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THE MAY DEPT. STORES, CO., ETAL

SA

PHILIP HEZEKIAH SAVAGE, ET AL.

Robert F. Skutch, Jr.

William W. Cahill, Jr.

Weinberg & Green

Sol. for Complainant

Sol. for Respondent

[illegible]

In The Circuit Court No. 2 of Baltimore City

THE MAY DEPARTMENT STORES	:	IN THE
COMPANY, et al	:	
	:	CIRCUIT COURT NO. 2
Plaintiffs	:	
	:	OF
Vs.	:	
	:	BALTIMORE CITY
PHILIP HEZEKIAH SAVAGE,	:	
alias JAMES DUE, et al	:	Docket : 69A
	:	Folio : 77
Defendants	:	File : 36762A
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4-22-60
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JOINT PETITION AND ORDER OF COURT

The Joint Petition of the Plaintiffs and the Defendants by their counsel, respectfully represents unto the Court:

1. On March 25, 1960 the Plaintiffs filed their Bill of Complaint, herein, in which they alleged that the Defendants, their agents, representatives and persons unknown to the Plaintiffs acting in concert with the named Defendants, had committed, were continuing to commit, and threatened to commit in the future, the acts therein described, which acts have caused immediate, substantial, and irreparable injury to the Plaintiffs, and which such acts, if permitted to continue without restraint, would cause further substantial and irreparable damages to the Plaintiffs, before an adversary hearing could be had.
2. On March 25, 1960 this Court held a hearing in chambers with counsel for all parties, and after presentation of legal arguments by counsel for the respective parties, and examination of photographs and motion pictures of the activities described in the Bill of Complaint, temporarily enjoined and restrained the Defendants for a period of ten (10) days from continuing certain of their activities described in the Bill of Complaint.
3. On April 1, 1960 this Court, with the consent of the Defendants, continued the aforesaid temporary injunction for an additional period of ten (10) days, to and including April 14, 1960.

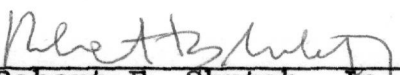
4. That on April 8, 1960 this Court, with the consent of the Defendants, continued the aforesaid temporary injunction for an additional period of ten (10) days, to and including April 23, 1960.

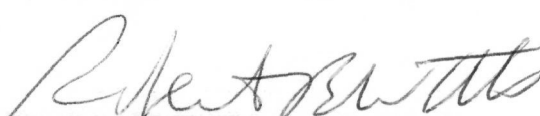
5. Counsel for Defendants have assured Plaintiffs and their counsel that the activities of the Defendants, and those acting in concert with them, described in the Bill of Complaint, will be discontinued. Plaintiffs in reliance upon such assurances have therefore agreed, subject to the approval of this Honorable Court that the Bill of Complaint be dismissed, without prejudice.

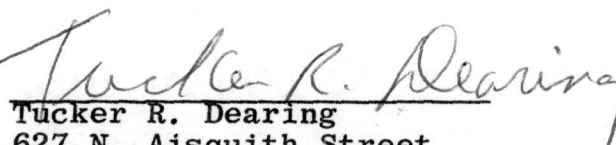
WHEREFORE, Plaintiffs and Defendants pray this Honorable Court to pass an Order dismissing the Bill of Complaint filed herein on March 25, 1960 without prejudice.

AND AS IN DUTY BOUND, etc.


William W. Cahill, Jr.


Robert F. Skutch, Jr.
Weinberg and Green
1635 Mathieson Building
Baltimore 2, Maryland
Attorneys for Plaintiffs


Robert B. Watts
1520 E. Monument Street
Baltimore 5, Maryland


Tucker R. Dearing
627 N. Aisquith Street
Attorneys for Defendants

THE MAY DEPARTMENT STORES	:	IN THE
COMPANY, et al	:	
	:	CIRCUIT COURT NO. 2
Plaintiffs	:	
	:	OF
Vs.	:	
	:	BALTIMORE CITY
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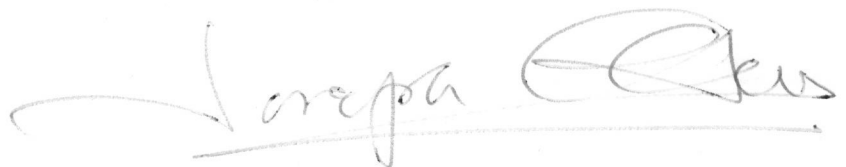
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ORDER OF COURT

Upon the foregoing Petition of Counsel for all of the parties to this action, it is this *22nd* day of April, 1960 by the Circuit Court No. 2 of Baltimore City

ORDERED

That the Bill of Complaint filed herein on March 25, 1960 be dismissed without prejudice.



