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COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO
No. A 74750

FILED

MAR 12 1941

ALLEN A. HARRISON
CLERK OF COURT

EDWARD SHERMAN,
711 HIGHLAND AVENUE,
CINCINNATI, OHIO,

Plaintiff

-vs-

ELEZIER SILVER,
690 HUTCHINS AVENUE,
CINCINNATI, OHIO,

Defendant

P E T I T I O N

*\$100.00
Hopkins & Hopkins.*

Now comes the plaintiff, Edward Sherman, and for cause of action against the defendant, Elezior Silver, avers and says that said defendant, together with his agents, did, on or about the 10th day of January, 1941, falsely, maliciously and without probable cause, present to the Prosecuting Attorney of Hamilton County, Ohio, a complaint, charging said plaintiff, together with his wife, Anna Sherman, with an assault with intent to kill said defendant.

Plaintiff further says that because of and owing to said false charge, as aforesaid, said defendant, together with his agents, did falsely and maliciously and without probable cause, procure the indictment of said plaintiff on a charge of Assault with Intent to Kill said defendant; that said indictment, as aforesaid, was returned by the Hamilton County Grand Jury in their report of January 17th, 1941, and was spread on the criminal records of Hamilton County, Ohio, as Indictment No. 48230.

Plaintiff further says that on the 17th day of January, 1941 as a result of said indictment, as aforesaid, he was arrested by a Deputy of the Hamilton County Sheriff, was taken in custody by said Deputy, transported to the Hamilton County Court House, Criminal Division, where, in order to gain his liberty and release while awaiting trial on the criminal charge set forth in said indictment,

was compelled to furnish bond in the sum of \$1,000.00.

Plaintiff further says that on the 18th day of January 1941, he was arraigned in open Criminal Court on said charge and entered a plea of not guilty.

Plaintiff further says that on the day set for a trial of said charge, to-wit February 14th, 1941, said defendant did falsely, maliciously and without reasonable or probable cause, prosecute and cause to be prosecuted said charge of Assault with Intent to Kill said defendant, against this plaintiff in the Criminal Division of the Common Pleas Court of Hamilton County, Ohio, whereupon, on February 17th, 1941, following a trial of two days, the jury, in said case duly sworn, then and there rendered a verdict of not guilty, thereby discharging said plaintiff of and from the criminal charge, in said indictment contained, and completely ending and determining said criminal proceedings.

Plaintiff further says that at the time said defendant, together with his agents, procured said indictment against said plaintiff, as aforesaid, said charge and arrest of plaintiff was made public and was given wide publicity in the local and foreign newspapers.

Plaintiff further says that by reason of said arrest and indictment, procured falsely, maliciously and without probable or reasonable cause, by said defendant, together with his agents, as aforesaid, he has been injured in his reputation and his business and his standing in society; that by such false, malicious and unreasonable prosecution of this plaintiff by said defendant, together with his agents, he has been greatly humiliated and ridiculed; that his reputation in the community has been damaged and that he has been because thereof subjected to great humiliation and mental pain and suffering; that his nervous system has been shocked; that he has spent sleepless nights, worrying and grieving over his public disgrace caused by the said acts of said defendant together with his agents, and that because thereof he has been damaged in the

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sum of \$50,000.00.

WHEREFORE, plaintiff prays judgment against the defendant in the sum of \$50,000.00, together with his costs herein expended and for all other relief that is just and proper.

Hopkins & Hopkins
ATTORNEYS FOR PLAINTIFF

STATE OF OHIO)
) ss
HAMILTON COUNTY)

Edward Sherman, being by me first duly cautioned and sworn, upon oath deposes and says that he is the plaintiff in the foregoing Petition, and that the facts set forth therein are true as he verily believes.

Edward Sherman

Sworn to before me and subscribed in my presence this 11th day of March 1941.

X

William F. Hopkins
WILLIAM F. HOPKINS
Notary Public, Hamilton Co. O.

P R A E C I P E

TO THE CLERK:

Please issue summons on the foregoing Petition returnable according to law, on ELEZIER SILVER, 820 HUTCHINS AVENUE, CINCINNATI, OHIO. Endorse same "action for money only. Amount claimed \$50,000.00 with costs and all other relief that is just and proper."

Hopkins & Hopkins
ATTORNEYS FOR PLAINTIFF

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THE STATE OF OHIO,
HAMILTON COUNTY

To the Sheriff of the County of Hamilton

You are commanded to notify **Elesier Silver,**

that **he** has been sued by **Edw'd Sherman** Defendant,

in the Court of Common Pleas of Hamilton County, and that unless **he** answer by the **12th** day of **April** A. D. 19**11** the

petition of the said plaintiff

against **him** filed in the Clerk's Office of said Court, such petition will be taken as true and judgment rendered accordingly.

