

1767

H. M. Thompson

Plaintiff

vs

Coca-Cola Bottling Company

Defendant

*

IN THE CIRCUIT COURT OF

*

BALDWIN COUNTY, ALABAMA

*

*

AT LAW.

*

*

ANSWERS TO INTERROGATORIES PROPOUNDED BY THE DEFENDANT TO THE PLAINTIFF

1. H. M. Thompson
General Delivery
Bay Minette, Alabama

2. None

3. General Delivery, Grand Bay, Alabama
General Delivery, Bay Minette, Alabama
General Delivery, Perdido, Alabama

4. (a) On or about January 3, 1952, I purchased a bottle of Coca-Cola.
(b) One of the women who was working there on that date received the money. I do not know her name.
(c) I got said Coca Cola out of the cooler and opened it.

5. Just outside the door, on the right as you go in.

6. (a) Irby Lee Jacobs, Jim Hinote, Calvin Burt.
(b) Jim Hinote, Bay Minette, Alabama
Irby Lee Jacobs, Bay Minette, Alabama
Calvin Burt, Bay Minette, Alabama
(c) Same persons as in (b) above.
(d) About an inch from the top, a good swallow.

7. (a) I noticed the peculiar taste of the Coca-Cola.
(b) Yes
(c) I vomited about twice just after I left the station.
I was ill for about two days afterward.

8. (a) No
(b) Yes,
(c) I have not observed them that closely
(d) No, however, I have thought of the possibility of their getting germs into their bodies, by doing so.

9. (a) No
(b)

10. (a) No, I worked ill, for I had to, to support my family,
(b) Brookley Air Force Base
(c) Brookley Air Force Base

11. (a) No
(b)

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned authority, in and for said County, in said State, personally appeared H. M. Thompson, who is known to me, and who having been by me first duly sworn, deposes and says that the foregoing answers to interrogatories propounded by the Defendant are true.

Defendant

Sworn to and subscribed before me on this 15 day of April 1952.

NOTARY-PUBLIC, BALDWIN COUNTY, ALABAMA

RECORDED 1862

H. M. Thompson

Plaintiff

Vs

Coca Cola Bottling Company

Defendant

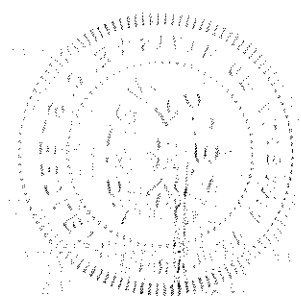
Answers to Interrogatories

From the Law Office of
Reuben F. McKinley
Bay Minette, Alabama

FILED

APR 15 1952

ALICE J. DUCK, Clerk



H. M. THOMPSON,

Plaintiff,

vs.

COCA-COLA BOTTLING COMPANY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

No. _____

INTERROGATORIES PROPOUNDED BY THE DEFENDANT TO THE PLAINTIFF:

1. Please state your correct name and address.
2. Please state all other names you have gone under during your life.
3. Please give the addresses in which you have lived for the last five (5) years.
4. (a) On January 3, 1952 did you purchase a bottle of coca-cola? (b) If you state that you did purchase a bottle of coca-cola, please state who sold you said coca-cola, who got said coca-cola out of the cooler and who opened said coca-cola for you.
5. Where in the Trailways Service Station is the coca-cola vending machine located?
6. (a) Please give the names of all persons who witnessed you open said coca-cola. (b) Please give the names and addresses of all persons who saw you drink said coca-cola. (c) Please give the names and addresses of all persons who witnessed you find a bobby pin in said coca-cola. (d) Please state if you found a bobby pin in said coca-cola while drinking the same how much of said coca-cola had you drunk prior to the time you discovered a bobby pin in same.
7. (a) What was your first reaction upon finding a bobby pin in said coca-cola? (b) Did you become nauseated as a result of find said bobby pin in said coca-cola? (c) If you became sick and vomitted as a result of finding said bobby pin

in said coca-cola, please state how many times you became ill or vomitted and where this took place.

8. (a) While drinking said coca-cola did you ever get said bobby pin in your mouth? (b) Please state if you have ever notices women while putting bobby pins in their hair, holding the extra bobby pins in their mouth? (c) If you state that you have witnessed this please state whether or not it seemed to make them nauseated? (d) Did it make you nauseated to watch women hold bobby pins in their mouth while putting others into their hair?

9. (a) Please state whether or not you were visited by a doctor for any illness you may have incurred as a result of discovering a bobby pin in a coca cola bottle which you were drinking. (b.) If you state that you were visited by a doctor or physician please state the names of said doctors and the amount of the bills you incurred as a result of being attended by your doctor.

10. (a). Did you loose any time from your work as a result of becoming ill from seeing a bobby pin in bottle of coca-cola in which you were drinking? (b) For whom did you work on January 3, 1952? (c) Please name all the places and people for whom you have worked since January 3, 1952.

11. (a) Have you ever been a plaintiff in a damage suit prior to January 3, 1952? (b) If you state that you have been a plaintiff in a damage suit prior to January 3, 1952, please give the names of all suits and court or courts in which they were filed.

Johnston & Callit Johnston
Attorneys for the Defendant

STATE OF ALABAMA
COUNTY OF MOBILE

Before me, the unsigned authority in and for said state and county personally appeared William E. Johnston, one of the attorneys for the defendant in the above entitled cause, being by me first duly sworn on oath deposes and says that if answers to the foregoing interrogatories are well and truly made they will be material evidence for the defendant.