JUDGE

THE MAY DEPARTMENT STORES
COMPANY, et al

Plaintiffs

Vs.

PHILIP HEZEKIAH SAVAGE,
alias JAMES DUE, et al

Defendants

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IN THE

CIRCUIT COURT NO. 2

OF

BALTIMORE CITY

Docket : 69A
Folio : 77
File : 36762A

4-8-6

CIRCUIT COURT NO. 2

OF

BALTIMORE CITY

PHILIP HEZEKIAH SAVAGE,
alias JAMES DUE, et al

Docket : 69A
Folio : 77
File : 36762A

Defendants

4-8-60

(4)

ORDER OF COURT

Dearing, Esq.

No. 2 of Baltimore.

ORDERED, ADJUDGED AND DECREED:

(1) That the Defendants be, and they are hereby, temporarily enjoined and restrained, for a period of ten (10) days from April 14, 1960 to and including April 24, 1960, pending hearing and final determination of the Bill of Complaint filed herein, from (a) maintaining more than two pickets at any one time at or near the entrance to the Roof Top Restaurant in the Northwood Shopping Center, more particularly described in the Bill of Complaint, or on the parking lot adjacent thereto, (b) maintaining more than two pickets at any one time at or near the

the entrance to The May Department Stores Company located on the mall, or within a radius of one hundred feet thereof, in the Northwood Shopping Center, more particularly described in the Bill of Complaint, and (c) interfering, by physical contact, by gesture, or by oral threats or intimidation, with any person entering or leaving the buildings at Northwood Shopping Center occupied by the Plaintiffs, Price Candy Company and The May Department Stores Company.


(2) That the Defendants, and each of them, shall have the right to move for the dissolution or modification of this Order on not more than two (2) days' notice from the date of service of a copy of this Order, and that this Order shall expire on April 24, 1960, unless Defendants consent that it be extended for a longer period.

(3) That Defendants show cause on or before the 19th day of April, why the permanent injunction and other relief should not be granted as prayed, provided a copy of this Motion and Order be served on the Defendants counsel, Robert B. Watts, Esq., or Tucker R. Dearing, Esq., on or before the 8th day of April 1960.



Judge

We hereby assent to the passage of the foregoing Order.


Robert B. Watts, Esq.


Tucker R. Dearing, Esq.
Attorneys for Philip Hezekiah
Savage, et al, Defendants

8th Service of copy of the foregoing Order admitted this
day of April, 1960.


Tucker R. Dearing, Esq.
Attorney for Philip Hezekiah
Savage, et al, Defendants.

THE MAY DEPARTMENT STORES
COMPANY, et al

Plaintiffs

Vs.

PHILIP HEZEKIAH SAVAGE,
alias JAMES DUE, et al

Defendants

: : : : : : : : : : : : : : : :

IN THE

CIRCUIT COURT NO. 2

OF

BALTIMORE CITY

Docket : 69 A

Folio : 77

File : 36762 A

4-1-60

ORDER OF COURT

(3)

The Defendants having consented that the temporary injunction issued by the Order of this Court, dated March 25, 1960 be extended for a like period, that is ten (10) days, from April 4, 1960 to and including April 14, 1960, as evidenced by the assent to the passage of this Order by their counsel, Robert B. Watts, Esq.,

It is this 1st day of April 1960 by Circuit Court No. 2 of Baltimore.


ORDERED, ADJUDGED AND DECREED:

(1) That the Defendants be, and they are hereby, temporarily enjoined and restrained, for a period of ten (10) days from the date of this Order, pending hearing and final determination of the Bill of Complaint filed herein, from (a) maintaining more than two pickets at any one time at or near the entrance to the Roof Top Restaurant in the Northwood Shopping Center, more particularly described in the Bill of Complaint, or on the parking lot adjacent thereto, (b) maintaining more than two pickets at any one time at or near the entrance to The May Department Stores Company located on the mall, or within a radius of one hundred feet thereof, in the Northwood Shopping Center, more particularly described in the Bill of Complaint, and (c) interfering, by physical contact, by gesture, or by oral threats or

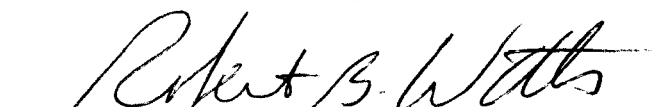
intimidation, with any person entering or leaving the buildings at Northwood Shopping Center occupied by the Plaintiffs, Price Candy Company and The May Department Stores Company.

