

WILLIAM LEON TAYLOR,  
Plaintiff,

vs.

GREER'S AT FAIRHOPE, INC.,  
a corporation, doing business  
in Baldwin County, Alabama,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

72-4393

COUNT ONE: Plaintiff claims of the Defendant the sum of TEN THOUSAND 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 the 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 Ellen Taylor, the wife of the 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, the said wife of the Plaintiff received personal injuries in, this, to-wit, her left leg, left flank and back were bruised, sprained and injured, and she was otherwise hurt, made sick and sore, was caused to suffer 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 and was rendered unable to perform her wifely

duties, and to attend to her household affairs, was permanently injured and disabled, so that Plaintiff was put to great expense in employing medical aid and buying medicines to treat her said injuries, was deprived of the services of his wife for a great length of time, and will be in the future; all as a proximate consequence of the negligence of the Defendant, as aforesaid; for all of which he claims damages as aforesaid.

COUNT TWO: Plaintiff claims of the Defendant the sum of TEN THOUSAND 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's wife, Ellen Taylor, was in said store as an invitee or customer of the Defendant, and then and there an agent, servant or employee of the 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 said wife of the Plaintiff, and as a proximate consequence and result thereof, Plaintiff's said wife received severe personal injuries in this, to-wit, her left leg, left flank and back were bruised, sprained and injured, and she was otherwise hurt, made sick and sore, was caused to suffer 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 and was rendered unable to perform her wifely duties,

and to attend to her household affairs, was permanently injured and disabled, so that Plaintiff was put to great expense in employing medical aid and buying medicines to treat her said injuries, was deprived of the services of his wife for a great length of time, and will be in the future; 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 he claims damages as aforesaid.

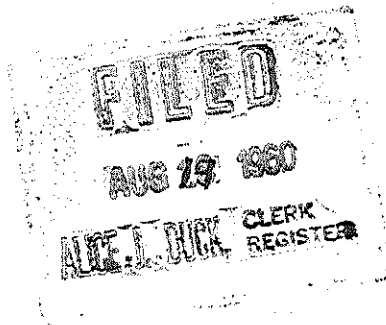
D. P. Carey, Jr.  
D. P. Carey III

ATTORNEYS FOR PLAINTIFF

Plaintiff respectfully requests a trial by jury.

D. P. Carey, Jr.  
D. P. Carey III

ATTORNEYS FOR PLAINTIFF





No. 4393

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The State of Alabama

Baldwin County

CIRCUIT COURT

WILLIAM LEON TAYLOR

Plaintiffs

vs.

GREER'S AT FAIRHOPE, INC. A CORP  
d/b in Baldwin County Alabama

Defendants

Summons and Complaint

Filed 8-19- 1960

Alice J. Duck

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

8/19/60

, 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

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY

Donner  
DEPUTY SHERIFF

Taylor Wilkins Sheriff

W. O. Garner Deputy Sheriff

Fhope

WILLIAM LEON TAYLOR,	:	IN THE CIRCUIT COURT OF
	:	
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
	:	
VS.	:	
	:	
GREER'S AT FAIRHOPE, INC.,	:	NO. _____
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 Ellen Taylor, is but a conclusion of the pleader.

2. The count is vague, uncertain and indefinite.

3. For aught that appears, Ellen Taylor was not injured as a proximate result of any negligence on the part of the Defendant.

4. For aught that appears, the allegation that Ellen Taylor 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 Ellen Taylor by the Defendant at the time and place complained of.

McCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By *James S. 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 L. DUCK, CLERK  
REGISTER

*DR. [Signature]*  
Attorney for Plaintiff

WILLIAM LEON TAYLOR,	:	IN THE CIRCUIT COURT OF
	:	
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
	:	
VS.	:	
	:	NO. _____
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 *Samuel E. 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.

*W. R. Coley Jr.*  
*Joseph M. Hasklander*  
Attorney for Plaintiff

*Filed 3-9-61*  
*Alvin J. Huch*  
*Clerk*