

Plaintiff,

IN THE CIRCUIT COURT OF

Vs.

BALDWIN COUNTY, ALABAMA.

ARTHUR C. MANNICH, doing business
as CITY MARKET AND GROCERY,

AT LAW

NO.

Defendant.

INTERROGATORIES PROPOUNDED BY DEFENDANT TO PLAINTIFF

1. Was there any actual defect in the floor of defendant's store at the time and place of your alleged injury as described in the complaint? If so, describe such defect definitely and in detail.

2. Was there any matter or object on the floor of defendant's store at the time and place of your alleged injury described in the complaint? If so, describe specifically and in detail each and every piece or item of such matter or substance.

3. Did you take or retain in your possession any matter or substance on the floor of defendant's store at the time and place of your alleged injury? If so, describe the same specifically and in detail. Do you still have such substance or matter in your possession?

4. Is it not a fact that you were wearing shoes with high heels at the time of the alleged accident described in the complaint? Please state the number of inches in height of the heels of the shoes you were then wearing, being the number of inches from the bottom of the heel to the sole of the shoe.

5. Have you received treatment from or consulted any doctor other than Dr. Alfred R. Earl with respect to your alleged injuries described in the complaint? If so, please state the name and address of such doctor and the date of each such consultation or treatment.

6. Do you claim to have any disability at the present time from or as a result of your alleged injuries described in the complaint? If so, state specifically and in detail the nature and extent of such disability you may claim.

7. Has any doctor advised you that you have any disability at the present time or at any time since October 21, 1952?

If so, state the name and address of such doctor and the date on which such advice was given to you.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By

C. A. L. Johnstone, Jr.
Attorneys for defendant.

STATE OF ALABAMA,

COUNTY OF MOBILE.

Before me, Wilhelmina W. Schwarz, a Notary Public in and for the aforesaid state and county, personally appeared C. A. L. Johnstone, Jr., known to me, who being by me first duly sworn deposes and says:

I am one of the attorneys of record for the defendant in the above styled cause. The answers to the above and foregoing interrogatories propounded by defendant to plaintiff, if well and truthfully made, will be material evidence for defendant in said cause.

C. A. L. Johnstone, Jr.

Subscribed and sworn to before me
this 2nd day of July, 1953.

Wilhelmina W. Schwarz
Notary Public, Mobile County, Alabama.

RECORDED

FILED

JUL 7 1953

ALICE J. DUCK, Clerk

LOSSIE ST. LAURENT,

Plaintiff,

Vs.

ARTHUR C. MANNICH, doing business
as CITY MARKET AND GROCERY,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW

NO. _____

DEMURRER

Comes now the defendant in the above styled cause and demurs to each and every count of plaintiff's complaint separately and severally on the following separate and several grounds, to-wit:

1. It does not appear from the allegations of said count that defendant owed plaintiff any duty with respect to the matters and things alleged therein.

2. It does not appear from the allegations of said complaint that defendant was negligent in the performance of any duty owed to plaintiff.

3. The allegations of said count do not show any causal connection between the alleged negligence of defendant and plaintiff's alleged injury.

4. The allegations of said count do not show any proximate causal connection between the alleged negligence of defendant and plaintiff's alleged injury.

5. It does not appear from the allegations of said count that defendant's alleged negligence was the proximate cause of plaintiff's alleged injuries.

6. Because the allegations of said count purport to allege the acts of defendant which are alleged to be negligence, but such acts do not constitute negligence as a matter of law.

7. The said count purports to set forth the act or acts of plaintiff alleged to be negligence, but fails to set forth such acts in sufficient definiteness to show how or in what manner plaintiff's alleged injury resulted therefrom.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By

Arthur C. Mannich
Attorneys for defendant.

LOSSIE ST. LAURENT,
 Plaintiff,
 vs.
 ARTHUR O. MANWICH, doing business
 as CITY MARKET AND GROCERY,
 Defendant.
 AT LAW
 NO. _____
 BALDWIN COUNTY, ALABAMA.
 IN THE CIRCUIT COURT OF

EXHIBIT A

Comes now the defendant in the above styled case and

demurs to each and every count of plaintiff's complaint
 separately and severally on the following separate and several
 grounds, to-wit:

1. It does not appear from the allegations of said count
 that defendant owed plaintiff any duty with respect to the
 matters and things alleged therein.

2. It does not appear from the allegations of said
 complaint that defendant was negligent in the performance of
 any duty owed to plaintiff.

3. The allegations of said count do not show any causal
 connection between the alleged negligence of defendant and
 plaintiff's alleged injury.

4. The allegations of said count do not show any proximate
 causal connection between the alleged negligence of defendant
 and plaintiff's alleged injury.

