

124/24  
03

BOX 1896

662  
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In the Baltimore City Court

George T. Yeager, 3rd, a  
minor, etc.

Plaintiff

vs BOX 1896

Emma J. Smothers

Defendant

1412 Presotman St.

DECLARATION

Mr. Clerk: BOX 1896

Please file etc.

William Reifels

Atty for plaintiff

FILED AUG 27 1936

Box 67

3132 | 1 | 15

George T. Yeager, 3rd.  
a minor, by George T. Yeager,  
his father and next friend,  
Plaintiff

vs

Emma J. Smothers  
Defendant

1412 Presbman St.

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: In the Baltimore City Court  
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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, <sup>a minor,</sup> while lawfully on or near the side-  
walk 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 un-  
lawfully operated said automobile, as to cause the same to strike  
and knock down the plaintiff, thereby causing him to sustain 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 that some of said ~~injriess~~ injuries are  
of a permanent nature.

That at the time of said occurrence the plaintiff was  
exercising due and reasonable care and diligence and that he did  
not in any way contribute thereto and that said accident was caused  
solely by the negligence and want of due care on the part of the  
defendant, her agents, servants or employees.

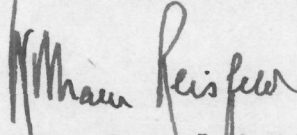
Wherefore this suit is brought and the plaintiff claims  
Ten thousand dollars damages.

*William Reisfeld*  
Attorney for plaintiff



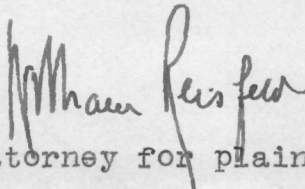
To the Defendant: Emma J. Smothers.

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 attend and 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 SEP 30 1936

103 Sep

Box 1896.

662  
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In the Baltimore City Court

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George T. Yeager, 3rd etc.

Plaintiff

vs

Emma J. Smothers

Defendant

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Order to Show Cause  
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Mr. Clerk:

Please file etc.

*William Reister*  
Atty for plaintiff

Service of a  
Copy of the within is hereby  
admitted this 2 day of  
Oct. 1936

*Thurgood Marshall*  
Atty for defendant

To  
Thurgood Marshall  
Atty for defendant  
42. Redwood St

FILED SEP 30 1936

George T. Yeager, 3rd  
a minor, by George T. Yeager  
his father and next friend,

Plaintiff

vs

Emma J. Smothers

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In the Baltimore City Court

70/662

The plaintiff, by William Reisfeld, his attorney,  
represents to your Honor:

1. That on or about the <sup>th</sup>27 day of August 1936 suit was  
filed in this Court against the defendant to recover for personal  
injuries sustained by the plaintiff as a result of being struck  
by defendant's automobile on August 15, 1936 when the defendant's  
automobile drove on to the sidewalk at Hammond's Ferry Road near  
First Avenue, Lansdwone, Md. and severely injured the plaintiff,  
nine years of age. That the plaintiff is now 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>th</sup>3 day of *Sept.* 1936 the  
defendant served on the plaintiff's attorney ~~for~~ a demand for a  
Bill of Particulars as to the nature and extent of the injuries,  
but through inadvertance a Bill of Particulars was not filed  
within the prescribed time. Within a day or two after the expir-  
ation of the time for the service of such Bill of Particulars,  
the attorney for defendant, without in any manner communicating  
with the attorney for the plaintiff, entered a judgment of non  
pros in this case.

3. That the attorney for the plaintiff immediately  
thereafter communicated with the attorney for defendant and asked



him to consent to strike out the order 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 great difficulty in shirking 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's father 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 for 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 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 J. Yeager*  
*William J. Yeager*  
Plaintiff

*Wm. H. Reiser*  
\_\_\_\_\_  
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 father and next friend of George T. Yeager, 3rd, 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 A. Bruner*  
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 shall not be extended and the relief prayed for in this proceeding should not be granted, PROVIDED 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 O'Dunn*

George T. Yeager, 3rd  
a minor, by George T. Yeager,  
his father and next friend,

plaintiff

vs

Emma J. Smothers,

defendant

In the Baltimore City Court

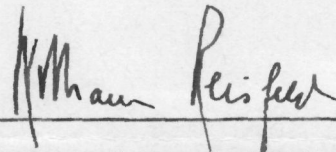
BILL OF PARTICULARS

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

The plaintiff 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 also sustained a contusion of the forehead, contusion over the left eye and a severe contusion and abrasion of the back.

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



Attorney for plaintiff

Box 1896

662  
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IN THE  
BALTIMORE CITY COURT

FILED FEB 11 1937

GEORGE T. YEAGER, 3rd,  
a minor, by GEORGE T. YEAGER,  
his father and next friend.

vs.

EMMA J. SMOTHERS

ORDER OF SATISFACTION

Mr. Clerk:

Please file, etc.

*William R. Ruffin*

Attorney for Plaintiff.

*Robert P. McGuinn*

Attorney for Defendant.

