

3/32/3/29

202/13
✓
over

IN THE BALTIMORE CITY

COURT.

BOX 1317

ALICE PARKER

VS.

FRANK COHEN and
DAVID MILLER.

DECLARATION.

Mr. Clerk:-

Please file.

Davis Evans

ATTORNEYS FOR PLAINTIFF.

DAVIS & EVANS,

ATTORNEY AT LAW
215 SAINT PAUL PLACE
BALTIMORE, MD.

FILED APR 15 1926

BAUMGARTEN & CO., INC.

ALICE PARKER

:

IN THE

VS.

FRANK COHEN and
DAVID MILLER

:

BALTIMORE CITY COURT.

Alice Parker, plaintiff, by her attorneys, Davis and Evans, sues Frank Cohen and David Miller, defendants.

1. For that on or about the 2nd day of January, 1926, the defendants were the owners of premises known as 1526 E. Fairmount Avenue.

2. That the plaintiff was, at the time of the accident hereinafter complained of, an occupant or tenant in one of the flats or apartments on the above mentioned property or premises. That on or about the 2nd day of January, 1926, while the plaintiff with due care for her own safety, was descending the stairs, one of the means of ingress and egress to the above mentioned flat or apartment, she was thrown from the steps to the bottom landing as a result of a defective condition of a step or one or more of the steps used as aforesaid, and as a result thereof she was seriously and permanently injured about the head, limbs and body and she became and was sick, sore, lame and disordered and so remained for a long time, to wit: from thence hitherto, during all of which time she was forced to and did spend large sums of money in attempting to cure herself of her hurts and wounds occasioned as aforesaid, and was prevented from performing her usual occupation.

AND the plaintiff says that all of her afore said injuries and damages were caused by the carelessness and want of due care on the part of the defendants or either of them and that she in no wise contributed thereto.

WHEREFORE suit is brought and the plaintiff claims \$10,000 damages.

Davis T Evans

ATTORNEYS FOR PLAINTIFF

The plaintiff elects to have this case tried before a Jury and prays leave of Court to do so.

Davis T Evans

ATTORNEYS FOR PLAINTIFF.

TO THE DEFENDANTS;

TAKE NOTICE: That on the day of your appearance to this action in The Baltimore City Court, a rule will be entered requiring you to plead to the above declaration within thirty days.

Davis T Evans

ATTORNEYS FOR PLAINTIFF.

WRIT OF SUMMONS

STATE OF MARYLAND

BALTIMORE CITY, to wit.

To the Sheriff of Baltimore City, Greeting:

You are commanded to summon.....

3/4/26/3 Frank Cohen and
5-5-26 #8 David Miller

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 May next, to answer an action at the
suit of

Alie Parker

and have you then and there this writ.

Witness the Honorable JAMES P. GORTER, Chief Judge of the Supreme Bench of Baltimore

City, the 11th day of Jan 1926

Issued the 15th day of Apr in the year 1926

Geo. Carey Lindsay Clerk.

P-145528

No. 29 May R. D. 1926

Baltimore City Court.

Alice Parker

vs.

Frank Cohen
et. al

WRIT OF SUMMONS

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

Harris & Evans

Attorney for Plaintiff

Filed

FILED MAY 12 1926
day of

1926

J

Summoned "Amby" and a copy of Nar
and Notice to plead left with each defendant

Res. 1/60
John E. Potei
Sheriff

(Buch
5-4-26
Mitchell
5-5-26)

May 528

IN THE
BALTIMORE CITY COURT

ALICE PARKER

VS

FRANK COHEN and
DAVID MILLER

PLEA.

MR. CLERK:

Please file, etc.

Simon Silverberg
Attorney for Defendants.

LAW OFFICES
SIMON SILVERBERG
SILVERBERG BUILDING
508 SAINT PAUL PLACE
BALTIMORE, MD.