(2) That the Defendants, and each of them, shall have the right to move for the dissolution or modification of this Order on not more than two (2) days' notice from the date of service of a copy of this Order, and that this Order shall expire within ten (10) days from the date hereof unless Defendants consent that it be extended for a longer period.

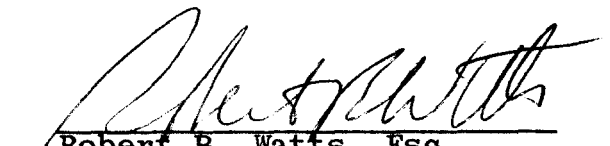
(3) That Defendants show cause on or before the 8th day of April 1960, why the permanent injunction and other relief should not be granted as prayed, provided a copy of this Motion and Order be served on the Defendants counsel, Robert B. Watts, on or before the 4th day of April, 1960.


Judge

I hereby assent to the passage of the foregoing Order.


Robert B. Watts, Esq.
Attorney for Philip
Hezekiah Savage, et al
Defendants.

Service of copy of the foregoing Order admitted
this 1st day of April, 1960.


Robert B. Watts, Esq.
Attorney for Philip
Hezekiah Savage, et al
Defendants.

Filed with me on Mar. 25th 1960
at 1:00 P. M. J. C. Gen

THE MAY DEPARTMENT STORES COMPANY :
a New York corporation
Howard and Lexington Streets :
Baltimore, Maryland :

and :

PRICE CANDY COMPANY :
a Delaware corporation :
Northwood Shopping Center :
Baltimore, Maryland :

IN THE

CIRCUIT COURT NO. 2

Plaintiffs :

OF

VS :

BALTIMORE CITY

✓ PHILIP HEZEKIAH SAVAGE :
alias JAMES DUE :
3226 Carlisle Avenue :
Baltimore, Maryland :

✓ HERMAN DuBOIS RICHARDS, JR. :
Morgan State College :
Hillen Road & Cold Spring Lane :
Baltimore, Maryland :

✓ MANUEL DEESE :
4522 St. Georges Avenue :
Baltimore, Maryland :

✓ WALTER RALEIGH DEAN, JR. :
2309 Arunah Avenue :
Baltimore, Maryland :

✓ JOHN MAYNARD HITE :
2710 Roslyn Avenue :
Baltimore, Maryland :

✓ BERNICE EVANS :
9802 - 25th Street :
East Elmhurst, New York :

✓ GERALDINE SOWELL :
926 Springfield Avenue :
Baltimore, Maryland :

✓ RONALD MERRYWEATHER :
807 Radnor Avenue :
Baltimore, Maryland :

✓ RAYMON C. WRIGHT :
807 Radnor Avenue :
Baltimore, Maryland :

✓ ALBERT SANGIAMO :
2446 Callow Avenue :
Baltimore, Maryland :

✓ LLOYD C. MITCHNER :
2231 West Saratoga Street :
Baltimore, Maryland :

✓ ESTHER W. REDD :
2414 Lauretta Avenue :
Baltimore, Maryland :

DOCKET 69A FOLIO 77
CASE No. 36762-A
FILED 3/25/60
(1)

MOSES LEWIS :
3521 Holmes Avenue :
Baltimore, Maryland :

LOUIS JONES :
348-A Melvin Avenue :
Baltimore, Maryland :

and :

JOHN DOE, MARY DOE, RICHARD ROE, :
participants, collaborators and :
adherents of the named Defendants :
address unknown :

Defendants :

BILL OF COMPLAINT

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Bill of Complaint of The May Department Stores Company, and Price Candy Company, respectfully represents:

1. The Plaintiff, The May Department Stores Company (hereinafter sometimes referred to as "May"), owns and operates a department store in the shopping center known as the Northwood Shopping Center located at the northwest corner of Argonne Drive and Hillen Road in Baltimore City under the trade name or style of "The Hecht Company, Northwood" or "Hecht's Northwood". The Plaintiff, Price Candy Company (hereinafter sometimes referred to as "Price") owns and operates a restaurant in said Northwood Shopping Center under the trade name or style of "Roof Top Restaurant, Northwood". Said restaurant is located on the roof of the department store premises operated by May.

