

DRAFT COMPLAINT--GILLISPIE v. GOODYEAR SERVICE STORES

1. Plaintiff Hilda Gillispie is a resident of Alamance County.

2. Plaintiff is informed and believes, and upon that basis alleges, that defendant Goodyear Service Stores (hereinafter "Goodyear Service") is a division of defendant Goodyear Tire & Rubber Co., a foreign corporation. Defendant Goodyear Service operates a store in Burlington, North Carolina.

3. Plaintiff is informed and believes, and upon that basis alleges, that defendants O.J. Hartsell, Robert Harden, Melvin Wrenn and Arthur Jones are residents of Alamance County.

4. Plaintiff is informed and believes, and upon that basis alleges, that defendants Hartsell, Harden, Wrenn and Jones were, at all times relevant herein, agents or employees of defendant Goodyear Service.

5. Plaintiff is informed and believes, and upon that basis alleges, that in doing the things hereinafter alleged, defendants Hartsell, Harden, Wrenn and Jones, and each of them, acted at all times within their capacities and responsibilities as agents or employees of defendant Goodyear Service.

FIRST CAUSE OF ACTION--TRESPASS

6. Plaintiff refers to and incorporates herein each and every allegation of paragraphs 1-5 of this complaint.

7. On or about May 5, 1959, and May 6, 1959, defendants Hartsell, Harden, Wrenn and Jones entered the land occupied by plaintiff as her residence.

8. Plaintiff requested that defendants Hartsell, Harden, Wrenn and Jones leave her residence, but said defendants remained despite plaintiff's request.

WHEREFORE, plaintiff prays for judgment as hereinafter set forth.

SECOND CAUSE OF ACTION--ASSAULT

9. Plaintiff refers to and incorporates herein each and every allegation of paragraphs 1-5 and 7-8 of this complaint.

10. While present on plaintiff's residence, defendants Hartsell, Harden, Wrenn and Jones, and each of them, used harsh and threatening language and physical force directed at plaintiff.

11. As a result of the actions described in paragraph 10 of this complaint, plaintiff was placed in great fear of imminent physical contact.

12. Plaintiff is informed and believes, and upon that basis alleges, that in taking the actions described in paragraph 10 defendants, and each of them, intended to cause plaintiff to fear imminent physical contact.

13. As a result of defendants' actions alleged hereinabove, plaintiff has suffered damages due to physical and emotional injuries in excess of \$25,000.

WHEREFORE, plaintiff prays for judgment as hereinafter set forth.

THIRD CAUSE OF ACTION--FALSE ARREST AND IMPRISONMENT

14. Plaintiff refers to and incorporates herein each and every allegation of paragraphs 1-5, 7-8 and 10-13 of this complaint.

15. As a result of the actions of defendants Hartsell, Harden, Wrenn and Jones, alleged hereinabove, plaintiff was confined within boundaries fixed by said defendants, in that:

(a) Plaintiff was unable freely to move about or leave her residence;

(b) Plaintiff was seized and exhibited to the public as a prisoner;

(c) Plaintiff was confined in a public jail.

16. Plaintiff is informed and believes, and upon that basis alleges, that in taking the actions alleged hereinabove, defendants, and each of them, intended to confine plaintiff as alleged hereinabove.

17. As a consequence of said confinement and the attendant public scorn and ridicule, plaintiff has suffered damages due to physical and emotional injuries in excess of \$25,000.

WHEREFORE, plaintiff prays for judgment as hereinafter set forth.

FOURTH CAUSE OF ACTION--INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

18. Plaintiff refers to and incorporates herein each and every allegation of paragraphs 1-5, 7-8, 10-13, and 15-17 of this complaint.

19. In taking the actions alleged hereinabove, defendants, and each of them, acted in an extreme, outrageous and reckless manner.

20. As a result of the actions of defendants alleged hereinabove, plaintiff has suffered damages due to physical and emotional injuries in excess of \$25,000.

21. Owing to the outrageousness of defendants' actions, this court should award plaintiff punitive damages in excess of \$25,000.

WHEREFORE, plaintiff prays for judgment against defendants, and each of them, as follows:

1. For compensatory damages in excess of \$25,000;
2. For punitive damages in excess of \$25,000;
3. For her costs of suit herein.

Dated: _____

Attorney for plaintiff