5. It does not appear from the allegations of said count
 that defendant's alleged negligence was the proximate cause of
 plaintiff's alleged injuries.

6. Because the allegations of said count purport to allege
 the acts of defendant which are alleged to be negligence, but
 such acts do not constitute negligence as a matter of law.

7. The said count purports to set forth the act or acts
 of plaintiff alleged to be negligence, but fails to set forth
 such acts in sufficient definiteness to show how or in what

manner plaintiff's alleged injury resulted therefrom.

McGOWAN, TURNER, ROGERS, JOHNSTON & ADAMS

Attorneys for defendant.

FILED
 3-3-33
 ALICE L. BUCK, Clerk

RECORDED

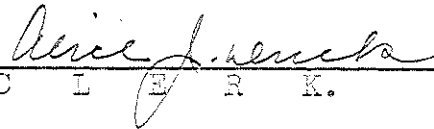
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STATE OF ALABAMA, 0
 0
COUNTY OF BALDWIN. 0

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ARTHUR C. MANNICH,
doing business as CITY MARKET AND GROCERY, 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 LOSSIE ST. LAURENT.

Witness my hand, this 11th day of February, 1953.


C L E R K.

Defendant's Address is:

City Market and Grocery
Section Street
Fairhope, Alabama

LOSSIE ST. LAURENT,

Plaintiff,

VS.

ARTHUR C. MANNICH, doing

business as CITY MARKET

AND GROCERY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. _____.

C O U N T O N E .

Plaintiff claims of the Defendant the sum of Five Thousand Dollars (\$5,000.00) as damages, for that, on to-wit: June 24, 1952, the Defendant maintained and operated a meat market and grocery store on to-wit: Section street in the City of Fairhope, County of Baldwin, Alabama, in which were kept for sale to the general public, meats, groceries and merchandise; and Plaintiff avers that on said date Plaintiff entered said store maintained and operated by the Defendant as aforesaid, as an invitee of the Defendant, for the purpose of buying one or more articles kept in said store for sale to the general public, and while in said store for said purpose and while walking along the aisle, or passageway, in front of the counter on which was kept fresh vegetables, maintained by the Defendant for the use of customers in said store, Plaintiff slipped and fell to the floor and as a proximate consequence thereof she was injured and damaged as follows:

Her right knee was fractured, her right ankle was sprained, her arms were bruised, wrenched, sprained and strained, and the ligaments of her arms were bruised, wrenched, sprained and strained, and she was permanently injured, and she was made sick and sore, and her nervous system was impaired and shocked and was permanently injured and shocked; she suffered great humiliation and embarrassment; she was put to great expense in employing medical aid; and she was confined to her home for a long period of time, to-wit: from June 24, 1952, to October 23, 1952;

And Plaintiff avers that all of her said injuries and damages were caused as a proximate consequence of the negligence of the

Defendant, in this: Defendant negligently maintained said floor at the place where plaintiff slipped and fell in an unsafe condition for the use of customers in said store; for all of which Plaintiff claims damages of the Defendant as aforesaid.

C O U N T T W O .

Plaintiff claims of the Defendant the sum of Five Thousand Dollars (\$5,000.00) as damages, for that, heretofore, on, to-wit: June 24, 1952, Defendant occupied and was in possession of certain premises on Section street, in Fairhope, Baldwin County, Alabama, where he conducted or operated a public market and grocery store, under the name of CITY MARKET AND GROCERY, to which the public generally were invited to come and trade or on other business; that Plaintiff was an invitee of Defendant upon said premises, being there on the occasion complained of for the purpose of buying one or more articles kept in said store for sale to the general public; and while in said store and on said premises, she slipped and fell on or over a dangerous, unguarded slippery place in said floor thereof; and as a proximate consequence thereof Plaintiff's ankle was sprained and made sore; her knee was broken, sprained and made sore; she suffered great mental and physical pain and anguish, lost time from her employment, spent large sums for medical attention in and about treatment of her said injuries, was confined to her home for a long period of time, to-wit: four (4) months; and suffered permanent injuries and damages. Plaintiff avers that all her said injuries and damages were proximately caused by reason of the negligence of the Defendant in negligently failing to use due care to keep said premises reasonably safe for the use of customers in said store. Wherefore this suit.

Jelmer A. Madeline Jr.
Attorney for Plaintiff.

Plaintiff respectfully requests that this cause be tried by a jury.

Jelmer A. Madeline Jr.
Attorney for Plaintiff.

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ORIGINAL

LOSSIE ST. LAURENT,
Plaintiff,

VS.

ARTHUR C. MANNICH, doing
business as CITY MARKET
AND GROCERY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW.