2. The Defendant, Philip Hezekiah Savage, alias James Due, is believed to be a resident of the City of Baltimore, residing at 3226 Carlisle Avenue, Baltimore, Maryland, whose occupation, if any, other than a participant in the activities hereinafter mentioned, is unknown. The Defendant, Herman DuBois Richards, Jr., whose home address is unknown, is a resident student at Morgan State College, Hillen Road and Cold Spring Lane,

Baltimore, Maryland. The Defendant, Manuel Deese, is a resident of the City of Baltimore, is believed to reside at 4522 St. Georges Avenue, Baltimore, Maryland, and is presently a student attending Morgan State College. The Defendant, Walter Raleigh Dean, Jr., is a resident of Baltimore City, residing at 2309 Arunah Avenue, Baltimore, Maryland. The Defendant, John Maynard Hite, is a resident of Baltimore City, residing at 2710 Roslyn Avenue, Baltimore, Maryland, and is believed to be a student attending Morgan State College. The Defendant, Bernice Evans, resides at 9802 - 25th Street, East Elmhurst, New York, and is a student attending Morgan State College. The Defendant, Geraldine Sowell, is a resident of Baltimore City, residing at 926 Springfield Avenue, Baltimore, Maryland, and is a student attending Morgan State College. The Defendant, Ronald Merryweather, is a resident of Baltimore City, residing at 807 Radnor Avenue, Baltimore, Maryland, and is a student attending Morgan State College. The Defendant, Raymon C. Wright, is a resident of Baltimore City, residing at 807 Radnor Avenue, Baltimore, Maryland, and is a student attending Morgan State College. The Defendant, Albert Sangiamo, is a resident of Baltimore City, residing at 2446 Callow Avenue, Baltimore, Maryland, and is a student attending Morgan State College. The Defendant, Lloyd C. Mitchner, is a resident of Baltimore City, residing at 2331 West Saratoga Street, Baltimore, Maryland, and is a student attending Morgan State College. The Defendant, Esther W. Redd, is a resident of Baltimore City, residing at 2414 Lauretta Avenue, Baltimore, Maryland, and is a student attending Morgan State College. The Defendant, Moses Lewis, is a resident of Baltimore City, residing at 3521 Holmes Avenue, Baltimore, Maryland, and is a student attending Morgan State College. The Defendant, Louis Jones, is a resident of Baltimore City, residing at 348-A Melvin Avenue, Baltimore, Maryland, and is a student attending

Morgan State College. The Defendants, John Doe, Mary Doe, Richard Roe, and other persons whose names are unknown to the Plaintiffs, are joined as Defendants in this action as participants, collaborators, associates and coadjutors, jointly as actors in concert with the named Defendants in the activities of the named Defendants hereinafter set forth.

3. For a long time prior to the happening of the events hereinafter set forth, May and its predecessor owned and successfully operated its department store business in the shopping center area known as the Northwood Shopping Center and enjoyed the patronage and good will of the general public residing in the vicinity of said shopping center and elsewhere in Baltimore City and the State of Maryland. Such patronage and good will was developed by May and its predecessor through the expenditure of substantial sums of money, time and effort and the continued existence of such good will has been imperative to the successful operation of May's business.

4. For a long time prior to the happening of the events hereinafter set forth, Price owned and successfully operated its restaurant business in the shopping center known as the Northwood Shopping Center and enjoyed the patronage and good will of the general public residing in the vicinity of said shopping center and elsewhere in the State of Maryland. Such patronage and good will was developed by Price through the expenditure of substantial sums of money, time and effort and the continued existence of such good will has been imperative to the successful operation of Price's business.