William E. Johnston

Subscribed and sworn to before me on this 8th day of April, 1952.

Elsie D. Wilkerson
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

RECORDED

1767

FILED
APR 9 1952

ALICE L. DUCK, ~~RECEIVED~~

H. M. THOMPSON,

Plaintiff,

vs.

COCA COLA BOTTLING COMPANY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 1767

Comes the defendant in the above entitled cause and
for answer to the complaint says, not guilty.

Johnston McCall Johnston
Attorneys for Defendant

RECORDED

FILED
MAR 22 1952
CLERK L. B. B. B. B.

JOHNSTON, McCALL & JOHNSTON
LAWYERS
EIGHTH FLOOR FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

SAMUEL M. JOHNSTON
DAN T. McCALL, JR.
WILLIAM E. JOHNSTON
SAMUEL M. JOHNSTON, JR.
PERCY W. JOHNSTON, JR.

MAILING ADDRESS:
P. O. BOX 550
MOBILE 4, ALABAMA

April 8, 1952

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

Re: H. M. Thompson, plaintiff vs. Coca-
Cola Bottling Co., defendant
At Law

Dear Mrs. Duck:

Enclosed herewith I hand you interrogatories propounded to the plaintiff by the defendant in the above entitled cause. I would thank you to file these and oblige.

Yours very truly,


William E. Johnston

WEJ:etw
encls.

JOHNSTON, McCALL & JOHNSTON

LAWYERS

EIGHTH FLOOR FIRST NATIONAL BANK ANNEX

MOBILE, ALABAMA

SAMUEL M. JOHNSTON
DAN T. McCALL, JR.
WILLIAM E. JOHNSTON
SAMUEL M. JOHNSTON, JR.
PERCY W. JOHNSTON, JR.

March 21, 1952

MAILING ADDRESS:
P. O. BOX 550
MOBILE 4, ALABAMA

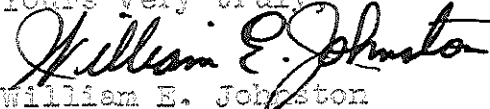
Mrs. Alice J. Duck
Clerk, Circuit Court of
Baldwin County, Alabama
Bay Minette, Alabama

Re: H. M. Thompson, plaintiff, vs. Coca Cola
Bottling Company, defendant - At Law
No. 1767

Dear Mrs. Duck:

I am enclosing you herewith an answer in the above
styled cause. I would thank you to file the same and
acknowledge its receipt.

Yours very truly,


William E. Johnston

WEJ:etw
encl.

THE STATE OF ALABAMA
COUNTY OF BALDWIN

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

TO ANY SHERIFF OF THE STATE OF ALABAMA:

Summon Coca Cola Bottling Company 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 Coca Cola Bottling Company, Defendant by H. M. Thompson, Plaintiff.

Witness my hand this 28th day of Feb, 1952.

Henry J. Wende, Clerk.

H. M. THOMPSON

PLAINTIFF

VS

COCA COLA BOTTLING COMPANY

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Now comes the Plaintiff by his Attorney, Reuben F. McKinley and represents to this Honorable Court as follows; That on, to wit, January 3, 1952, the Plaintiff bought an unopened bottle of Coca Cola from Trailway Service Station, located in the city of Bay Minette, in Baldwin County, Alabama. Plaintiff opened said bottle of Coca Cola and had drank part of it when he found a bobby pin in the bottle of Coca Cola, because of the negligence of Defendant, their agents or servants in not properly cleaning the Coca Cola bottle as a proximate consequence of which, Plaintiff, who suffers from ulcerated stomach, became nauseated and ill. Plaintiff avers that the doctrine of Res Ipsa Loquitur is applicable to this cause and maintains that he is entitled to damages in the amount of, to wit, \$10,000 for the nausea and illness he suffered as a proximate consequence of drinking the part of the bottle of Coca Cola and then finding the bobby pin in it. The Plaintiff avers that the Defendant owes him a duty to keep from injuring him while he is drinking a bottle of Coca Cola, a highly advertised beverage, that he was drinking the Coca Cola at the express invitation of the Coca Cola Bottling Company by their advertisements and that Coca Cola Bottling Company breached it's high duty of care owed to Plaintiff, an invitee, by allowing the bobby pin to be in the bottle of Coca Cola, as a proximate consequence of which the plaintiff suffered the above mentioned damages, in the extent of to wit, ten thousand dollars.

Reuben F. McKinley
ATTORNEY FOR THE PLAINTIFF

Received in Sheriff's Office
this 28 day of Feb, 1952
TAYLOR WILKINS, Sheriff

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RECORDED
4

H. M. Thompson

Plaintiff

VS

Coca Cola Bottling Company

Defendant

x 7B
Geo W Burney
Sec Treas.

6961

Summons and Complaint

FILED

FEB 23 1952

ALICE J. DUCK, Clerk

From The Law Office of
Reuben F. McKinley
Bay Minette, Alabama

Received 5 Day of March 1952
and on 9 Day of March 1952
I served a copy of this summons
on Coca Cola Bottling Co
BY SERVICE ON
W. H. HOLCOMBE, Sheriff
Geo W Burney
Sec Treas
H. M. Thompson