

3400

CECIL HARMS,

Plaintiff,

vs.

ROBERTSDALE LIVESTOCK
AUCTION, INC.,
A Corporation,

Defendant.

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

COMPLAINT:

COUNT ONE:

The Plaintiff claims of the Defendant TWENTY FIVE HUNDRED DOLLARS (\$2500.00) as damages for that heretofore on, to-wit, the 17th day of November, 1956, the Defendant, at a point approximately two miles South and one-half mile East of Roberts-dale in Baldwin County, Alabama, was conducting a sale of livestock including dairy cattle and farm equipment, which sale was being held at or near the residence of Charlie Dlouhy, at the point mentioned above, at which time the Plaintiff, for the purpose of buying one or more of the articles which were being offered for sale by the Defendant at the said time and place, visited the said premises and while there the Defendant's agent, servant or employee whose name is otherwise unknown to the Plaintiff, and while acting within the line and scope of his authority, negligently allowed one of the cows which were being offered for sale to get out from under his control, which said cow ran into, on or against the Plaintiff, injuring her face, legs and left shoulder; caused the Plaintiff to be made sick and sore, to suffer great mental and physical pain and anguish and to incur expenses by way of doctor bills, hospital bills and other expenses incident to the treatment of the said injuries.

Plaintiff further avers that all of her damages and injuries as aforesaid, were caused as a proximate consequence of the said agent's, servant's or employee's negligence while acting within the line and scope of his authority.

Plaintiff demands a trial
of said cause by Jury.

J. B. Blackburn
Attorney for Plaintiff.

J. B. Blackburn
Attorney for Plaintiff.

received 14 day of Nov 1957
served a copy of the within R & C
Robertsdale Livestock Auction
Inc., a Corp.
By service on Harace Priner, pres

TAYLOR WILKINS, Sheriff
By Edleigh Steadham, S.

Robertsdale, Ala

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY Steadham
DEPUTY SHERIFF

✓ No. 3400
COMPLAINT

CECILE HARMS,

Plaintiff,

vs.

ROBERTSDALE LIVESTOCK AUCTION,
INC., a corporation,

Defendant.

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

FILED
NOV 14 1957
ALICE L. DUCK, Clerk

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

CECIL HARMS

PLAINTIFF

VS

ROBERTSDALE LIVESTOCK
AUCTION, INC., A CORP.,

DEFENDANT

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

Comes now the Defendant in the above styled cause and for answer to the Plaintiff's Complaint says:

1.

Not guilty.

Wilters & Brantley

BY: *Kenneth Wilters*
Attorney for the Defendant

Filed
12-11-57

CECILE HARMS

PLAINTIFF

VS

ROBERTSDALE LIVESTOCK
AUCTION, INC., A CORP.,

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 3400

Comes now the Defendant in the above styled cause and amends his
answer to read as follows:

2.

That it is not guilty of the matters alleged therein.

3.

Defendant avers that on or about the 17th day of November 1956, it
was engaged in conducting a sale of livestock, at a point approximately
two miles south and one half mile east of Robertsdale, in Baldwin County,
Alabama, and that on or about said date Cecile Harms was present at the
said sale; that she entered the pen where the said livestock was being
auctioned off, and that the Plaintiff, Cecile Harms, well knew that it
was dangerous to be in the said pen and as a result of her entering said
pen she was injured; and Defendant avers that said Plaintiff was guilty
of said contributory negligence, which proximately caused her said injuries.

4.

Defendant avers that on or about the 17th day of November, 1956, it
was engaged in conducting a sale of livestock, including dairy cattle, at
a point approximately two miles south and one half mile east of Robertsdale,
in Baldwin County, Alabama, and that at said time and place Cecile Harms
was present; that contrary to instructions, she entered the pen where the
sale was being conducted and she well knew the danger of one of the animals
becoming excited and the possibility of injury in that event, she having
lived on a farm a number of years where livestock was used, and as result
of her entering said pen she was injured by one of the animals, and Defendant
avers that said Plaintiff was guilty of said contributory negligence which
proximately caused her said injuries.

Wilters & Brantley

BY: 

Attorney for the Defendant

Filed
9-4-58

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ROBERTSDALE LIVESTOCK AUCTION, INC., a corporation, 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 same, then and there to answer the complaint of CECILE HARMS.

WITNESS my hand this 14 day of November, 1957.

Archie H. Huch
Clerk.

Defendant's address is
Robertsdale, Alabama.

64-11-15-57