FILE NAME: NS

DATE: 1979 Aug

DOC#: NS010

DOCUMENT DESCRIPTION: Legal - Complaint & Summons of MW Stephens vs. Norfolk & Western

CIRCUIT COURT SUMMONS. A7284—ILLINOIS OFFICE SUPPLY CO., OTTAWA, ILL.

STATE OF ILLINOIS
IN THE C...CUIT COURT OF THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY

MARTIN WESLEY STEPHENS

Plaintiffs

vs.

No. 79-L-691

NORFOLK AND WESTERN RAILWAY COMPANY, a Corporation,

Defendants

TO EACH OF THE ABOVE NAMED DEFENDANTS:

You are hereby summoned and required to file an answer in this case, or otherwise file your appearance, in the office of the clerk of this court, within 30 days after service of this summons, exclusive of the day of service. If you fail to do so, a judgment or decree by default may be taken against you for the relief prayed in the complaint.

This summons must be returned by the officer or other person to whom it was given for service, with indorsement thereon of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

WITNESS: WILLARD V. PORTELL the Clerk of said Circuit Court and the seal thereof at Edwardsville, Illinois, this 8th day of August 19 79

WILLARD V. PORTELL
(Clerk of the Circuit Court)

[SEAL]

By Anna Drizzle
(Deputy)

(Plaintiff's attorney or plaintiff if he is not represented by an attorney)

Name Pratt, Pierce, Bradford & Gilchoff

Attorney for Plaintiff

Address Route 111 at Airline Dr.

City E. Alton, IL

Telephone (618) 259-8011

Emil Toffant - Sheriff
Stephen Rusmisel - Deputy

Date of Service: 8-9-, 19 79

(To be inserted by officer on the copy left with the defendant or other person)

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

FILED
AUG 6 1979
WILLARD V PORTELL
CLERK OF CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

MARTIN WESLEY STEPHENS,

Plaintiff,

-vs-

NORFOLK AND WESTERN RAILWAY COMPANY, a Corporation,

Defendant.

NO. 79 L 691
F.E.L.A.

C O M P L A I N T

Now comes the plaintiff, MARTIN WESLEY STEPHENS, by his attorneys, PRATT, PIERCE, BRADFORD & GITCHOFF, LTD., and for his cause of action against the defendant, NORFOLK AND WESTERN RAILWAY COMPANY, a Corporation, alleges as follows:

1. That on or about August 6, 1977, and for some time prior thereto, the defendant, NORFOLK AND WESTERN RAILWAY COMPANY, a Corporation, was engaged in the business of interstate commerce in and throughout the several states of the United States as a common carrier by railroad, and for the purpose thereof, did operate and do business in and about Madison County in the State of Illinois.

2. That at said time and prior thereto, plaintiff was employed by the defendant as a sheet metal worker.

3. That at said time and prior thereto, defendant was engaged in interstate commerce as a common carrier by railroad, and all or part of plaintiff's duties as an employee of the defendant were in furtherance of interstate commerce and closely, directly and substantially affected the same, by reason whereof the rights and liabilities of the parties were governed by the Act of Congress known as the Federal Employers' Liability Act, 45 U.S. Code, Sections 51-60.

4. That on or about August 6, 1977, and for a long time prior thereto, plaintiff was engaged in the performance of his duties as an employee of the defendant as a sheet metal worker at defendant's locomotive shops at Decatur, Illinois.

5. That the defendant, by and through its duly authorized agents and employees, was then and there guilty of one or more of the following negligent acts or omissions in violation of the Federal Employer Act:

(a) Failed to provide plaintiff a reasonably safe place to work;

(b) Failed to provide plaintiff with safe and suitable tools and equipment.

6. That as a result, in whole or in part, of one or more of the foregoing negligent acts or omissions, plaintiff sustained severe and permanent injuries to his lungs, resulting in disability and disfigurement, and which has caused and will cause him in the future to suffer great pain and mental anguish; and he has lost and will in the future lose earnings he otherwise would have earned but for his injury; and he has been and will in the future be compelled to obligate himself for medical aid and attention; and his future earning capacity has been seriously diminished thereby; ALL TO THE DAMAGE of the plaintiff in the sum of FIVE HUNDRED THOUSAND DOLLARS ($500,000.00).

WHEREFORE, plaintiff, MARTIN WESLEY STEPHENS, prays judgment against the defendant, NORFOLK AND WESTERN RAILWAY COMPANY, a Corporation, in the sum of FIVE HUNDRED THOUSAND DOLLARS ($500,000.00) and costs of suit

PRATT, PIERCE, BRADFORD & GITCHOFF, LTD.

BY John T. Pierce Jr.

John T. Pierce, Jr.
Attorneys for Plaintiff
Route 111 at Airline Drive
P. O. Box 179
East Alton, Illinois 62024
Telephone: (618) 259-8011

NOTE: PLAINTIFF DEMANDS TRIAL BY JURY OF THIS CAUSE OF ACTION.