FILED FILED MAY 10 1926

ALICE PARKER

VS

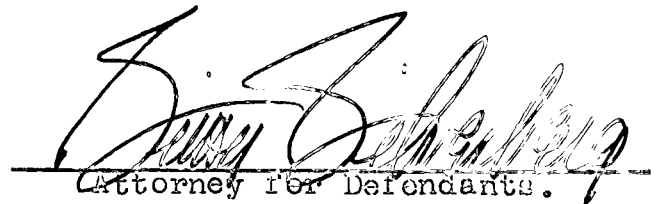
FRANK COHEN and
DAVID MILLER

IN THE

BALTIMORE CITY COURT

FRANK COHEN and DAVID MILLER, Defendants, by SIMON SILVERBERG, their Attorney, for a Plea to the Declaration filed in the above entitled cause say:

That they did not commit the wrongs alleged.


Attorney for Defendants.

300
1st—3 Weeks January Term, 1927

(Beginning Monday, January 10, 1927.)

BALTIMORE CITY COURT

Alice Parker

Frank Cohen and
David Miller

Jury Sworn January 16th 1927.

1 Chas Eyth Foreman.

~~CHARLES SCHAFFER, Plumbing and Heating Contractor,
900 Beaumont Ave.~~

~~WM. F. HOLZAPFEL, Electric Plater, 2792 The Alameda.~~

~~PHILIP E. BUCKEY, Salesman, Von Schlegell-Fox Motors,
Inc., 1023 N. Caroline St.~~

~~W. ROSWELL JONES, V. Pres., Lucy Candy Co., Inc.,
Jones' Sta., Park Heights Ave.~~

~~JOHN McFARLAND WENTZ, Bookkeeper, Egerton Bros.,
1812 W. Baltimore St.~~

~~ROBT. LEE BEARDN, Commission Merchant,
3611 Springdale Ave.~~

✓ HOWARD L. FRANCK, Propr., Md. Roofing Co.,
2511 Harlem Ave.

~~J. WALTER GRESSITT, Commission Merchant,
5107 Whiteford Ave.~~

~~WM. ROBERT STEINER, Spmt. Carbon Storage Warehouse
Co., 4303 Liberty Heights Ave.~~

~~ALBERT D. STERN, Insurance, 209 White Ave., Raspe.~~

3 AUGUST L. MARTIN, Salesman, John E. Hurst & Co.,
1208 Belmont Ave.

4 CARYL L. PEPPLER, Office Mngr., M. S. Levy & Sons, Inc.,
3417 Guilford Terrace.

~~LEON S. BASS, Salesman, Pollacks Furniture Store,
837 Whitelock St.~~

5 GEORGE E. HALSEY, V.-Pres., The Price Construction Co.,
1900 Bolton St.

6 JAS. E. S. LANSDALE, Mngr., C. D. Kenny Co.,
543 N. Chester St.

7 GERMANUS M. FORTHMILLER, Salesman, Lawrence
Ellerbrook, Inc., 1742 Montpelier St.

8 RICHARD E. JENKINS, Salesman and Estimator, Stewart
& Co., 3901 Edmondson Ave.

~~AUGUST W. PRESGRAVES, Antique Dealer,
2419 E. Oliver St.~~

9 WM. J. BOLLINGER, Confectioner, 2114 Edmondson Ave.

CHAS. EYTH, Salesman, Wachusett Shirt Co.,
24 S. Ellwood Ave.

~~WM. MORRIS, Salesman, Wm. J. B. Shanks,
2310 E. Oliver St.~~

10 JOS. A. BUTT, Fruit Packer, 17 Altona Ave.

11 GEO. W. STEPHENS, JR., Civil Engr., The Roland Park
Co., 406 Wilmslow Road.

12 MARK D. HARRIGAN, Harrigan Roller Co., 2909 St. Paul

~~ROBERT E. LEE HODGES, Auto Appraiser, Von Schlegell
Fox Motors, Inc., 2720 Auchentoroly Terrace.~~

528
59

Parker

no

Cohen

et al

defects panel

7/50
1st—3 Weeks January Term, 1927

(Beginning Monday, January 10, 1927.)

