CHARLES N. HARRIS,
Plaintiff,

VS.

CHARLES COHEN,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 2109

### AMENDED COMPLAINT

000000000

Comes now the Plaintiff in the above styled cause and amends his complaint heretofore filed in said cause by adding the following counts:

#### COUNT "C"

Plaintiff claims of the defendant TWO THOUSAND (\$2,000.00) DOLLARS as damages, for that, heretofore, on, to-wit: the 5th day of June, 1953, at about 3P00 O'clock P. M., the defendant so negligently operated a motor vehicle on Alabama Highway No. 3, a Public Highway in Baldwin County, Alabama, at a point approximately one and eight tenths (1.8) miles South of the City Limits of Robertsdale, Alabama, and 626 feet north of Campbell Road, as to cause or allow said motor vehicle to run into, on or against the right said of plaintiff's automobile, which was then and there being operated by plaintiff's wife, ELIZABETH HARRIS, and as a direct and proximate result of the negligence of the defendant as aforesaid, the plaintiff's automobile was badly bent, broken and damaged, the frame was badly bent and broken, the right rear wheel was bent and damaged, the right side of plaintiff's automobile, including doors and windows, was badley bent, broken and smased, and the plaintiff was caused to lose the use of his automobile, which was used in his business, for a long period of time, all to the plaintiff's damage in the amount above set forth; hence this suit.

## COUNT "D"

Plaintiff claims of the defendant the further sum of TWO THOUSAND (\$2,000.00) DOLLARS as damages, for that, heretofore, on, to-wit: the 5th day of June, 1953, at about 3:00 P. M., the defendant or willfully XWX wantonly injured the plaintiff by so willfully or wantonly operating a motor vehicle on Alabama Highway No. 3, at a point approximately 1.8 miles south of the city limits of Robertsdale, Alabama, and 626 feet north of Campbell Roadin Baldwin County, Alabama,

as to cause, or allow said motor vehicle to run into, on, or against the plaintiff's automobile; and as a direct and proximate result of the willfullness or wantoness of the defendant as aforesaid the plaintiff's automobile was badly bent, broken and damaged, the right rear fender was bent, broken and damaged, the right side including doors and windows, of said automobile were bent broken and damaged, the frame was bent and broken, and the right rear wheel was badly bent, and the plaintiff was caused to lose the use of his automobile, which was used in his busines, for a long period of time, all to his damage in the above amount; hence this suit.

Attorney for Plaintiff.

FILED 9-14-54

ALICE I. BUCK, Clerk

CHARLES N. HARRIS,

Plaintiff,

VS.

CHARLES COHEN,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2109

Defendant.

### MOTION TO STRIKE

Now comes the defendant and moves to strike the following described part of Counts One and Two of the complaint: "and was deprived of her companionship for a considerable period of time", and as grounds of said motion assigns, separately and severally, the following:

- 1. The said matter is not a proper element of damages.
- 2. The said matter raises an immaterial issue and is one on which the plaintiff is not entitled to damages.

Actorney for defendant.

Defendant demands a trial of said cause by jury.

Attorney for defendant.

FILED

12-17-53

ALICE L. DUCK, Clerk

## MOTION TO STRIKE

CHARLES N. HARRIS,

Plaintiff,

VS.

CHARLES COHEN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
NO. 2109

14

1881 MAX Yes

### LAW OFFICES OF HOWELL AND JOHNSTON

FIRST NATIONAL BANK ANNEX
P. O. BOX 1652

MOBILE 9, ALABAMA

THOMAS O. HOWELL, JR. THOMAS A. JOHNSTON. III

ALICE M. MEADOWS IRVIN J. LANGFORD

October 15 1953

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

> Re: Charles N. Harris Vs: Charles Cohen

Re: Ann Harris, a minor, suing by her

next friend, Charles Harris

Vs: Charles Cohen

Dear Mrs. Duck:

You will please find enclosed our check No. 11357 in the amount of \$6.00 in order to perfect service on the Secretary of State in the above two suits in accordance with the provisions of Title 7, Section 199 of the 1940 Code of Alabama.

Very truly yours,

HOWELL & JOHNSTON

Irvin J. Langford

IJL:bh Enc.

