

VESTER E. FICK
PLAINTIFF

VS.

CHARLES W. HARTMAN, doing
business as FOLEY BAKERY,
Foley, Alabama.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN LAW

NO. 3450

COUNT ONE

Plaintiff claims of the defendant the sum of \$2000.00 as damages, for that heretofore, to-wit, January 29, 1957, the defendant occupied and was in possession of certain premises in Foley, Baldwin County, Alabama, on one of the public streets in said City, where it conducted or operated a public store and sandwich shop to which the general public generally were invited to come and trade or on other business; that the plaintiff was an invitee of defendant upon said premises being there on said date of January 29, 1957 to transact business with the defendant, and while in said store or sandwich shop and on said premises, where she was invited on said date, she fell or was caused to fall over a weighing machine or scale which bottom part was protruding into the aisle or pathway to the sitting booths or tables where customers are served and plaintiff was rendered unconscious by the striking of her head upon a table; her back was severally wrenched; she suffered severe contusions and abrasions of the arms, legs and body; she was internally injured; she suffered and continues to suffer great mental and physical pain and anguish she has spent or become liable for a large sum of medicine, medical attention and transportation in and about the treatment of her said injuries; she has become liable or has spent a large sum for the services of a housekeeper and attendant necessitated by her injuries complained of. Plaintiff alleges that all of her said injuries and damages were proximately caused by reason of the negligence of the defendant in placing said scales or weighing machine in the aisle or pathway to the booths.

COUNT TWO

Plaintiff claims of the Defendant the sum of \$2500.00 as damages, for that heretofore, to-wit, January 29, 1957, the defendant occupied and was in possession of certain premises in Foley, Alabama, on one of the public streets of Foley, Alabama, where he conducted a public store or sandwich shop to which the public was generally invited to come to trade or on other business; that the defendant was an invitee of defendant upon said premises, being there on said date to transact business with the defendant, and while in said store or sandwich shop and on said premises on said occasion where she was invited, she fell or was caused to fall over a weighing machine or penny scale which bottom part was protruding into the aisle or pathway to the booths or tables where customers are served, the plaintiff was knocked unconscious by the striking of her head upon a table; her back was sprained; she suffered severe contusions and abrasions of the body, legs and arms; she was internally injured; she was made lame and sore. she was confined to her bed for a long period of time; she suffered and continues to suffer great mental and physical pain and anguish; she spent or has become liable for great sums for medicine, medical attention, transportation to and from the doctors, personal attendant and housekeeper while confined, all in and about the treatment of here injuries resulting from said fall. Plaintiff alleges that all of her injuries and damages were proximately caused by the defendant, being conscious at the time that his conduct would probably result in some person or persons tripping or falling and thereby being injured, wilfully or wantonly placing or causing to be placed the said scales or weighing machine in the aisle or pathway to said booth or tables.

Arthur C. Pearson
Attorney for the Plaintiff

VESTER E. FICK,

Plaintiff,

vs.

CHARLES W. HARTMAN, doing
business as FOLEY BAKERY,
Foley, Alabama

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO.


Comes Charles W. Hartman and demurs to the complaint filed in said cause and to each and every count thereof, separately and severally, and assigns the following separate and several grounds in support thereof:

1. That each count claims of the Defendant certain damages, and no one is styled in the complaint as the Defendant.

2. That there is no allegation in count one of the complaint that Charles W. Hartman, doing business as Foley Bakery, Foley, Alabama, operated any business or was guilty of any negligence.

3. That the allegation in each count of the complaint "which bottom part was protruding into the aisle" is but a conclusion of the pleader and does not sufficiently allege negligence on the part of Charles W. Hartman.

4. That the allegation in count one of the complaint "where it conducted or operated a public store" does not sufficiently refer to Charles W. Hartman.


Attorneys for Charles W. Hartman

VESTER E. FICK)
PLAINTIFF)

VS.)

CHARLES W. HARTMAN, doing)
business as FOLEY BAKERY.)
Foley, Alabama.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN LAW

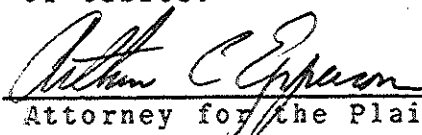
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Count One

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Count Two

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Attorney for the Plaintiff

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 3450

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon CHARLES W. HARTMAN, doing business as
FOLEY & BAKERY, Foley, Alabama

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
CHARLES W. HARTMAN, doing business as FOLEY BAKERY, Foley, Alabama, Defendant.

by VESTER E. FICK, Plaintiff.

Witness my hand this 29th day of January 19 58

Alice J. Duck, Clerk