5. Beginning on March 15, 1960, and continuing until the time of the filing of this Bill of Complaint, the Defendants, Philip Hezekiah Savage, Herman DuBois Richards, Jr., Manuel Deese, Walter Raleigh Dean, Jr., John Maynard Hite, Bernice Evans, Geraldine Sowell, Ronald Merryweather, Raymon C. Wright, Albert

Sangiomo, Lloyd C. Mitchner, Esther W. Redd, Moses Lewis, Louis Jones, and others whose names are unknown to the Plaintiffs, their agents and representatives, and persons unknown to the Plaintiffs acting in concert with the named Defendants, organized large groups of Negroes who, from time to time during the happening of the events herein enumerated, numbered 118, some of them armed with placards and banners, committed in concert the following unlawful acts:

(a) Beginning on or about March 15, 1960, the Defendants, their agents, representatives, associates, confederates, collaborators and those acting in unlawful concert with them, in large numbers embarked upon a program or course of action of rushing into Price's Roof Top Restaurant in large numbers and seating themselves at tables clearly marked "Reserved" and upon all stools at the counters not occupied by Price's customers, and continuing to occupy said places for long periods of time, even though informed by Price that they would not be served and were requested by Price to leave the premises, thus depriving Price of its lawful right to utilize its restaurant facilities for serving customers and prospective customers whom it desired to serve.

(b) Beginning on March 16, 1960, and continuing through March 18, 1960, the Defendants, their agents, representatives, associates, confederates, collaborators, affiliates and those acting in unlawful concert with them, in large numbers embarked upon a program or course of action of rushing into Price's Roof Top Restaurant and standing behind chairs and counter-stools occupied by Price's customers and rushing for such chairs and counter-stools as soon as Price's customers would vacate the same, sometimes before such customers had actually vacated such places, which course of action by the Defendants produced the unlawful and illegal effect sought by Defendants and those acting

in unlawful concert with them of (i) interfering with Price's right to serve customers of its own choosing, (ii) interfering with Price's customers' right to enjoy the services offered by Price, (iii) causing disturbances which made it impossible to properly serve Price's customers desiring service, and (iv) intimidating, coercing and harrassing prospective customers from entering or patronizing Price's Roof Top Restaurant.

(c) Beginning on or about March 18, 1960, and continuing until the time of the filing of this Bill of Complaint, Defendants, their agents, associates, collaborators, affiliates, and confederates, and those acting in unlawful concert with them, embarked upon a program or course of action of maintaining, during all business hours, a large double picket line, numbering at times as many as 50 to 60 Defendants, each member of which carried a sign or signs bearing such slogans or words as "Northwood Goes South", "We'll walk, walk, walk, walk, walk", "We Want Equality", "We will never stop until you end segregation", and the Defendant members of said picket line chanted and yelled in unison while unlawfully marching on the private property of May furnished to Price for its customers' parking, which unlawful picketing, chanting and yelling produced the unlawful and illegal effect sought by Defendants of (i) interfering with the free ingress and egress of Plaintiffs' customers and prospective customers from patronizing Plaintiffs' places of business, (ii) intimidating and coercing Plaintiffs' prospective customers from entering Plaintiffs' places of business, (iii) creating great volumes of noise and confusion, as a result of which the Police Department of Baltimore City stationed large numbers of police officers around the entrances to Plaintiffs' places of business accompanied by at least one police patrol wagon and several police cars, (iv) caused many of Plaintiffs' customers and prospective customers to call Plaintiffs' officers to determine whether or not

a riot was in progress and whether it would be safe to enter Plaintiffs' places of business to shop with Plaintiffs, and (v) made it difficult and at times impossible for prospective customers to get through said picket line and discouraged many prospective customers from doing so, thus depriving Plaintiffs of their lawful right to conduct their businesses without interference from Defendants, and causing Plaintiffs to lose large sums of money from the patronage of such prospective customers which Plaintiffs would otherwise have enjoyed.

(d) On Saturday, March 19, 1960, the Defendant, Philip Hezekiah Savage, alias James Due, illegally and unlawfully pushed his way by the guards at the entrance to Price's Roof Top Restaurant and, although requested to leave by Price immediately, was able to sneak into the kitchen maintained by Price in connection with its restaurant business and talk to Price's employees in charge of preparation of Price's food and beverages, and, upon information and belief, by means of threats, coercion and intimidation, was able to convince all of Price's kitchen employees into then and there quitting their jobs and leaving Price's premises, thus leaving Price in the position where, for a period of time, it had no kitchen help available for preparation of its food and beverages customarily served to its patrons.

