

ELLEN TAYLOR,	:	IN THE CIRCUIT COURT
Plaintiff,	:	
vs.	:	BALDWIN COUNTY, ALABAMA
GREER'S AT FAIRHOPE, INC.,	:	
a corporation, doing business	:	
in Baldwin County, Alabama,	:	
Defendant	:	

44-4392

COUNT ONE:

Plaintiff claims of the Defendant the sum of FIFTY THOUSAND and NO/100 (\$50,000.00) DOLLARS damages for that heretofore on, to-wit, the 22nd day of August, 1959, the Defendant was engaged in the business of operating a store known as Greer's No. 18 located at 67 South Section Street, in the Town of Fairhope, County of Baldwin, State of Alabama in which it sold to the public generally its goods, wares, and merchandise and into which the public generally was invited to come and trade and in the conduct of its said business, did then and there use or operate a push cart or other apparatus for the moving, transportation, or removing of said goods, wares, and merchandise; and Plaintiff avers that Defendant then and there so negligently conducted its said business that by reason thereof, and as the proximate result and consequence thereof, said push cart, together with its contents, consisting of assorted groceries, struck or came into contact with Plaintiff who was then and there an invitee or customer of the Defendant and by reason thereof and as the proximate result and consequence thereof, Plaintiff received personal injuries in this, to-wit, her left leg, left flank, and back were bruised, sprained and injured; she was permanently injured and disabled; she suffered great mental anguish and humiliation; she suffered and continues to suffer severe physical pain; her nervous system was greatly shocked and impaired; she was caused to be confined to the hospital and to her bed; she was put and continues to be put to great expense in employing medical aid and buying medicine to treat her said injuries all as a proximate consequence of the negligence of the Defendant as aforesaid; for all of which she claims damages as

aforesaid.

COUNT TWO:

Plaintiff claims of the Defendant the sum of FIFTY THOUSAND and NO/100 (\$50,000.00) DOLLARS damages for that heretofore on, to-wit, the 22nd day of August, 1959, the Defendant was engaged in the business of operating a grocery store in the Town of Fairhope, County of Baldwin, State of Alabama, known as Greer's No. 18 and being located at 67 South Section Street in said city, in which it sold to the public generally its goods, wares, and merchandise and invited the public generally to enter and transact business, and on, to-wit, said day and date, Plaintiff was in said store as an invitee or customer of the Defendant and then and there an agent, servant, or employee of Defendant in charge or control of a push cart containing assorted groceries, while acting within the line and scope of his employment, so negligently pushed, moved, or operated said push cart as to cause the same and its contents to fall onto, contact, or strike the Plaintiff and as a proximate consequence and result thereof, Plaintiff received severe personal injuries in this, to-wit, her left leg, left flank, and back were twisted, bruised, and sprained; she was caused to be confined to the hospital and to her bed; she was caused to suffer and continues to suffer severe physical pain; she was caused to suffer great mental anguish and humiliation; she was permanently injured; she was forced to expend and will be in the future forced to expend great sums of money in and about the treatment and care of her said injuries all as a proximate consequence of the negligence of the Defendant, its servant or agent, acting within the line and scope of his employment as aforesaid; for all of which she claims damages as aforesaid.

COUNT THREE:

Plaintiff claims of the Defendant the sum of FIFTY THOUSAND and NO/100 (\$50,000.00) DOLLARS damages for that heretofore on, to-wit, the 22nd day of August, 1959, the Defendant was engaged in business of operating a store known as Greer's

No. 18 located at 67 South Section Street, in the Town of Fairhope, County of Baldwin, State of Alabama in which it sold to the public generally its goods, wares, and merchandise and into which the public generally was invited to come and trade and in the conduct of its said business, did then and there use or operate a push cart or other apparatus for the moving, transportation, or removing of said goods, wares, and merchandise; Plaintiff avers that the said push cart was so dangerous, imperfect, and mechanically defective that the same did fall into and against the Defendant who was then and there in said store as an invitee or customer, as a proximate consequence whereof, Plaintiff received severe personal injuries in this, to-wit, her left leg, left flank, and back were bruised, sprained and injured; she was permanently injured and disabled; she suffered great mental anguish and humiliation; she suffered and continues to suffer severe physical pain; her nervous system was greatly shocked and impaired; she was caused to be confined to the hospital and to her bed; she was put and continues to be put to great expense in employing medical aid and buying medicine to treat her said injuries.

Plaintiff alleges that all of her said injuries and damages were proximately caused by reason of the negligence of the Defendant in negligently failing to use due care to keep said premises and equipment reasonably safe for persons visiting the place by its invitation, express or implied.

*D. P. Casey Jr.*  
ATTORNEY FOR PLAINTIFF

*D. P. Casey III*  
ATTORNEY FOR PLAINTIFF

Plaintiff respectfully requests trial by jury.

