

✓ 107  
124  
24

BOX 1896

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In the Baltimore City Court

George T. Yeager

BOX 1896

Plaintiff

vs

Emma J. Smothers

Defendant

1412 Presotman St.

DECLARATION

BOX 1896

Mr. Clerk:

Please file etc.

William Reinfeld

Atty for plaintiff

BOX 1896

FILED AUG 27 1936

Box 67

3/32/1/15

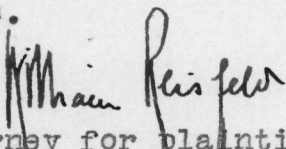
George T. Yeager :  
Plaintiff :  
vs : In the Baltimore City Court:  
Emma J. Smothers :  
Defendant :  
1412 Presotman St. :

The Plaintiff, by William Reisfeld, his attorney, sues Emma J. Smothers, defendant

For that heretofore and on or about the 15th day of August 1936, the plaintiff's ~~xxxx~~ son, George T. Yeager, 3rd. a minor, while lawfully on or near the sidewalk at Hammonds Ferry Road, Lansdowne, Baltimore County, State of Maryland, a public highway and thoroughfare in said city and county aforesaid, and being then and there in the exercise of due and proper care, and without any negligence on his part, an automobile bearing license No. 140-488 owned and operated by defendant, her agents, servants or employees, so carelessly, negligently and unlawfully operated said automobile, as to cause the same to strike and knock down the said plaintiff's son, causing him very serious, painful and permanent injuries; that said injuries have confined him and continues to confine him to a hospital for medical and surgical treatment, and he is informed that he will continue to be son confined for a long time to come. That the plaintiff has been obliged to expend and incur large sums of money for hospital and medical attention and will continue to expend large sums of money in the future in endeavoring to cure him of said injuries. That he has been deprived of the services of his son and will continue to be so deprived for a long period of time. That he has also been damaged in the destruction of a bicycle as a result of said accident.

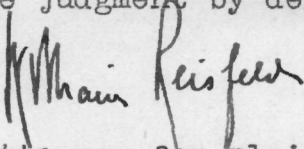
And the plaintiff further says that the aforesaid injuries were caused solely by the negligence and want of due care on the part of the defendant, her agents, servants or employees, and without any negligence on the part of plaintiff's son directly or indirectly contributing thereto.

Wherefore this suit is brought and the plaintiff claims the sum of Two thousand dollars damages.

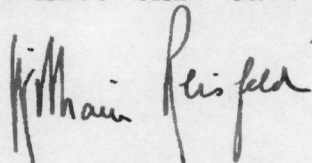
  
Attorney for plaintiff

To the Defendant: Emma J. Smothers

TAKE NOTICE: That on the day of your appearance in this action in the Baltimore City Court, a rule will be laid against you requiring you to plead to the within Declaration within the time prescribed by law, otherwise judgment by default will be entered against you.

  
Attorney for plaintiff

AND the plaintiff elects to have this case tried before a Jury.

  
Attorney for plaintiff

FILED FEB <sup>12</sup> ~~11~~ 1937

663

124  
24

IN THE  
BALTIMORE CITY COURT 70

Box 1896

GEORGE T. YEAGER  
Plaintiff

vs.

EMMA J. SMOTHERS  
Defendant

APPEARANCE

Mr. Clerk:

Please file, etc.

*Robert T. McGuinn*  
Attorney for Defendant.

ROBERT T. MCGUINN  
ATTORNEY AT LAW  
605-606 PHOENIX BUILDING  
BALTIMORE, MD.

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FILED FILED FEB 12 1937

GEORGE T. YEAGER  
Plaintiff

vs.

EMMA J. SMOTHERS  
Defendant

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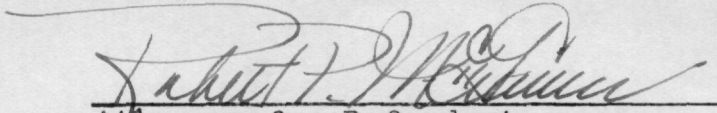
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IN THE  
BALTIMORE CITY  
COURT

Mr. Clerk:

Please enter my appearance in the above  
entitled Case.

  
\_\_\_\_\_  
Attorney for Defendant.