6. As a result of the unlawful and illegal acts of Defendants, and those acting in concert with them, the Police Department of Baltimore City has arrested the Defendant John Maynard Hite for assault, the Defendant, Philip Hezekiah Savage, alias James Due, for illegal trespass, the Defendant Herman DuBois Richards, Jr., for illegal trespass, the Defendant Walter Raleigh Dean, Jr., for illegal trespass; the charges against said Defendants are now pending trial before the Northeastern District Police Magistrate. Despite the arrest of said Defendants, however, said Defendants are still participating in the illegal and

unlawful acts hereinbefore enumerated, and will continue to do so unless enjoined by this Honorable Court.

7. Plaintiff May operates and maintains a large roof-top parking area with a capacity for approximately 200 automobiles adjacent to Plaintiff Price's Roof Top Restaurant, and on top of Plaintiff May's department store, for the convenience of Plaintiffs' customers and prospective customers. Since on or about March 18, 1960, the Defendants and those acting in illegal and unlawful concert with them, have utilized substantial portions of said private parking lot for the purposes of maintaining Defendants' large picket lines, and in addition, have unlawfully utilized other substantial parts of said private parking lot as a picnic ground for the purpose of feeding Defendants' pickets, and the large crowds of other Negroes who have assembled to encourage said pickets. As a result thereof, many prospective customers of Plaintiffs, observing the large and boisterous crowds marching, yelling and chanting on May's private parking lot, have left without entering the premises of either of the Plaintiffs, as prospective customers of Plaintiffs.

8. As a result of the illegal and unlawful acts of the Defendants and those acting in concert with them, Plaintiff Price's business has decreased more than 49% in comparison with its business for the comparable dates in 1959.

9. As a result of the illegal and unlawful acts of the Defendants and those acting in concert with them, Plaintiff May's business has decreased more than 33% in comparison with its business for the comparable dates in 1959.

10. The Defendants and those acting in unlawful and illegal concert with them, orally and in the signs and placards carried by them, have repeatedly and consistently stated that they will continue to carry on the illegal and unlawful acts hereinbefore enumerated, until they attain their unlawful and

illegal purpose of having Price make its services available to the Defendants and those acting in concert with them, and other members of the Negro race. Plaintiffs believe Defendants and those acting in concert with them will, therefore, continue their illegal and unlawful activities until Plaintiffs' businesses are completely destroyed, unless enjoined from doing so by this Honorable Court.

11. The actions of the Defendants, their agents, confederates, associates and collaborators, and those whom they have organized to carry on the illegal activities hereinbefore enumerated, and the threats to continue said illegal activities, has caused, is causing and will continue to cause a great deal of feeling and tension among the Defendants and those acting in concert with them, and the patrons and prospective patrons of the Plaintiffs and the Plaintiffs' employees, and if permitted to continue unabated, may lead to violence and outbreaks of riotous proportions.

12. There is no employer-employee relationship between Plaintiffs and any of the Defendants or any of the persons acting in concert with Defendants; Plaintiffs have not been or are not now engaged in any labor disputes with Defendants or any of those acting in concert with the Defendants, within the intent and meaning of Article 100, Section 63 to Section 75, inclusive, of the Annotated Code of Maryland, 1957 edition.

13. The unlawful and illegal activities and conduct on the part of the Defendants, their agents, representatives, associates, confederates, collaborators, and those acting in concert with them, has caused, is causing and threatens to continue to cause immediate, substantial, and irreparable injury to Plaintiffs, and, if permitted to continue without restraint, will cause further substantial and irreparable damage to Plaintiffs, before an adversary hearing can be had, for which Plaintiffs have no adequate

remedy at law.

WHEREFORE, Plaintiffs pray:

(a) That this Honorable Court issue a preliminary injunction enjoining and restraining the Defendants and their agents, representatives, associates, confederates, collaborators, and those acting in concert with them, from picketing the places of business of the Plaintiffs, or from in any manner making any threats or committing any acts whatsoever which would in any way tend to coerce or intimidate any persons or interfere with the conduct or operation of the businesses of the Plaintiffs, or impede any persons from free ingress or egress to the businesses conducted by the Plaintiffs.

(b) That this Honorable Court issue a permanent injunction enjoining and restraining the Defendants and their agents, representatives, associates, confederates, collaborators, and those acting in concert with them, from picketing the places of business of the Plaintiffs, or from in any manner making any threats or committing any acts whatsoever which would in any way tend to coerce or intimidate any persons or interfere with the conduct or operation of the businesses of the Plaintiffs, or impede any persons from free ingress or egress to the businesses conducted by the Plaintiffs.

