence Street, Montgomery, Alabama 36104.

\* \* \* \* \*

GEORGE S. STOUGH,  
Plaintiff,  
VS.  
SPIEGEL OF ILLINOIS, INC.,  
an Illinois corporation,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

8032

C O M P L A I N T

COUNT ONE

The plaintiff claims of the defendant Ten Thousand Dollars (\$10,000.00) for that heretofore on to-wit, November 26, 1967, the plaintiff placed an order with the defendant for merchandise, the total amount of which was Twenty-nine and 76/100 Dollars (\$29.76); On or about to-wit, December 10, 1967, the defendant notified the plaintiff that the merchandise ordered by him was temporarily out of stock and that shipment would be made in a few days, fourteen days at most; on to-wit, December 11, 1967, the plaintiff notified the defendant that the goods and merchandise which had been ordered by him on November 26, 1967, were intended to be a Christmas present and would appreciate the defendant rushing this order as much as

possible; that on December 16, 1967, the defendant notified the plaintiff and assured him that he would either receive the merchandise or an explanation before the "Holiday"; that on December 25, 1967, the defendant notified the plaintiff that they could not ship the merchandise ordered by him as promised because the merchandise was no longer available and that his order had been cancelled; that on or about January 6, 1968, the defendant sent to plaintiff a statement of account in the amount of Thirty-two and 45/100 Dollars (\$32.45), which statement was dated December 21, 1967; that on January 7, 1968, plaintiff wrote the defendant and gave a complete resume of all of his recent dealings with the defendant and reminding defendant of the card which he received on December 25, 1967, advising that the merchandise was no longer available; that on February 6, 1968, the plaintiff received from the defendant a statement of account dated January 24, 1968, in the amount of Thirty-three and 19/100 Dollars (\$33.19) and advising that this account was past due and requesting payment of the amount due by return mail; that on February 11, 1968, plaintiff received from the defendant a letter dated February 6, 1968, advising plaintiff that defendant must receive immediate payment of the past due amount or defendant would report plaintiff to the Credit Bureau; that on February 12, 1968, plaintiff returned to defendant the said letter dated February 6, 1968, further advising the defendant that plaintiff did not receive the merchandise which had been ordered by him on November 26, 1967, and further advising the defendant that plaintiff's credit rating was very good, but that he did not intend to pay for merchandise which he had not received; that notwithstanding thorough knowledge and notice of the defendant of the facts relating to the transaction between plaintiff and defendant that the defendant on or about February 20, 1968, wrongfully, willfully or wantonly advised Chicago Credit Bureau, Inc., that it had been unsuccessful in collecting a past due account in the amount of Thirty-three and 19/100 Dollars (\$33.19) from the plaintiff and as a proximate result of the willful or wanton misconduct on the part of the defendant, plaintiff was put to much inconvenience and embarrassment, hence this suit.

ALICE J. DICK  
CLERK  
REGISTER

MAR 7 1968

FILED

4-2-8-68

VOL

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Attorney for Plaintiff

CASE NO. 8032

GEORGE S. STOUGH,

Plaintiff,

vs:

SPIEGEL OF ILLINOIS, INC., an  
ILLINOIS CORPORATION,

Defendant

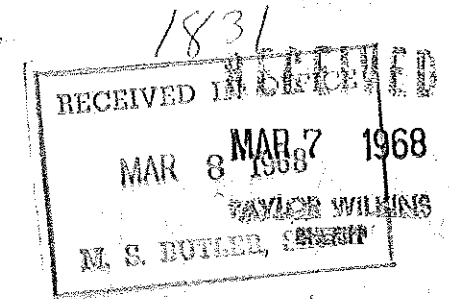
SUMMONS & COMPLAINT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, CASE NO. 8032

James R. Owen, Atty.



EXECUTED BY SERVING A  
COPY OF THE WITHIN

And S. Ball as  
agt. for Spiegel  
of Illinois, Inc.