Charles N. Harris, Plaintiff

VS Charles Cohen, Defendant

ofBALDWIN COUNTY, ALABAMA AT LAW NO. 2109

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW:

I, Agnes Baggett, Secretary of State, hereby certify that on November 18, 1953, I sent by registered mail in an envelope addressed as follows:

" Charles Cohen 5515 South Everett Street Chicago, Illinois "

"Registered mail Return Receipt Requested Deliver to Addressee only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

" Charles Cohen 5515 South Everett Street Chicago, Illinois

You will take notice that on October 20, 1953 the Sheriff of Montgomery County, Alabama served upon me, in my official capacity, summons and complaint in a case entitled Charles N. Harris, Plaintiff vs Charles Cohen

Defendants in the Circuit Court of Baldwin \*\* \*\*Exempty

County, Alabama, Case No. 2109 , a true copy of which summons and complaint is attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 18 day of <u>November</u>, 1953.

> Signed) Agnes Baggett Mrs.Agnes Baggett Secretary of State "

Enclosures - 1

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

I further certify that on November 30, 1953, I received the return card, showing receipt by the designated addressee of the aforementioned matter, at Chicago, Illinois on Nov. 27 , 1953.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 30 day of November , 1953.

Mrs. Agnes Baggett

Secretary of State

Enclosures - (Return card and copy of summons and complaint)

THE STA	DWIN CO		<b>\</b>	No23	109_	COURT, BALDWIN COUNTY
		eği				TERM, 19
TO ANY SHE	1 1 2			AMA: rles Col	<b>hen</b>	
Four Are Incide	y Command	iliano Sum				
		1. 1. 1.		.1		<u> </u>

the Circu	it Court of I	Baldwin (	County,	State of	· Alabama, :	at Bay	Minette,	against	<u> </u>		
	Ø)mrl	es Cone						· .	•		efendant
bv			Cheri		Zeris						
					٠						Plaintiff
	ny hand thi	<b>?</b>	95h		dav of	Cot	ಎಂಎಂ			55	

No	Page			
THE STATE OF ALABAMA BALDWIN COUNTY		MA	Defendant lives at	e de Maria
CIRCUIT	COURT		RECEIVED IN OFFICE	13
	- 12 - 1 - 2 - 2 - 1			, 19
				_, Sheriff
	Plair	ıtiffs	I have executed this summo	ons
	vs.		this	-,19
·	· · · · · · · · · · · · · · · · · · ·		by leaving a copy with	
				:
	Defend	ants		
SUMMONSan	dCOMPLA	INT		
				:
Filed	,19			** *
# 25 25 27 27				•
		Clerk		
	Y .			
				•
	Plaintiff's Attor	ney		:
				Sheriff
	Defendant's Atto	rney	Dep	uty Sheriff

CHARLES N. HARRIS,

Plaintiff.

BALDWIN COUNTY, ALABAMA.

WO.

IN THE CIRCUIT COURT OF

WS

CHARLES COHEN,

Defendant.

RECEUSES ST. 191

· COUNT ONE:

Plaintiff claims of the defendant the sum of Two Thousand and no/100 (\$2,000.00) Dollars as damages for that heretofore on, to-wit, the 5th day of June, 1953, the defendant so negligently operated a motor vehicle southwardly on Alabama Highway No. 3, a public highway in Baldwin County, Alabama, at a point approximately one and eight tenth miles south of the city limits of Robertsdale, Alabama, as to cause or allow said motor vehicle to collide with the motor vehicle belonging to the plaintiff in which said motor vehicle plaintiff's daughter Ann Harris, a minor, was then and there a passenger, and which said motor vehicle was then and there being operated in a westwardly direction on a private driveway, on which said driveway, the plaintiff and plaintiff's said minor daughter had a right to be and was an invitee at said time and place, and as a direct and proximate result of the negligence of the defendant as aforesaid, the plaintiff's automobile was badly broken, bent, and damaged, and the plaintiff was caused to lose the use of his automobile, which was used in his business for a long period of time, and the plaintiff's minor daughter, Ann Harris, was badly bruised, cut, and lacerated, in and about her head, arms, and body, and was caused to suffer internal injuries, and the plaintiff, as the father of said minor incurred a considerable expense for medical treatment, medical attention, medicines and hospital expenses in the treatment of said minor daughter, and was deprived of L companionship for a considerable period of time, all to his damage in the above said amount, hence this suit.

