

SUMMONS

STATE OF ALABAMA  
BALDWIN COUNTY

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
CASE NO. \_\_\_\_\_

TERM, 1971

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon the Coca Cola Bottling Company, a corporation, 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, a corporation, DEFENDANT, by Hollis W. Howell, plaintiff.

Witness my hand this 15 day of December, 1971.

Ernie B. Blackmon CLERK

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HOLLIS W. HOWELL,

Plaintiff

-VS-

COCA COLA BOTTLING COMPANY,  
a corporation,

Defendant

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 10.158

COUNT ONE

Plaintiff claims of the defendant Five Thousand (\$5,000.00) Dollars damages for this that defendant, while operating a business, a part of which was bottling and selling a beverage known as FRESCA in Bay Minette, Baldwin County, Alabama, during the month of September, 1971, did so negligently conduct said business as to bottle a wrapper from Brachs Candy containing chewing gum, the said wrapper having been partially burned by a cigarette, and did place said bottle, or its contents, in a dispensing machine so that the public could buy said bottle by placing the proper change in said dispensing machine, and plaintiff did in said manner buy the said bottle of drink, for a valuable consideration, on, to wit: September 2, 1971, at and for the sum of fifteen (\$.15) cents, and that by reason of drinking a part of the contents of said bottle plaintiff was made sick and suffered mental anguish, to his damage in the amount above prayed for.

COUNT TWO

Plaintiff claims of the defendant the sum of Five Thousand (\$5,000.00) Dollars damages for that on and prior to the second day of September, 1971, defendant was engaged in the manufacture, preparation and bottling of a beverage known and designated by the name of FRESCA, which said beverage, after being so prepared and bottled, was distributed to a dispensing machine in the Baldwin County Courthouse, at Bay Minette, Baldwin County, Alabama, to be sold by said machine at retail for the purpose of human consumption as a beverage. Plaintiff further avers that in the course of the said business the defendant, by and through its servants, agents, employees and/or dispensing machine, acting within the line and scope of their duty as such, prepared, manufactured and bottled a portion of said beverage, which in due course of business was placed for sale to the public in said dispensing machine in said place and town, and it was by said machine sold to the plaintiff, for plaintiff's use and consumption of said beverage, and plaintiff further avers that the defendant's servants, agents or employees, acting within the line and scope of their authority as such, negligently permitted said bottle of said beverage to be unsuitable and unfit, in a reasonable manner, for human consumption, by reason of it having therein a wrapper from Brachs Candy containing chewing gum, said wrapper having been partially burned by a cigarette which made it nauseating, sickening and dangerous to any person who consumed the said beverage, and plaintiff further avers that defendant placed said bottle in said dispensing machine for plaintiff's use and consumption, and plaintiff drank a portion of same, and as a proximate result of the defendant's negligence as aforesaid he was made nauseated, sick and suffered mental anguish, hence this suit in the amount prayed for.

FILED

DEC 15 1971

EUNICE B. BLACKMON CIRCUIT CLERK

  
ATTORNEY FOR PLAINTIFF

VOL

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Serve:

Local Coca Cola Bottling  
Company's agent in Bay  
Minette (Caldwell)

Sheriff claims \_\_\_\_\_ miles at  
Ten Cents per mile Total \$ \_\_\_\_\_  
TAYLOR WILKINS, Sheriff  
BY \_\_\_\_\_ DEPUTY SHERIFF

Received 15 day of March 1974  
and on 20 day of Dec 1974  
I served a copy of this return  
on Coca Cola Bottling Co.  
By service on William Taylor  
TAYLOR WILKINS, Sheriff  
By W. A. Caldwell

CASE NO. 10,158

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HOLLIS W. HOWELL,  
Plaintiff

-VS-

COCA COLA BOTTLING COMPANY,  
a corporation,  
Defendant

\* \* \* \* \*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

\* \* \* \* \*

ATTORNEY FOR PLAINTIFF  
KENNETH COOPER  
Post Office Box 1000  
Bay Minette, Alabama 36507

DEC 15 1971

TAYLOR WILKINS  
SHERIFF

28223

HOLLIS W. HOWELL,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
Vs.	X	AT LAW
COCA COLA BOTTLING COMPANY,	X	
a corporation,	X	
Defendant.	X	CASE NO. 10,158

ANSWER

Comes now the Defendant in the above-styled cause and, for answer to the Complaint, and to each Count thereof, separately and severally, says as follows:

Not guilty.

JOHNSTON, JOHNSTON & KENDALL  
and J. B. BLACKBURN  
Attorneys for Defendant

BY William E. Johnston  
William E. Johnston

J. B. Blackburn  
J. B. Blackburn

FILED

JAN 14 1972

EUNICE B. BLACKMON CIRCUIT CLERK

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for all parties in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 14th day of January, 1972  
J. B. Blackburn  
Attorney for Defendant