(c) And for such other and further relief as Plaintiffs' case may require.

AND AS IN DUTY BOUND, etc.

Robert F. Skutch, Jr.
Robert F. Skutch, Jr.

William W. Cahill, Jr.
William W. Cahill, Jr.

Weinberg and Green
Weinberg and Green
1635 Mathieson Building
Baltimore -2, Maryland
LExington 9-2125
Attorneys for Plaintiffs

THE MAY DEPARTMENT STORES COMPANY

By J. Frank Eichelberger
J. Frank Eichelberger,
~~Vice President~~ Asst. Secretary

PRICE CANDY COMPANY

By Joseph D. Daschbach
Joseph Daschbach, Manager,
Roof Top Restaurant, Northwood

STATE OF MARYLAND)
) SS
CITY OF BALTIMORE)

I HEREBY CERTIFY that on this 25th day of March, 1960,
before me, the subscriber, a Notary Public of the State of
Maryland, in and for the City of Baltimore aforesaid, personally
appeared J. FRANK EICHELBERGER, Assistant Secretary of The May De-
partment Stores Company, who made oath in due form of law that the
matters and facts contained in the foregoing Bill of Complaint
are true to the best of his knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.


Edna M. Steedman
Notary Public

STATE OF MARYLAND)
) SS
CITY OF BALTIMORE)

I HEREBY CERTIFY that on this 25th day of March, 1960,
before me, the subscriber, a Notary Public of the State of
Maryland, in and for the City of Baltimore aforesaid, personally
appeared JOSEPH DASCHBACH, Manager of Price Candy Company's Roof
Top Restaurant, Northwood, who made oath in due form of law that
the matters and facts contained in the foregoing Bill of Complaint
are true to the best of his knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.


Edna M. Steedman
Notary Public

Service admitted on behalf of
Defendants this 25th day of March
1960.

Robert B. Watts
Robert B. Watts
COUNSEL for Defendants

Filed with me on Mar 25, 1960
at 1⁰⁰ P.M. *N. G. Geo*

THE MAY DEPARTMENT STORES
COMPANY, et al

Plaintiffs

vs

PHILIP HEZEKIAH SAVAGE,
alias JAMES DUE, et al

Defendants

IN THE

CIRCUIT COURT NO. 2

OF

BALTIMORE CITY

DOCKET *69A* FOLIO *77*

CASE No. *36762-A*

FILED *3/25/60* (2)

ORDER OF COURT

Plaintiffs, The May Department Stores Company and Price

Candy Company, have filed a Bill of Complaint for an injunction in accordance with Rule 1195 of the Maryland Rules, verified by the affidavits of J. Frank Eichelberger, Asst. Secretary of the Plaintiff, The May Department Stores Company, and Joseph Daschbach, the Manager of the Plaintiff's, Price Candy Company, Roof Top Restaurant, Northwood, wherein it is alleged that Plaintiffs are suffering immediate, substantial and irreparable injury, loss and damages by reason of the unlawful and illegal conduct of the Defendants, Philip Hezekiah Savage, alias James Due, Herman DuBois Richards, Jr., Manuel Deese, Walter Raleigh Dean, Jr., John Maynard Hite, Bernice Evans, Geraldine Sowell, Ronald Merryweather, Raymon C. Wright, Albert Sangiamo, Lloyd C. Mitchner, Esther W. Redd, Moses Lewis, Louis Jones, and those persons whose names are unknown to the Plaintiffs, acting in concert with the named Defendants.

The Plaintiffs have alleged that they are the proprietors of a department store and restaurant located at Argonne Drive and Hillen Road in Baltimore City, that for a period of time prior to March 16, 1960, they have operated their businesses in the shopping center area known as the Northwood Shopping Center, have enjoyed the patronage and good will of the general public residing in that vicinity and elsewhere and have developed such patronage and good will by the expenditure of substantial sums of money, time and

effort, and that the continued existence of such good will is imperative to the successful operation of their businesses. Further, the Plaintiffs have alleged that beginning on March 16, 1960, and continuing until the present time, the Defendants have committed the following unlawful acts:

(1) Occupying seats in Plaintiff's restaurant, although they were informed by the management that they would not be served food or beverages, and although they were requested by the management to leave the premises, thereby depriving the Plaintiff of an opportunity to use the restaurant facilities in the lawful conduct of business;