COUNT TWO:

Plaintiff claims of the defendant the further sum of One Thousand and no/100 (\$1,000.00) Dollars as damages for that heretofore on, to-wit, the 5th day of June, 1953, the defendant wantonly injured the plaintiff by so wantonly operating a motor vehicle southwardly on Slabama Highway No. 3, a public highway in Baldwin County, Alabama, at a point one and eight tenth miles south of Robertsdale, Alabama, as to cause or allow said motor vehicle to collide with the motor vehicle belonging to the plaintiff in which said motor vehicle plaintiff's daughter Ann Harris, a minor, was then and there a passenger and which said motor vehicle was then and there being operated in a westwardly direction on a private driveway, on which said driveway the plaintiff had a right to be and was an invitee at said time and place and as a direct and proximate result of the wantonness of the defendant as aforesaid, the plaintiff's automobile was badly broken, bent, and damaged, and the plaintiff was caused to lose the use of his automobile, which was used in his business for a long period of time, and the plaintiff's minor daughter, Ann Harris, was badly bruised, cut, and lacerated, in and about her head, arms, and body, and was caused to suffer internal injuries, and the plaintiff, as the father of said minor incurred a considerable expense for medical treatment, medical attention, medicines and hospital expenses in the treatment of said minor daughter, and was deprived of the companionship for a considerable period of time, all to his damage in the above said amount, hence this suit.

Defendant resides and may be served at 5515 South Dearborn Street, Chicago, Illinois.

O MONTE 120 00000000000 WALL IN

10000 CONTROL OF APPOINT APP 1000 0 ALL TOPOR Ċ. SS O 傳稿 The State of the S THE STATE OF THE S COLUMN TO THE MAN o kino uno Ť2 Č 100 100 100 <u>@</u> () () NO BUT TO A Notation to a 高いあるか () () () 94 ALC: ALC: PROBETACO. いませんがいもの ii CF TIPROME () () STUTE STATE TO CARLOS e G is S 100 The same of ্ 70 TOOTON'S Tarino i nj S 17000 () () () () (4) \$15 070 San San San PIC NA Ö Ť. 222 からいます DOLLIN GO 0 e Canada a o un 9 10000 9 To schooling rij. THE CONTROCK 領線 () () 2500 Transfer of 13 WTTOT 90000 (.) (3) 100 MARCO 總經緯 Chile Tone のない。 TECHNOL OF and property 時間以 The second secon \$1 10 10 Ö 0000000 Tetrinia b を できる なる 100 T accepted to the b arderenteror to Ç William Commercial Com 

Princet Chrosco, Lilitore

BALI	OWIN COUNTY	No. 2109	OURT, BALDWIN COUNT
The state of the s			TERM, 19
TO ANY SHER	IFF OF THE S	TATE OF ALABAMA:	
		ummon Charles Cohen	
		41.	
A STATE OF THE STA	Control Contro		
	ad, answer or dem	ur, within thirty days from the service he	reof, to the complaint filed i
	ad, answer or dem		reof, to the complaint filed is
he Circuit Court	ad, answer or dem	ur, within thirty days from the service he	reof, to the complaint filed is
he Circuit Court	ad, answer or dem of Baldwin Count urles Cohen	ur, within thirty days from the service he	reof, to the complaint filed in a sinst

any I Chair Carre	/A 4 /
No. 2109 Page Page Page Page Page Page Page Page	RECEIVED IN OFFICE Defendant lives at OCT 20 1953
CIRCUIT COURT	
CHARLES N. HARRIS	RECEIVED IN OFFICE  G. MOSLEY, Shariff  1953  My Nov Lellas Sheriff
Plaintiffs vs.	I have executed this summons  this 10-20, 19-53. by leaving a coff with
CHARLES COHEN	by leaving a copy with
Defendants	Sec. D State 57
SUMMONSandCOMPLAINT	State 57 ala.
iled10-19-53,19	
, Clerk	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
Plaintiff's Attorney	Sta Masley Montsherifi
Defendant's Attorney	Mathin & Steasand Deputy Sheriff

CHARIES N. HARRIS,

\* IN THE CIRCUIT COURT OF

Plaintiff,

\* BALDWIN COUNTY, ALABAMA.