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

FILED

FILED FEB 11 1937



GEORGE T. YEAGER, 3rd, \*  
a minor, by GEORGE T. YEAGER, \*  
his father and next friend. \*

vs. \*

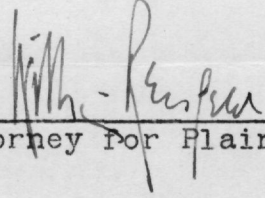
EMMA J. SMOTHERS \*

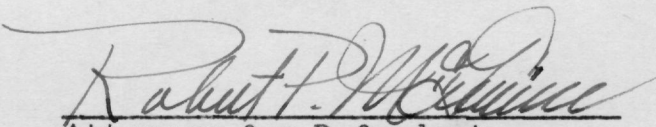
\* \* \*

IN THE  
BALTIMORE CITY  
COURT

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.

FILED NOV 20 1936

662

124  
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IN THE  
BALTIMORE CITY COURT

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GEORGE T. YEAGER, 3rd  
a minor, by GEORGE T.  
YEAGER, his father and  
next friend,

Plaintiff

vs.

EMMA J. SMOTHERS,

Defendant

APPEARANCE

Mr. Clerk:

Please file, etc.

*Robert P. McGuinn*  
Attorney for Defendant

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

FILED FILED NOV 20 1936



GEORGE T. YEAGER, 3rd a  
minor, by GEORGE T. YEAGER  
his father and next friend,

Plaintiff

vs

EMMA J. SMOTHERS

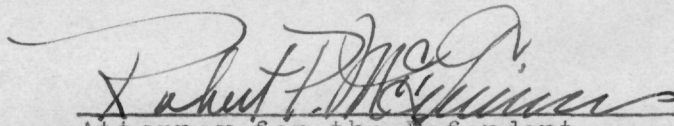
Defendant

IN THE BALTIMORE CITY

COURT

Mr. Clerk:

Please enter my appearance in the above entitled  
case.

  
\_\_\_\_\_  
Attorney for the Defendant



103

*sep*

$\frac{662}{70}$

In the Baltimore City Court

FILED SEP 21 1936

George T. Yeager, 3rd,  
a minor, by George T. Yeager,  
his father and next friend,  
Plaintiff

vs

Emma J. Smothers,  
Defendant

Motion for Judgment of Non Pros  
and  
Order thereon

Mr. Clerk: Please file.

*Thurgood Marshall*  
Attorney for Defendant

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

FILED FILED SEP 21 1936

George T. Yeager, 3rd,  
a minor, by George T. Yeager,  
his father and next friend,  
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 *L. J. O'Dunn*  
\_\_\_\_\_

*OK  
M. Chase*

PERMANENT RECORD

103

662

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FILED OCT 16 1936

In the Baltimore City Court

Box 1896

George T. Yeager, 3rd,  
a minor, by George T. Yeager,  
his father and next friend

vs.

Emma J. Smothers

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, 3rd,  
a minor, by George T. Yeager,  
his father and next friend

vs.

Emma J. S. mothers

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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.

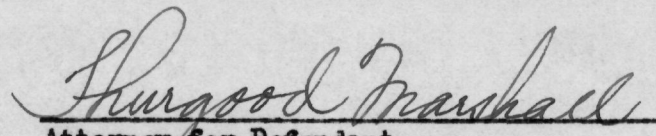
2. That the defendant admits that he served a copy of the demand for a bill of particulars on the attorney for the plaintiff on the 3rd day of September, 1936. That the defendant failed to comply with the rules of this Court and failed to file a bill of particulars within the fifteen days prescribed 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.

  
Attorney for Defendant.

Service of copy of answer to petition and order admitted this

16 day of October, 1936.

Muller

p. 97 662/40

No. 103 Sept R. D., 1936

Baltimore City Court.

G. J. Yeager  
Et al

vs.  
E. J. Smothers

1412 Prestman St.

WRIT OF SUMMONS

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

Wm. Rensfeld  
Attorney for Plaintiff

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

14

Summured and a copy of Nar  
and Notice to Plead left with the  
Defendant.  
Joseph C. Seegeran  
Sheriff  
9/2/36  
Dec 50's





WRIT OF SUMMONS

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, 3rd a minor by George T. Yeager his father and next friend*

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*.....193 *6*

Issued the.....*28*.....day of.....*May*.....in the year 193 *6*

*James B. Black*..... Clerk.

~~FILED~~ FILED SEP 3 1936 <sup>662</sup>/<sub>70</sub>

In the Baltimore City Court

103 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.

FILED FILED SEP 3 1936

George T. Yeager, 3rd,  
a minor, by George T. Yeager,  
his father and next friend,  
Plaintiff

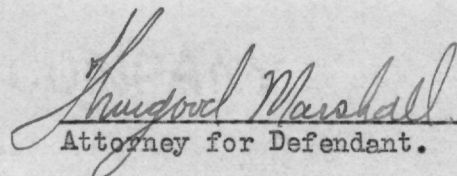
vs

Emma J. Smothers,  
Defendant

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

- (a) That the plaintiff was caused to sustain very serious, painful and permanent injuries.
- (b) That said injuries have confined him and continues to confine him to a hospital for surgical treatment.
- (c) That some of said injuries are of a permanent nature.

  
Attorney for Defendant.



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

Wm. R. Jones