Box 1896

663  
20

IN THE  
BALTIMORE CITY  
COURT

FILED FEB 11 1937

GEORGE T. YEAGER  
Plaintiff

vs.

EMMA J. SMOTHERS  
Defendant

ORDER OF SATISFACTION

Mr. Clerk:

Please file, etc.

*Wm. Penner*  
Attorney for Plaintiff

*Robert T. McGuinn*  
Attorney for Defendant.

ROBERT T. MCGUINN  
ATTORNEY AT LAW  
605-606 PHOENIX BUILDING  
BALTIMORE, MD.

FILED FILED FEB 11 1937

GEORGE T. YEAGER  
Plaintiff

\*

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vs.

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EMMA J. SMOTHERS  
Defendant

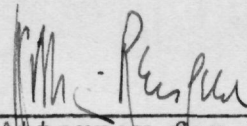
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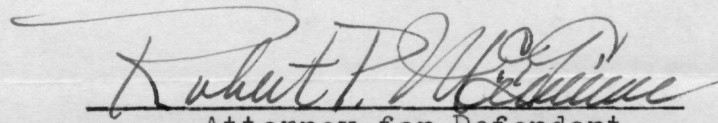
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To James B. Blake, Clerk of the Baltimore City Court:

Please enter this case "AGREED, SETTLED and  
SATISFIED", the defendant to pay costs.

  
\_\_\_\_\_  
Attorney for Plaintiff

  
\_\_\_\_\_  
Attorney for Defendant.



P-97  $\frac{663}{70}$

No. 104 Sept R. D., 1936

**Baltimore City Court.**

*G. T. Yeager*

vs.  
*E. J. Smothers*

**WRIT OF SUMMONS**

Cop. of Nar and Notice to plead  
within to be served on defendant.

*Am. Rensfeld*  
Attorney for Plaintiff

FILED 15 1936

Filed.....day of.....1936

14



*Summoned and a copy of Nar and  
Notice to Plead left with the  
Defendant.  
mop J. J. Joseph C. Slegan  
9/2/36 Sheriff.*

STATE OF MARYLAND

BALTIMORE CITY, to wit.

To the Sheriff of Baltimore City, Greeting:

You are commanded to summon.....

Emma J. Smothers

of Baltimore City, to appear before the Baltimore City Court, to be held at the Court House in the same City, on the second Monday of September next, to answer an action at the suit of.....

George T. Yeager

and have you then and there this writ.

Witness the Honorable SAMUEL K. DENNIS, Chief Judge of the Supreme Bench of Baltimore

City, the 16 day of May 1936

Issued the 28 day of May in the year 1936

James B. Blake Clerk.

104

663  
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663  
70

FILED OCT 16 1936

In the Baltimore City Court

Box 1896

George T. Yeager

Plaintiff

vs

Emma J. Smothers

Defendant

Answer to Petition & Order

Mr. Clerk: Please file.

*Thurgood Marshall*  
Attorney for Defendant.

THURGOOD MARSHALL  
ATTORNEY AT LAW  
PHOENIX BUILDING  
4 E. REDWOOD STREET  
BALTIMORE, MD.

FILED FILED OCT 16 1936

George T. Yeager

Plaintiff

vs.

Emma J. Smothers

Defendant

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In the Baltimore City Court

The answer of the defendant to the petition and order to show cause why the judgment of non pros should not be stricken out shows:

1. That answering the first paragraph of the petition the defendant denies the allegations of fact contained therein except the allegations as to the plaintiff being confined to a hospital and to these allegations the defendant has no knowledge.

2. That the defendant admits that he served a copy of the demand for a bill of particulars on the attorney for the plaintiff on the 3rd day of September, 1936. That the defendant failed to comply with the rules of this Court and failed to file a bill of particulars within the fifteen days prescribed by law. That on the 21st day of September the defendant prayed for a judgment of non pros and the same was ordered.

3. That the attorney for the plaintiff communicated with the attorney for the defendant several days later and the attorney for the defendant declined to consent to strike out the judgment of non pros.

4. That the attorney for the defendant denies making any statements set out in paragraph three, on the second page of the petition.

5. The defendant denies the allegations of paragraph four of the petition except that plaintiff's father is employed by the B. & O. R.R.

6. In answer to the petition the defendant says that the plaintiff has not shown any grounds entitling him to have the judgment of non pros stricken out and says further that the bill of particulars filed with the petition is insufficient and not an answer to the demand for a bill of particulars.