VS

\* AT LAW. NO.

CHARLES COHEN,

-35

Defendant.

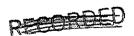
\*

#### COUNT ONE:

Plaintiff claims of the defendant the sum of Two Thousand and no/100 (\$2,000.00) Dollars as damages for that heretofore on, to-wit, the 5th day of June, 1953, the defendant so negligently operated a motor vehicle southwardly on Alabama Highway No. 3, a public highway in Baldwin County, Alabama, at a point approximately one and eight tenth miles south of the city limits of Robertsdale, Alabama, as to cause or allow said motor vehicle to collide with the motor vehicle belonging to the plaintiff in which said motor vehicle plaintiff's daughter Ann Harris, a minor, was then and there a passenger, and which said motor vehicle was then and there being operated in a westwardly direction on a private driveway, on which said driveway, the plaintiff and plaintiff's said minor daughter had a right to be and was an invitee at said time and place, and as a direct and proximate result of the negligence of the defendant as aforesaid, the plaintiff's automobile was badly broken, bent, and damaged, and the plaintiff was caused to lose the use of his automobile, which was used in his business for a long period of time, and the plaintiff's minor daughter, Ann Harris, was badly bruised, cut, and lacerated, in and about her head, arms, and body, and was caused to suffer internal injuries, and the plaintiff, as the father of said minor incurred a considerable expense for medical treatment, medical attention, medicines and hospital expenses, in the treatment of said minor daughter, and was deprived of  $\overline{k}$ companionship for a considerable period of time, all to his damage in the above said amount, hence this suit.

COUNT TWO:

Plaintiff claims of the defendant the further sum of One Thousand and no/100 (\$1,000.00) Dollars as damages for that heretofore on, to-wit, the 5th day of June, 1953, the defendant wantonly injured the plaintiff by so wantonly operating a motor vehicle southwardly on Alabama Highway No. 3, a public highway in Baldwin County, Alabama, at a point one and eight tenth miles south of Robertsdale, Alabama, as to cause or allow said motor vehicle to collide with the motor vehicle belonging to the plaintiff in which said motor vehicle plaintiff's daughter Ann Harris, a minor, was then and there a passenger and which said motor vehicle was then and there being operated in a westwardly direction on a private driveway, on which said driveway the plaintiff had a right to be and was an invitee at said time and place and as a direct and proximate result of the wantonness of the defendant as aforesaid, the plaintiff's automobile was badly broken, bent, and damaged, and the plaintiff was caused to lose the use of his automobile, which was used in his business for a long period of time, and the plaintiff's minor daughter, Ann Harris, was badly bruised, cut, and lacerated, in and about her head, arms, and body, and was caused to suffer internal injuries, and the plaintiff, as the father of said minor incurred a considerable expense for medical treatment, medical attention, medicines and hospital expenses in the treatment of said minor daughter, and was deprived of his companionship for a considerable period of time, all to his damage in the above said amount, hence this suit.



Defendant resides and may be served at 5515 South Dearborn Street, Chicago, Illinois.



ALICE J. OUCK, Clerk

# AMENDED COMPLAINT.

CHARLES N. HARRIS,

Plaintiff,

VS

CHARLES COHEN,

Defendant.

Comes now the Plaintiff in the above styled cause and amends o his complaint heret/fore filed in said cause by adding the following counts:

### COUNT "A"

Plaintiff claims of the defendant TWO THOUSAND (\$2,000.00) DOLLARS as damages, for that, heretofore, on, to-wit: the 5th day of June, 1953, at about 3:00 O'clock, P. M., the defendant so negligently operated a motor vehicle on Alabama Highway No. 3, a Public Highway in Baldwin County, Alabama, at a point approximately one and eight tenths (1.8) miles south of the City Limits of Robertsdale, Alabama, and 626 feet north of Campbell Road, as to cause or allow said motor vehicle to leave the said Alabama Highway No. 3 and to run into, on or against right side of plaintiff's automobile, which was then and there parked in a private driveway on the east side of said Alabama Highway No. 3, on which said driveway the plaintiff, his passengers and his automobile had a right to be and was an invitee at said time and place, and as a direct and proximate result of the negligence of the defendant as aforesaid, the plaintiff's automobile was badly bent, broken and damaged, the frame was badly bent and broken, the right rear wheel was bent and damaged, the right side of plaintiff's automobile, including doors and windows, was badley bent, broken and smashed, and the plaintiff was caused to lose the use of his automobile, which was used in his business, for a long period of time; and plaintiff's minor daughter, Ann Harris, who was a passenger in his said automobiže at said time and place and who was an invitee on said private driveway at said time and place, was badly bruised, cut and lacerated in and about her head, arms and body, and was caused to suffer internal injuries, and the plaintiff, as the fater of said minor, was caused to incur considerable expense for medical attention, medical treatment, medicines and hospital expenses in and about the treatment of his said minor daughter, all to his damage in the amount above set forth; hence this suit.