(2) Crowding into the restaurant and jumping onto chairs, without regard to whether or not the chairs had been vacated by the prior occupant, and so crowding the premises that it was virtually impossible for waitresses to serve customers waiting for their food;

(3) Forming a large picket line, carrying signs demanding equality, chanting and yelling in unison, creating noise and confusion at the entrance to the restaurant and the department store, so that many prospective patrons of the restaurant and department store either left the premises because of this demonstration or were unable to pass through the picket line;

(4) On March 19, 1960, the Defendant, Philip Hezekiah Savage, alias James Due, pushed his way past the guards at the entrance to the restaurant, and although requested to leave, proceeded to the area where food was prepared and by conversation and gesture coerced the kitchen help to leave the place of business, leaving no one available for preparation of food;

(5) On March 21, 1960, formed a picket line at the entrance to the department store on the mall of the Northwood Shopping Center, causing many prospective patrons to leave the premises rather than pass through the picket line.

The Plaintiffs have alleged that as a result of the aforesaid unlawful acts of the Defendants, the Plaintiffs have lost and will continue to lose large and substantial sums of money and loss of good will, and that unless the unlawful acts of the Defendants are restrained, further irreparable damages and losses will result for which there is no adequate remedy at law, and that unless the unlawful acts of the Defendants are restrained, violence and riot may occur at any time.

The Court having requested Robert B. Watts, Counsel for Defendants, to attend the hearing in chambers on the Plaintiffs' prayer for an injunction, and Robert B. Watts having appeared for the Defendants, and the Court having examined the photograph of the entrance to the Roof Top Restaurant attached hereto marked Exhibit "A", and the photograph of the entrance from the mall to The May Department Stores Company attached hereto marked Exhibit "B", and the motion picture taken by Joseph Batchelor of the picketing which took place in front of both the aforesaid entrances on March 22, 1960, as evidenced by the affidavit of Joseph Batchelor attached hereto marked Exhibit "C", and the Court having heard argument of counsel for the parties,

It is, therefore, this 25th day of March, 1960, in the Circuit Court of Baltimore City

ORDERED, ADJUDGED and DECREED:

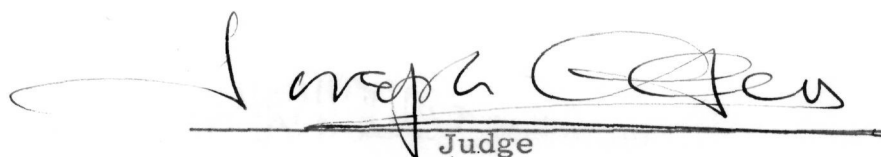
(1) That the Defendants be, and they are hereby, temporarily enjoined and restrained, for a period of 10 days from the date of this Order, pending hearing and final determination of the Bill of Complaint filed herein, from (a) maintaining more than two pickets at any one time at or near the entrance to the Roof Top Restaurant in the Northwood Shopping Center, more particularly described in the Bill of Complaint, or on the parking lot adjacent thereto, (b) maintaining more than two pickets at any one time at or near the entrance to The May Department Stores Company located on the mall, or within a radius of one hundred feet thereof, in the Northwood Shopping Center, more particularly

described in the Bill of Complaint, and (c) interfering, by physical contact, by gesture, or by oral threats or ~~statements~~ ^{intimidation}, with any person entering or leaving the buildings at Northwood Shopping Center occupied by the Plaintiffs, Price Candy Company and The May Department Stores Company.

(2) That the Defendants, and each of them, shall have the right to move for the dissolution or modification of this Order on not more than 2 days' notice from the date of service of copies of the Bill of Complaint and this Order, and that this Order shall expire within 10 days from the date hereof unless within that time for good cause shown, it is extended for a like period or unless the Defendants consent that it may be extended for a longer period.

(3) That copies of the Bill of Complaint and this Order shall be served on the Defendants, by service on Robert B. Watts, Esquire, their counsel, *with his consent.*

(4) That Defendants show cause on or before the ^{*4th*} day of ~~March~~ ^{*April*}, 1960, why the permanent injunction and other relief should not be granted as prayed, provided a copy of the Bill of Complaint and this Order be served on the Defendants on or before the ^{*28th*} day of March, 1960.



Judge



- B -

CITY OF BALTIMORE)

Joseph Batchelor

Notary Public

My Commission expires May 1, 1961.