BALTIMORE CITY COURT

Alicia Parker

Frank Cohen and David Miller

Jury Sworn *Jan. 16th* 1927.

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Fox Motors, Inc., 2720 Auchentoroly Terrace.~~

528
59

Parker

vs

Cohen et al

Pltffs panel

5-28-59

In Baltimore City Court.

ROOM 134

January Term, 1927

The Sheriff will please summon the following witnesses:

Returnable on Wednesday the 26th day of January
1927, at 10 o'clock A. M.

ALICE PARKER

:

IN THE BALTIMORE CITY

VS.

FRANK COHEN and
DAVID MILLER

:

COURT

Mr. Clerk:-

Please issue summons for the following and make
same returnable January 26, 1927 at 10 A.M. before Judge Owens.

- 3 Alice Parker ^{OP} 1526 E. Fairmount Ave.,
- 3 Orange Parker ^{OP} 1526 E. Fairmount Ave.,
- 2 Dr. Bernard Harris ^{OP} 38 S. Caroline St.

Davis & Evans.

Attorneys for Plaintiff

Parker
vs
Cohen & ✓



Entered

Jan 67

In Baltimore City Court.

ROOM 134

January Term, 1927

The Sheriff will please summon the following witnesses:

Returnable on Tuesday the 25 day of January
1927, at 10 o'clock A. M.

ALICE PARKER

vs.

FRANK COHEN and DAVID MILLER

Baltimore City Court.

January Term 1927

No. 300 Trials

MR. LINDSAY, Clerk,

Please issue summons for the follow witnesses:

18 Frank Cohen, 350 S. Calhoun St.

18 David Miller, 1306 W. Franklin St.

to testify for the Defendants

Returnable Tuesday the 25 day of January
1927 at 10 o'clock A. M.

[Signature]
Attorney for Defendants

Parker

UP

Cohen & Co



Entered

Jul 67

Defendants' 6th Prayer

The Defendants pray the Court to instruct
the jury that if they find the Plaintiff
was injured in consequence of being
thrown from ^{the slot} by Orange Parker, its verdict
must be for the Defendants

Yours truly

528
59

Parker

vs.

Cohen

et al

Granted

Prayer

DEFENDANTS'

4th

PRAYER.

The Defendants pray the Court to instruct the Jury that if they shall find from the evidence that the ~~Defendants~~^{Plaintiff} knew or by the exercise of ordinary diligence could have known of the alleged defective condition of the steps referred to in the evidence, but nevertheless persisted in using the same, then the verdict must be for the Defendants.

Granted

DEFENDANTS'

30

PRAYER.

The Defendants pray the Court to instruct the Jury that if they shall find from the evidence that the accident complained of was in any degree owing to a want of due care and caution at the time of the accident on the part of the Plaintiff directly thereunto contributing, then the verdict must be for the Defendants.

Granted

PLAINTIFF'S / PRAYER

The plaintiff prays the Court to instruct the jury that if they find a verdict for the plaintiff, then in estimating the damages they are to consider her health and condition before the injuries complained of as compared with her present condition in consequence of said injuries and whether they are in their nature permanent and also the physical and mental suffering to which she has been subjected by reason of said injuries and allow the plaintiff such damages as in the opinion of the jury will be a fair and just compensation for the injuries which she has sustained.

Grundy

DEFENDANTS' 5th PRAYER.

The Defendants pray the Court to instruct the Jury that unless they shall believe from the evidence that the Plaintiff had no knowledge of the alleged defective condition of the step or steps mentioned in the evidence and further that the Defendants did have such knowledge at the time of the original letting, but wilfully and deliberately did misrepresent to the Plaintiff and conceal from her the said alleged defective condition of the aforesaid step or steps, then their verdict must be for the Defendants.

Revised

528
24

Parker

vs.

Cohen et al

Refused prayer

DEFENDANTS'

28

PRAYER.

The Defendants pray the Court to instruct the Jury that there is no evidence in this case legally sufficient to entitle the Plaintiff to recover and therefore the verdict must be for the Defendants.