### COUNT "B"

Plaintiff claims of the defendant the further sum of ONE THOUSAND (\$1,000.00) DOLLARS as damages for that, heretofore, on, to-wit: the 5th day of June, 1953, at about 3:00 P. M., the defendant wilfully or wantonly injured the plaintiff by so wilfully or wantonly operating a motor vehicle on Alabama Highway No. 3, at a point approximately 1.8 miles south of the City Limits of Robertsdale, Alabama, and 626 feet north of Campbell Road, in Baldwin County, Alabama, as to cause or allow said motor vehicle to leave the said Alabama Highway No. 3 and to run into, on or against the motor vehicle belonging to the plaintiff, in which said motor vehicle plaintiff's daughter, Ann Harris, a minor, was then and there a passenger and which said motor vehicle was then and there parked in a private driveway on the East side of said Alabama Highway No. 3, on which said driveway plaintiff's motor vehicle and daughter had a right to be and was an invitee at said time and place; and as a direct and proximate result of the/wantoness of the defendant as aforesaid the plaintiff's automobile was badly bent, broken and damaged, the right rear fender was bent broken and damaged, the right side, including doors and windows, of said car was badly bent, broken and damaged, the frame was bent and the right rear wheel was badly bent, and the plaintiff was caused to lose the use of his automobile, which was used in his business, for a long period of time; and the plaintiff's minor daughter, Ann Harris, was badly bruised, cut, and lacerated, in and about her head, arms and body and was caused to suffer internal injuries, and the plaintiff, as the father of said minor, incurred considerable expense for medical treatment, medical attention, medicines and hospital expenses in and about the treatment said minor daughter's injuries, all to his damage in the above said amount, hace this suit.

7-30-54

Attorney for Plaintiff

ALICE 1. DUCK, Clerk

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NO. 2109

\*\*\*\*\*\*\*

CHARLES N. HARRIS,

Plaintiff,

VS.

CHARLES COHEN,

Defendant.

\*\*\*\*\*\*\*

AMENDED COMPLAINT.

JUL 130 1954

MICE L DUCK, Clerk

CHARLES	N. HARRIS	,	)					
VS.		Plaintiff,	) ""	IN	THE	CIRCUIT	COUF	RT OF
			)	BAI	DWIN	COUNTY	, ALA	BAMA
CHARLES	COHEN,		)	AT	LAW		NO.	2109
		Defendant.	)					

PLEAS

Now comes the defendant and for plea to the amended complaint and to each and every count thereof, separately and severally, says:

1. Not guilty.

Now comes the defendant and for answer to Count "A", says:

2. The defendant avers that on the occasion complained of, the plaintiff's agent, servant or employee, who was then and there acting within the line and scope of her authority, was guilty of negligence which proximately contributed to plaintiff's alleged injuries and damages, in that she so negligently operated the motor vehicle which she was then and there driving as to cause it to collide with the defendant's motor vehicle, because of which the plaintiff ought not to recover of the defendant.

Attorney for defendant.

FILED 9-14-54

Alice i puch, ciere

for the defendant.