FILED
FEB 11 1953
CLERK

TELFAIR J. MASHBURN, Jr.
LAWYER
Bay Minette, Alabama

Received in 2-16-53
this 11 day of Feb, 1953
TAYLOR WILKINS, Sheriff

Executed 2-16 1953
by serving copy of within Summons and
Complaint on

Arthur C. Mannich,
doing Business as
City Market and Grocery

Taylor Wilkins Sheriff
by H. F. Hall Deputy Sheriff

LOSSIE ST. LAURENT,

Plaintiff,

-vs-

ARTHUR C. MANNICH, doing business
as CITY MARKET AND GROCERY,

Defendant.

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

P L E A S

Comes now the defendant in the above styled cause and, for answer to plaintiff's complaint and to each count thereof separately and severally, files the following separate and several pleas:

1. Not guilty.
2. The defendant says that he is not guilty of the matters and things alleged in said complaint.
3. The allegations of the said complaint are untrue.
4. The plaintiff herself was guilty of negligence at the time and place complained of in the complaint which proximately contributed to her injury and damage alleged in the complaint, wherefore she cannot recover.

McCorvey, Turner, Rogers, Johnstone & Adams

By:



Attorneys for Defendant

1918

RECORDED

FILED

AUG 24 1953

ALICE J. BUCK, Clerk

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS
ATTORNEYS AT LAW

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING
TELEPHONE 3-6556 P. O. BOX 1070

MOBILE 6, ALABAMA

GESSNER T. McCORVEY
BEN D. TURNER
C. M. A. ROGERS
C. A. L. JOHNSTONE, JR.
R. F. ADAMS
JAMES L. MAY, JR.
CHAUNCEY MOORE
ALEX T. HOWARD, JR.

July 2, 1953.

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

Re: Lossie St. Laurent v. Arthur C. Mannich, et al.

Dear Mrs. Duck:

Thank you for your letter of June 26, 1953, advising that the fall session of civil jury cases will begin the second Monday in September.

We hand you herewith, in duplicate, interrogatories propounded by defendant to plaintiff.

Will you please file these interrogatories and serve a copy on Mr. Mashburn, attorney for the plaintiff, as promptly as possible, unless Mr. Mashburn should voluntarily accept service on your file copy.

We are anxious to complete service or acceptance of service as promptly as possible in order that the sixty day period will expire prior to the time of trial.

Very truly yours,


C. A. L. Johnstone, Jr.

CALJ/ws

CC: Hon. Telfair J. Mashburn,
Attorney at Law,
Bay Minette, Alabama.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

ATTORNEYS AT LAW

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING

TELEPHONE 3-6556 P. O. BOX 1070

MOBILE 6, ALABAMA

GESSNER T. McCORVEY
BEN D. TURNER
C. M. A. ROGERS
C. A. L. JOHNSTONE, JR.
R. F. ADAMS
JAMES L. MAY, JR.
CHAUNCEY MOORE
ALEX T. HOWARD, JR.

August 21, 1953

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

Dear Mrs. Duck:

Re: Lossie St. Laurent
vs: City Meat Market

Please file the enclosed pleas in the above styled case.

We are sending a copy direct to Mr. Mashburn.

Very truly yours,



C. A. L. Johnstone, Jr.

CALJ:jg

enclosures

cc to: Hon. Telfair J. Mashburn
Attorney at Law
Bay Minette, Alabama

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS
ATTORNEYS AT LAW

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING
TELEPHONE 3-6556 P. O. BOX 1070
MOBILE 6, ALABAMA

GESSNER T. McCORVEY
BEN D. TURNER
C. M. A. ROGERS
C. A. L. JOHNSTONE, JR.
R. F. ADAMS
JAMES L. MAY, JR.
CHAUNCEY MOORE
ALEX T. HOWARD, JR.

March 2, 1953.

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

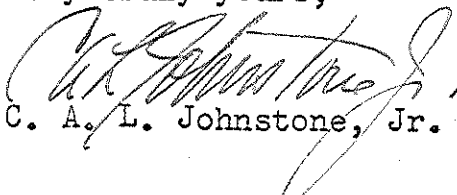
Re: Lossie St. Laurent v. Arthur C. Mannich,
doing business as City Market and Grocery.
At Law.

Dear Mrs. Duck:

Enclosed is demurrer to the complaint which we request you to file. We are sending to Mr. Mashburn, plaintiff's attorney, a copy of this demurrer.

We shall appreciate it, very much, if you will acknowledge receipt and filing of this demurrer and advise us approximately what date it may come up for hearing.

Very truly yours,


C. A. L. Johnstone, Jr.

CALJ/ws
Enc.

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.

1918

OFFICE OF THE ASSISTANT SECRETARY
(RECEIVED)

TO THE SECRETARY
FROM THE ASSISTANT SECRETARY
SUBJECT: [illegible]

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