*D. P. Casey Jr.*  
ATTORNEY FOR PLAINTIFF

*D. P. Casey III*  
ATTORNEY FOR PLAINTIFF

FILED

MAR 18 1960

ALICE L. DUCK, CLERK  
REGISTER

ELLEN TAYLOR,	:	IN THE CIRCUIT COURT OF
	:	
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
	:	
VS.	:	
	:	NO. 4392
GREER'S AT FAIRHOPE, INC.,	:	
a corporation, doing business	:	
in Baldwin County, Alabama,	:	
	:	
Defendant.	:	
	:	

Comes the Defendant in the above styled cause and demurs to Plaintiff's complaint filed therein and to each count thereof, separately and severally, and as grounds for such demurrer sets down and assigns the following separate and several grounds:

1. For aught that appears, the allegation that the Defendant then and there so negligently conducted its said business that by reason thereof, and as a proximate result and consequence thereof, said push cart and its contents struck or came in contact with Plaintiff, is but a conclusion of the pleader.
2. The count is vague, uncertain and indefinite.
3. For aught that appears, Plaintiff was not injured as a proximate result of any negligence on the part of the Defendant.
4. For aught that appears, the allegation that Plaintiff was then and there an invitee or customer of the Defendant is but a conclusion of the pleader.
5. For aught that appears, there was no breach of any duty owed the Plaintiff by the Defendant at the time and place complained of.

McCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By *James B. May Jr.*  
Attorneys for Defendant

Service of a copy of the foregoing is hereby accepted this 10<sup>th</sup> day of January, 1961.

**FILED**

FEB 21 1961

ALICE J. DUCK, CLERK  
REGISTER

*W. R. May Jr.*  
Attorney for Plaintiff

SUMMONS AND COMPLAINT

Moore Prg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4392

----- TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Greer's At Fairhope, Inc. a corporation d/b in  
Baldwin County, 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 Greer's At Fairhope, Inc. ~~xxxx~~  
a corp. d/b in Baldwin County, Alabama -----, Defendant

by Ellen Taylor -----

-----, Plaintiff

Witness my hand this 19th day of August 1960

Exp 8-25-60

Cliff J. Smith Clerk

No. 4392

Page \_\_\_\_\_

The State of Alabama

Baldwin County

CIRCUIT COURT

ELLEN TAYLOR

Plaintiffs

vs.

GREER'S AT FAIRHOPE, INC  
a corp.

Defendants

Summons and Complaint

Filed 8-19-60 19\_\_

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at \_\_\_\_\_

Received In Office

8/19 1960

\_\_\_\_\_, Sheriff

I have executed this summons

this 25 Aug 1960

by leaving a copy with

R. E. Donner  
Mgr. Greer's, Inc.

Sheriff claims 70 miles at 7.00

Ten Cents per mile Total \$7.00

TAYLOR WILKINS, Sheriff

BY

Donner  
DEPUTY SHERIFF

Taylor Wilkins Sheriff

W. O. Garner Deputy Sheriff

Thape

ELLEN TAYLOR,	:	IN THE CIRCUIT COURT OF
	:	
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
	:	
VS.	:	
	:	NO. 4392
GREER'S AT FAIRHOPE, INC.,	:	
a corporation, doing business	:	
in Baldwin County, Alabama,	:	
	:	
Defendant.	:	

Comes the Defendant in the above-styled cause and for answer to the complaint filed therein, and to each count thereof, says as follows, separately and severally:

1. Not guilty.
2. Defendant denies each and every allegation in the count.

McCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By *Sam May Jr.*  
Attorneys for Defendant

Service of a copy of the foregoing is hereby accepted on this the 8<sup>th</sup> day of March, 1961.

*DR Cole Jr.*  
*Joseph M. H. Clark*  
Attorney for Plaintiff

FILED  
MAR 9 61  
CLERK OF COURT  
BALDWIN COUNTY, ALABAMA

LAW OFFICES OF  
D. R. COLEY, JR.  
302-6 FIRST FEDERAL SAVINGS BUILDING  
106 ST. JOSEPH STREET  
MOBILE, ALABAMA

CHRIS C. DELANEY  
D. R. COLEY, III  
JOSEPH M. HOCKLANDER

NEW ADDRESS  
6th FLOOR WATERMAN BUILDING

August 17, 1960

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

Dear Mrs. Duck:

I am enclosing herewith copies of summons and  
complaint in two cases:

Ellen Taylor vs. Greer's at Fairhope, Inc., and  
William Leon Taylor vs. Greer's at Fairhope, Inc.,  
to be filed in the Circuit Court of Baldwin County.

I will appreciate it if you will see that these  
are filed for me.

It is necessary that they be filed not later  
than Saturday of this week.

Your courtesy will be appreciated.

Very truly yours,

  
D. R. Coley, Jr.

C/D  
Certified Mail  
Return Receipt Requested