Said Sheriff will make due return of this summons on the **26th** day of **March** A. D. 19**11**

WITNESS my hand and the Seal of the said Court, at Cincinnati, this **12th** day of **March** A. D. 19**11**

Clerk of the Court of Common Pleas of Hamilton County, Ohio

[Signature]
Deputy

(SEAL)

No. A 74750

Hamilton Common Pleas

Edward Sherman

Plaintiff

AGAINST
Elexier Silver,

Defendant

Summons in action for
money amount claimed \$50,000.00
with costs and all other relief that is just and proper.

FILED

1941

LESLIE F. HUNSECKER

CLERK OF COURTS

To 24th day of March, 1941
Hopkin & Hopkins,
Attorney

for 1/36

MAR 12 10 02 AM 1941
FILED
CLERK OF COURTS
HAMILTON COUNTY, OHIO

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Cincinnati, Ohio, MAR 12 1941

Served the within named defendant
Elexier Silver
by and through ~~William J. West, my duly authorized and acting Deputy Sheriff~~
by delivering to **him** personally, a true copy of this writ with
all the endorsements thereon.

SENT BY **FRED SPERBER**
SHERIFF, HAMILTON COUNTY, OHIO
SERVICE AND RETURN
MILEAGE
TOTAL

65
64
134

BY *Raymond [Signature]* DEPUTY

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COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO.

ENTERED
APR 14 1941
MINUTE 58

Edward Sherman,
Plaintiff,

No. A-74750

-vs-

Elexier Silver,
Defendant

ENTRY EXTENDING TIME TO
PLEAD OR MOVE

Entered her by agreement

For good cause shown and by consent of counsel
for plaintiff and defendant, it is agreed that defendant
may have twenty (20) days additional time within which
to plead or to move to plaintiff's petition.

*Benjamin S. Schwartz
Plaintiff's Attorney
Atty for Plaintiff
Atty for Defendant
Atty for Plaintiff*

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO.

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Edward Sherman,
Plaintiff,
-vs-
Elezier Silver,
Defendant.

No. 74750

ANSWER FILED

MAY 12 1941
ELMER F. HUNSICKER
CLERK OF COURTS

Now comes the defendant and for answer to the petition of the plaintiff admits that an indictment charging plaintiff with assault with intent to kill was returned by the Hamilton County Grand Jury in its report of January 17, 1941, and was spread upon the criminal records of Hamilton County, Ohio, as Indictment No. 48230, and that on the 18th day of January, 1941, he was arraigned in open criminal court on said charge and entered a plea of not guilty. Defendant further admits that on February 17, 1941, following a trial of two days in the criminal division of the Common Pleas Court of Hamilton County, Ohio, the jury in said case duly sworn, then and there rendered a verdict of not guilty.

Further answering, defendant denies each and every other allegation in plaintiff's petition contained, not herein specifically admitted or denied.

WHEREFORE, having fully answered, defendant prays that plaintiff's petition may be dismissed, and for his costs herein expended.

Benjamin S. Schwartz
Patton & Season
Attorneys for Defendant

STATE OF OHIO HAMILTON COUNTY SS:

Benjamin S. Schwartz, being first duly sworn, deposes

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that he is one of the attorneys for the defendant, duly authorized herein, that defendant is absent from the County, and that the facts stated in the foregoing answer are true, as he verily believes.

Boji in [unclear]

Sworn to before me and subscribed in my presence this
12th day of May, 1941.

809 due notary

E. Oswald J. Walter, Jr.
Notary Public, Hamilton County, O.

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COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

Edwin Schwartz

Edward Sherman,

Plaintiff,

vs.

Elezier Silver,

Defendant.

No. A-74750

ENTRY CONTINUING CAUSE FOR
TRIAL

ENTERED
MAR 7 1942
MINUTE 127

On application of defendant's counsel, and for good cause shown, this cause is hereby continued for trial until April 13, 1942, and this trial date is to be considered a preemptory setting.

*OK
Benjamin Schwartz
Pete Seaman and
Atty: for Defendant
Hoffman & Hoffmann
Atty: for Edward Sherman,
Plaintiff.*

DISMISSED

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO.

11

EDWARD SWEETMAN, :
Plaintiff, : No. A-74750

-vs-

Eliezer Silver, : WITTY OF DISMISSAL
Defendant. :

Enter Alexander 2

ENTERED
JUN 2 1943
MINUTE 28

All matters in controversy having been fully settled and compromised, the proceedings herein may be dismissed without record at the costs of the plaintiff.

*Hopkins & Hopkins
Atty for Plaintiff*

*Murray & Sawgood
+
Ray L. Murray
Atty for Def*