

JANE COCKE,

VS.

Plaintiff,

BEDSOLE TRADING COMPANY,
INC., a corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3362

DEMURRER

Now comes the defendant and demurs to the complaint and to each and every count thereof, separately and severally, and as grounds of such demurrer assigns, separately and severally, the following:

1. It does not state a cause of action.
2. No facts are alleged on which the relief sought can be granted.
3. The allegations of the complaint are vague, indefinite and uncertain.
4. The allegations of the complaint are conclusions of the pleader.
5. The allegation that the defendant negligently maintained the floor at the place where the plaintiff slipped and fell does not show in and of itself that the defendant failed to exercise reasonable care to keep its premises in a reasonably safe condition.
6. The allegation that the plaintiff fell on highly waxed floors, which the defendant negligently maintained in the said store, does not show in and of itself that the defendant failed to exercise reasonable care to keep its premises in a reasonably safe condition.
7. The facts alleged do not show any negligence on the part of the defendant.
8. The facts alleged do not show that the defendant failed to exercise reasonable care in maintaining its premises at the time and place where the plaintiff was injured.

9. No facts are alleged to show how the defendant negligently maintained its floor at the time and place where the plaintiff was injured.

10. No facts are alleged to show in what way the defendant negligently maintained its floor at the time and place where the plaintiff was injured.

11. No facts are alleged to show that the defendant breached or violated any duty which it owed to the plaintiff at the time and place of her alleged injury.

12. No facts are alleged to show that the defendant did not exercise ordinary care in maintaining its premises at the time and place where the plaintiff was injured.

13. The facts alleged do not in themselves show or suggest negligence on the part of the defendant.

14. The allegations of the complaint are conclusions of the pleader and no facts are alleged to show any negligence on the part of the defendant.

J. B. Blackburn
Attorney for defendant.

JANE COCKE)	IN THE CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY, ALABAMA
Vs.)	AT LAW
BEDSOLE TRADING COMPANY,)	
INC.)	
a corporation)	
Defendant)	Case # _____

COUNT ONE

The plaintiff claims of the defendant the sum of \$50,000.00 as damages, for that, on to-wit; the ninth day of November, 1956, the defendant kept, conducted or operated a store at 527 Fairhope Avenue in the City of Fairhope, County of Baldwin, State of Alabama, known as Bedsole's of Fairhope, in which were kept for sale to the general public, goods, wares, and merchandise; and plaintiff avers that on said date plaintiff entered said store maintained by the defendant as aforesaid 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 one of the aisles on the first floor of said store 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 left shoulder, left arm, left elbow, left hand, left leg and left foot were badly bruised, wrenched, sprained, strained and injured, and the nerves, ligaments and tendons in her entire left shoulder and arm were bruised, wrenched, strained, and sprained, and her left shoulder, left arm and left elbow were permanently injured and she was made sick and sore and her nervous system was impaired, shocked and was permanently injured; and the plaintiff was caused to suffer great physical and mental anguish and to incur large medical, hospital, and doctor bills in and about the treatment of her injuries.

The plaintiff further avers that all of her said injuries and damages were caused as a proximate consequence of the negligence of the defendant in that the defendant negligently maintained the said floor at the place where the plaintiff slipped and fell in an unsafe condition for the use of customers in said store.

Wherefore plaintiff brings this action and asks damages of the defendant in the above amount.

COUNT TWO

Plaintiff claims of the defendant the sum of \$50,000.00 as damages, for that heretofore, on to-wit, the ninth day of November, 1956, the defendant occupied and was in possession of certain premises in Fairhope, Baldwin County, Alabama, at 527 Fairhope Avenue in said town where defendant kept, conducted or operated a public store known as Bedsole's of Fairhope to which the public generally were invited to come and trade or on other business; that plaintiff was an invitee of the 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 where she was invited on the occasion aforesaid, she fell or was caused to fall on highly waxed floors which the defendant negligently maintained in the said store for the use of its customers and as a direct result and proximate consequence of the defendant's negligence aforesaid, the plaintiff suffered, serious and permanent injuries in that her left shoulder, left arm, left elbow, left hand, left leg and left foot were badly bruised, wrenched, sprained, strained and injured, and the nerves, ligaments and tendons in her entire shoulder and arm were bruised, wrenched, strained, and sprained, and her left shoulder, left arm and left elbow were permanently injured and she was made sick and sore and her nervous system was impaired, shocked and was permanently injured; and the plaintiff was caused to suffer great physical and mental anguish and to incur large medical, hospital, and doctor bills in and about the treatment of her injuries.

SULLIVAN & CAMERON

By 

Attorneys for Plaintiff

Plaintiff demands a trial by jury of the above entitled cause.

SULLIVAN & CAMERON

By 

Attorneys for Plaintiff

Defendant's Address is:

Bedsole's, Fairhope, Baldwin County, Alabama

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 3362

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Bedsole Trading Company, Inc.,

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

Bedsole Trading Company, Inc, Defendant

by Jane Cocke

Plaintiff.....

Witness my hand this 23rd day of October 19 57

George J. Duck, Clerk

SULLIVAN & CAMERON

ATTORNEYS AT LAW

SUITE 617 FIRST NATIONAL BANK BUILDING

POST OFFICE BOX 275

MOBILE, ALABAMA

22 September 1958

JOSEPH C. SULLIVAN
ALLAN R. CAMERON

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

Re: Jane Cocke vs. Bedsole Trading Company, Inc.,
Case Number 3362

Dear Mrs. Duck:

Thank you for forwarding to us your check of \$3,500.00,
in full settlement of the judgment rendered in the above
styled case.

Very truly yours,

SULLIVAN & CAMERON



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SULLIVAN & CAMERON

ATTORNEYS AT LAW

SUITE 617 FIRST NATIONAL BANK BUILDING

POST OFFICE BOX 275

MOBILE, ALABAMA

JOSEPH C. SULLIVAN
ALLAN R. CAMERON
ELWOOD L. HOGAN

October
22nd
1957

Mrs. Alice Duck
Clerk, Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

We enclose Complaint of Jane Cocke vs. Bedsole Trading Company, Inc., which we shall appreciate your filing in the Circuit Court. You may return the attached copy of this letter with the notation of the case number assigned thereto which will also serve as an acknowledgement of the receipt of the Complaint.

Thanking you for your assistance, we remain,

Yours very truly,

SULLIVAN & CAMERON

By


Allan R. Cameron

A

R

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encls.