This the 8 day of March 1968

M. S. BUTLER  
Sheriff Montgomery County

By W. J. Walker  
Deputy Sheriff

M. S. Butler, Sheriff of Montgomery  
County, Alabama, Claim \$1.50 each\* for  
serving 1 process(es) and \$1.00  
travel expense on each of 1  
process(es) or a total of 2.50

W. J. Walker Deputy Sheriff

INGE, TWITTY, DUFFY & PRINCE

LAWYERS

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

36602

THOS. E. TWITTY  
FRANCIS H. INGE (1902-1959)  
RICHARD H. INGE  
THOS. E. TWITTY, JR.  
JAMES J. DUFFY, JR.  
SYDNEY R. PRINCE, III

MAILING ADDRESS:

P. O. BOX 1109  
MOBILE, ALA.  
36601

CABLE ADDRESS:

TWINING  
TELEPHONE  
433-5441

April 3, 1968

Mrs. Alice J. Duck  
Clerk, Circuit Court of Baldwin County  
Bay Minette, Alabama

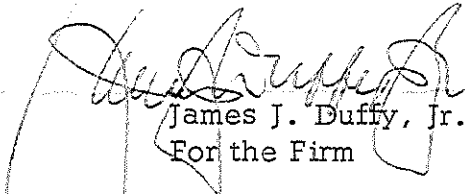
Re: Case No. 8032  
George S. Stough vs. Spiegel of Illinois, Inc.

Dear Mrs. Duck:

I am enclosing herewith the original and one copy of a demurrer in the captioned case. Please file the original and mark the copy filed and return to me.

With much appreciation,

Cordially,



James J. Duffy, Jr.  
For the Firm

JJD,jr:fy

Enclosure

GEORGE S. STOUGH,	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
SPIEGEL OF ILLINOIS, INC.,	)	
an Illinois corporation,	)	
Defendant	)	CASE NO. 8032

DEMURRER

Comes now the defendant, Spiegel of Illinois, Inc., in the above styled cause, and demurs to the complaint herefore filed against it in said cause, and to each count thereof, separately and severally, and for grounds of demurrer sets down and assigns the following, separately and severally, to-wit:

1. For that it does not state facts sufficient to constitute a cause of action.
2. For that the allegations therein contained of willful or wanton misconduct on the part of this defendant are but the conclusions of the pleader with insufficient averment of fact in support thereof.
3. For that there is a misjoinder of causes of action in the same count.
4. For that it is vague, indefinite and uncertain in that it does not apprise this defendant with sufficient certainty as to what act or acts this defendant is called upon to defend.
5. For that it fails to allege a willful or wanton injury on the part of this defendant.
6. For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.
7. For that it does not appear with sufficient certainty wherein this defendant violated any duty it may have owed to the plaintiff.
8. For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which it negligently, willfully or wantonly failed to perform.

9. For that there does not appear sufficient causal connection between this defendant's alleged willful and wanton misconduct and the plaintiff's injuries and damages.

10. For that the allegation therein contained that the plaintiff was put to much inconvenience and embarrassment as a proximate result of the willful or wanton misconduct of the defendant is but the conclusion of the pleader with insufficient averment of fact in support thereof.

11. For that the allegation therein contained that the plaintiff was put to much inconvenience and embarrassment is but the conclusion of the pleader in that it does not allege how and in what manner the plaintiff was inconvenienced and embarrassed as a proximate result of the matters complained of.

12. The allegations contained therein are vague, indefinite and uncertain and fail to apprise this defendant of sufficient certainty as to the theory of the plaintiff's complaint.

INGE, TWITTY, DUFFY & PRINCE

BY: 

James J. Duffy, Jr.  
Designated Trial Attorney

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 3 day of April 1968.

  
Attorney for

**FILED**

APR 4 1968

**ALICE J. DUCK** CLERK  
REGISTER