*Thurgood Marshall*  
Attorney for Defendant.

Service of copy of answer to petition and order admitted this

16 day of October, 1936.

William Kery

In the Baltimore City Court

✓  
104 Sep

George T. Yeager,  
Plaintiff

VS

Emma J. Smothers,  
Defendant

Demand for Bill of Particulars

Mr. Clerk: Please file.

*Thurgood Marshall*  
Attorney for Defendant.

THURGOOD MARSHALL  
ATTORNEY AT LAW  
PHOENIX BUILDING  
4 E. REDWOOD STREET  
BALTIMORE, MD.

George T. Yeager,  
Plaintiff

vs

Emma J. Smothers,  
Defendant

:

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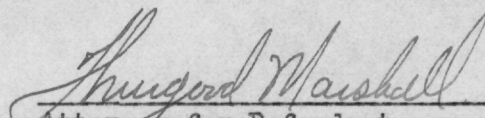
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In the Baltimore City Court

Emma J. Smothers, defendant, by Thurgood Marshall, her attorney, demands the particulars of the plaintiff's claim and especially wherein:

- (a) That plaintiff's son was caused to suffer very serious, painful and permanent injuries.
- (b) That said injuries have confined him and continue to confine him to a hospital for medical and surgical treatment.
- (c) That he will continue to be so confined for a long time to come.
- (d) That plaintiff has been obliged to expend and incur large sums of money for hospital and medical attention.
- (e) That plaintiff will continue to expend large sums of money in future in endeavoring to cure him of said injuries.
- (f) That plaintiff has been deprived of the services of his son and will continue to be so deprived for a long period of time.

  
\_\_\_\_\_  
Attorney for Defendant.

3<sup>d</sup> Service of copy of Demand for Bill of Particulars admitted this  
day of September, 1936.

Wm. R. [unclear]



104 Sep

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In the Baltimore City Court

FILED SEP 21 1936

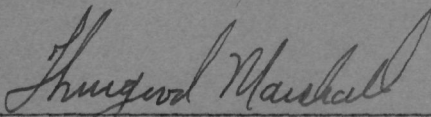
George T. Yeager,  
Plaintiff

vs

Emma J. Smothers,  
Defendant

Motion for Judgment of Non Pros  
and  
Order thereon

Mr. Clerk: Please file.

  
\_\_\_\_\_  
Attorney for Defendant.

THURGOOD MARSHALL  
ATTORNEY AT LAW  
PHOENIX BUILDING  
4 E. REDWOOD STREET  
BALTIMORE, MD.

FILED FILED SEP 21 1936

George T. Yeager,  
Plaintiff

vs

Emma J. Smothers,  
Defendant

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:

In the Baltimore City Court

The defendant, Emma J. Smothers, by Thurgood Marshall, her attorney, moves for a judgment of Non Pros for failure of the plaintiff to file a Bill of Particulars according to the rules of Court.

*Thurgood Marshall*  
\_\_\_\_\_  
Attorney for Defendant

ORDERED this 21<sup>st</sup> day of September, 1936

that the judgment be entered as prayed.

X

*Eugene O'Spune*  
\_\_\_\_\_

*OK  
W. H. Shaw*

FILED SEP 30 1936

104 Sep

Box 1896

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In the Baltimore City Court

George T. Yeager

Plaintiff

vs

Emma J. Smothers

Defendant

Order to Show Cause

Mr. Clerk:

Please file etc.

*Wm Main Keefe*

Atty for plaintiff

To

Thurgood Marshall  
Atty for defendant

4 E. Redwood St

Service of a copy of the within  
is hereby admitted this 7 day of  
October 1936

*Thurgood Marshall*

Atty for defendant

FILED SEP 30 1936

George T. Yeager of Part: culars which is hereto attached.

That the Plaintiff attorney: declined to do so.

That the attorney for defendant has stated that his  
vs In the Baltimore City Court  
client is financially irre: possible and the goal of

Emma J. Smothers have di: lously in avoiding responsibility

70/663

for the Defendant that: therefore the only service he can render

for her is to take advantage of any technicality that may arise.