*This prayer is repeated, ^{principally for the record} ~~because~~
The defendants ^{attorney} in open Court said
he was willing to try the case on the
Declaration as filed, and raised no
no point of defect therein*

4/5
PLAINTIFF'S PRAYER

The plaintiff prays the Court to instruct the Jury that the plaintiff relied on the statement of the defendant as to the condition of the steps and that ^{if} she was not ^{guilty of contributory} ~~negligent~~ _{in ascertaining their defective condition,} then their verdict must be for the plaintiff.

Replied

PLAINTIFF'S 3 PRAYER

The plaintiff prays the court to instruct the jury that if they find from the evidence that the defendant undertook to and did make certain repairs to the steps, then their verdict must be for the plaintiff. *if they find that Alice Parker (Newton) was hurt as a result of these repairs having been made negligently*

Replied

PLAINTIFF'S 2 PRAYER

The plaintiff prays the Court to instruct the jury that if they find from the evidence that the defendants were owners of property 1526 E. Fairmount Avenue on the 2 day of Jan. 1926 as testified to by witnesses and if they further find that the defendant, Cohen made certain repairs to the steps and told the plaintiff that they were in good repair as testified to by the witnesses and that the plaintiff believed the steps to be safe, then their verdict must be for the plaintiff.

Refused

528

59.

IN THE
BALTIMORE CITY
COURT

ALICE PARKER

VS

FRANK COHEN and DAVID MILLER

Motion for New Trial

MR. CLERK:

Please file, etc.

Simon Silverberg
Attorney for Defendants

LAW OFFICES
SIMON SILVERBERG
SILVERBERG BUILDING
508 SAINT PAUL PLACE
BALTIMORE, MD.

FILED 28th Jan'y 1927

The Daily Record Co., Print, Baltimore Md.

at 12.00

ALICE PARKER
VS
FRANK COHEN and DAVID MILLER

(IN THE
(
(BALTIMORE CITY
(
(COURT

* * * * *

MOTION FOR NEW TRIAL

The Defendants in the above entitled cause by Simon Silverberg, their Attorney, move the Court to grant them a new trial upon the issues joined in said cause, for the following reasons;

1. Because the verdict rendered by the Jury which was impanelled to try said case on the 26th day of January 1927, was against the instructions of the Court.
2. Because the verdict is against the evidence.
3. Because the verdict is against the weight of the evidence.
4. Because the damages awarded are excessive.
5. And for other reasons to be shown at the hearing hereof.

Simon Silverberg
Attorney for Defendants

In the Baltimore City
Court,

Alice Parker
vs

Frank Cohen
and
David Miller

BNY 1317

Mr Clerk;

Please file

Davis Evans
attys for plaintiff

Filed March 3-1917

528
/1926

Alice Parker

In The Baltimore City

Vs.

Frank Cohen
and
David Miller

Court.

.....

Mr. Clerk:-

Please enter the judgment in the above entitled
case to the use of Helen Fisher.

Attest.

J. Stewart King
.....
George W. Evans

Alice Parker.....
Plaintiff

528

IN THE
BALTIMORE CITY
COURT

59

ALICE PARKER

Part 1317

VS

FRANK COHEN and
DAVID MILLER

Order of PAID and SATISFIED

Mr. CLERK:

Please file, etc.

Davis Evans

Attorneys for Plaintiff

Simon Silverberg

Attorney for Defendants

LAW OFFICES
SIMON SILVERBERG
SILVERBERG BUILDING
508 SAINT PAUL PLACE
BALTIMORE, MD.

FILED

April 27

ALICE PARKER

VS

FRANK COLLIER and
DAVID MILLER

IN THE

BAFFLE, OR ' 017

COURT

* * * * *

ER. CLERK:

Please enter the judgment in the above entitled cause
"PAID and SATISFIED."

Alice Parker
Plaintiff
Helew C. Fisher
Assignee

Davis Ewan
Attorneys for Plaintiff
Samuel Schubert
Attorney for Defendants