Jesse 7. Burkel

Foreman PLEAS CHARLES N. HARRIS, Plaintiff VS. CHARLES COHEN, Defendant. BALDWIN COUNTY, ALABAMA AT LAW NO. 2109

# JURY LIST

# Fall Term, September 13th, 1954

OCCUPATION ADDRESS NAME 1/George Garner, reserve ilt., Stockton miground Brown Bro A Max Paris, merchan, Polynos 5 / James Nelson, fisherman, Bon Secour Barbara Dapane A. Mary Tally Man, Fairmon S Charles Bishop, slaughter pen, Lahrhope 💛 A Eliner Amsey, Jr., meeting, Polos & 10 Jesse Burke, merchant, Fairhope A-marking and the property of the Board Misself Comment - 12 - Clareste Confriend I proper properties Designations 13 Dorrie Dukes, restaurant Foler " 14 John R. Socrbe, mechanic, Poley 13 Mutt Roberson, laborer, Robertsdale 16 Boy Mahathy, defense, Stapleton Vincent J. Kline, garage owner, Fairhope The state of the s 19 Alton Crane, mechanic, Stockton 20) Frank J. Leutner, clerk, Summerdale 21 ) Einer Mikkelson, farmer, Summerdale and the state of t - Discharific Barnetty farmer, Careswood 24 Thomas K. Fackson, tarmer, Dapone 25/ A. L. Craft, farmer, Daphne 26 Pete Fulford, fisherman, Bon Secour A. W. Murrah, U. S. Govt., Bay Minette Carl F. Yenne, farmer, Point Gleas 29 Anthony Smith, bank clerk, Foley id—Chester Jones, Western Auto, Roberts date (\* ) 31—Shermon-Parkenaler, willitins ingr., Holey. of - 12 De A. Shinst, auditor, Foles. address Tables Sales and Roberts and Call Appleseph Linish, tamer, Louise 35 W. B. Culver, nursery, Bay Minette Fragina A. Moilis, laimer: Poley

THE XXXXX XXXXX XI

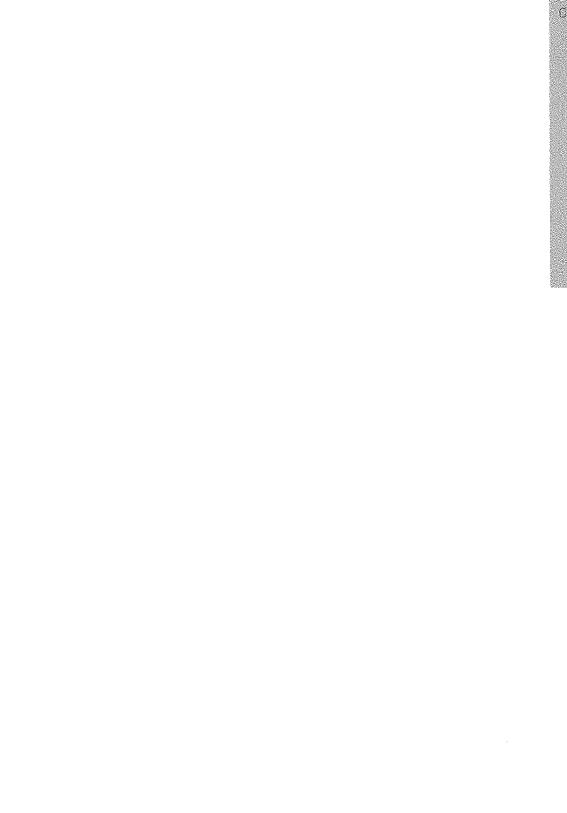
Marker John

w.

.

Post Office Department NOV 27 C (GPO) POSIMARK
OFFICIAL BUSINESS  (GFO)  FOSTMARK  (GFO
Return to Secretary of State  (NAME OF SENDER)  Street and Number; Nontendery Alabara  or Post Office Box; Nontendery Alabara
OF POST Office Box,)  REGISTERED ARMIGLE  NO. INSURED PARCEL  NO. ALAI

Post Office Departin official business	(GFO) POSTMARK OF DELIVERING OFFICE  1953
Return to Secre	(NAME OF SENDER)
Street and Number,) or Post Office Box,	SECURIO COMO E SE ESTADO DE COMO EST



Charles N. Harris vs Charles Cohen
Form 3811
Rev. 1-52
RETURN RECE

# RETURN RECEIPT

Received from the Postmuster the Registered or Insured Article, the number of which appears on the face of this Card.

1			
*	(Signature or no	ime of addressee)	
2	Constant Constant Constant	T.V	
	of addressee's agent—Agent shou	ld enter addressee's name i	on line ONE above)
Date of delivery		, 19	
		Aug.	
		de la companya de la	
	U. S. GOVERNMENT PRINTING OFF	ice 16-12421-2	