The plaintiff, by William Reisfeld, his attorney, represents

to your Honor: the only question to be determined at the trial of

1. That on or about the <sup>27<sup>th</sup></sup> day of August 1936 suit was  
filed in this Court against the defendant to recover for personal  
injuries sustained by the plaintiff's son, nine years of age, as  
a result of being struck and knocked down by defendant's automobile  
on August 15, 1936 when the defendant's automobile drove on to the  
sidewalk at Hammond's Ferry Rd. near First Avenue, Lansdown, Md.  
and severely injured the plaintiff's son. This suit is for hospital  
and medical expenses as well as for the loss of the son's services.  
That the plaintiff's son is still confined to St. Agnes Hospital  
and will continue to be so confined for a long period of time.

2. That on or about the <sup>3<sup>rd</sup></sup> day of *September* 1936 the defend-  
ant served on the plaintiff's attorney a demand for a Bill of  
Particulars as to the nature and extent of the injuries, but  
through inadvertance on the part of plaintiff's attorney, a Bill  
of Particulars was not filed within the prescribed time. Within a  
day or two after the expiration of the time for the service of a  
Bill of Particulars, the attorney for defendant, without in any  
manner communicating with the attorney for plaintiff, entered a  
judgment of non pros in this case.

3. That the attorney for plaintiff immediately thereafter  
communicated with the attorney for defendant and asked him to  
consent to strike out the judgment of non pros and to accept

service of the Bill of Particulars which is hereto attached.  
That the defendant's attorney declined to do so.

3. That the attorney for defendant has stated that his client is financially irresponsible and that under the facts of the case, she will have difficulty in avoiding responsibility for the accident and that therefore the only service he can render for her is to take advantage of any technicality that may arise.

4. That the plaintiff has a good and meritorious cause of action and the only question to be determined at the trial of this case is the question of damages. That the plaintiff is employed by the B & O R. R. and is at the present time under great expense in meeting the bills of the St. Agnes Hospital and the doctor's bills and if required to pay the costs in this case, it will impose a very great hardship on him.

WHEREFORE the plaintiff prays for an order striking out the judgment of non pros entered in this case on the 21<sup>st</sup> day of September 1936 and for leave to serve the Bill of Particulars hereto annexed and for such other and further relief as may be just and proper in the premises.

*George T. Yeager*  
*William B. Yeager*  
Plaintiff

*William Reinfeld*  
\_\_\_\_\_  
Attorney for plaintiff

State of Maryland, City of Baltimore, to wit:

I Hereby Certify that on this 30<sup>th</sup> day of September 1936 before me, the subscriber, a Notary Public of the State of Maryland in and for the City of Baltimore, aforesaid, personally appeared George T. Yeager, the plaintiff in the above entitled case, and made oath in due form of law that the matters of fact therein stated are true to the best of his knowledge and belief.

As witness my hand and notarial seal.

*Harry Brewer*  
Notary Public



ORDER

ORDERED this 30<sup>th</sup> day of September 1936 by the Baltimore City Court, that the defendant show cause on the 15<sup>th</sup> day of October 1936 why the Judgment of Non Pros heretofore entered in this case should not be stricken out and why the time to serve the annexed Bill of Particulars should not be extended and the relief prayed for in this proceeding should not be granted,

PROVIDED that a copy of these papers and of this Order be served on the defendant or her attorney, on or before the 5<sup>th</sup> day of October 1936.

*Raymond D. ...*

George T. Yeager :  
Plaintiff :  
vs : In the Baltimore City Court  
Emma J. Smothers :  
Defendant :

BILL OF PARTICULARS

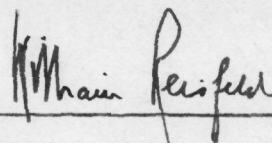
The Plaintiff, in answer to the demand for a Bill of Particulars, states as follows:

The plaintiff's son sustained a fracture of the right femur and injury to the knee joint. Upon information and belief the fracture of the right femur will be of a permanent nature.

Plaintiff<sup>son</sup> also sustained a contusion of the forehead, contusion over the left eye and a severe contusion and abrasion of the back.

The plaintiff's son has been confined to St. Agnes Hospital since the day of the accident and will continue to be confined there for several more weeks.

That plaintiff will be obliged to pay the hospital bills, doctor's bills, X ray bills, and all other bills for treatment of his son, and that the exact amount of such bills cannot be definitely ascertained at this time.



Attorney for plaintiff