

BTJ

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO
No. A 74752

FILED
MAR 22 1941
CLERK OF COURT

ANNA SHERMAN,
711 RIDGEWAY AVENUE,
CINCINNATI, OHIO,

Plaintiff

-vs-

ELEZIER SILVER,
820 HUTCHINS AVENUE,
CINCINNATI, OHIO,

Defendant

P E T I T I O N

#10018354
Hopkins

Now comes the plaintiff, Anna 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 her husband, Edward 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 on the 17th day of January, 1941, as a result of said indictment, as aforesaid, she 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 her liberty and release while awaiting trial on the criminal charge set forth in said indictment,

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

Plaintiff further says that on the 13th day of January 1941, she 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 proceeding.

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, she has been compelled to expend the sum of \$500.00 for attorney fees; that she has been injured in her reputation and her business and her standing in society; that by such false, malicious and unreasonable prosecution of this plaintiff by said defendant, together with his agents, she has been greatly humiliated and ridiculed; that her reputation in the community has been damaged and that she has been because thereof subjected to great humiliation and mental pain and suffering; that her nervous system has been shocked; that she has spent sleepless nights, worrying and grieving over her public disgrace caused by the said acts of said defendant

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together with his agents, and that because thereof she has been damaged in the sum of \$50,500.00.

WHEREFORE, plaintiff prays judgment against the defendant in the sum of \$50,500.00, together with her costs herein expended and for all other relief that is just and proper.

Hopkins & Hopkins
ATTORNEYS FOR PLAINTIFF

STATE OF OHIO)
) ss
HAMILTON COUNTY)

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

Anna Sherman

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

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 \$50,500.00 with costs and all other relief that is just and proper."

Hopkins & Hopkins
ATTORNEYS FOR PLAINTIFF

No. A 74752

Hamilton Common Pleas

Anna Sherman

Plaintiff

AGAINST
Elesier Silver,

Defendant

Summons in action for
money amount: claimed \$50,500.00
with costs and all other relief that is just and proper.

FILED

MAR 24 1941
EMER F. HESWATER
CLERK OF COURTS

To 26th day of March 1941
Hopkins & Hopkins.
Attorney

3/22 / 41

OHIO
MAR 12 1941

MAR 12 1941

Cincinnati, Ohio.....

Served the within named defendant
Elesier Silver

by and through ~~William Hart, my duly authorized and acting Deputy Sheriff~~

by delivering to.....**him** personally, a true copy of this writ with
all the endorsement thereon,

SHERIFF FRED SPERBER
SERVICE AND RETURN SHERIFF, HAMILTON COUNTY, OHIO
MILEAGE
TOTAL
BY *[Signature]* DEPUTY

41

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COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO.

ENTERED
APR 11 1941
MINUTE 58

Anna Sherman,
Plaintiff,

No. A-74752

-vs-

Elezier Silver,
Defendant

ENTRY EXTENDING TIME TO
PLEAD OR MOVE

Entered by [Signature]

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. Scheraga
Pay to the order of
att. for Defendant
H. P. [Signature]
Columbus, Ohio*

5-1-41
7-1

7

(9)

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

ENTERED
MAY 2 1941
MINUTES 542

Anne Sherman,	:	
	:	
Plaintiff,	:	No. A-74752
	:	
-vs-	:	
	:	ENTRY EXTENDING TIME TO
Elesier Silver,	:	
	:	
Defendant	:	PLEAD OR MOVE

Center
Full of work
[Signature]

For good cause shown and by consent of counsel for plaintiff and defendant, it is agreed that defendant may have ten (10) days additional time within which to plead or to move to plaintiff's petition.

Hopkins & Hopkins
Attys for Pl.

Benjamin Selwitz
104 So. Beavercreek
Attys for Def.

7-26
5-5-41

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COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

Anna Sherman,

Plaintiff

vs.

Elezier Silver,

Defendant

No. A-74752

ANSWER FILED

MAY 12 1941

F. HUNSMCKER
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, she 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
Parton & Sessions
Attorneys for Defendant

STATE OF OHIO, HAMILTON COUNTY, SS:

Benjamin S. Schwartz, being first duly sworn, deposes and says

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and says 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.

Raymond M. ...

Sworn to before me and subscribed in my presence this

12th day of May, 1941.

Fogden ...

Edward J. Walters
Notary Public, Hamilton County, *of*

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

10
Entered
Schwarz J.

Anna Sherman,

Plaintiff

vs.

Elezier Silver,

Defendant

No. A-74752

ENTRY CONTINUING CAUSE FOR

TRIAL

ENTERED
MAR 7 1942
MINUTE/285

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 peremptory setting.

OK
Benjamin S. Schwartz
Atty. for Plaintiff
Hogsten + Hoptkin
Atty. for Anna Sherman.

JUL 8 1942

Form 784 3m 11-39

CP-1

Common Pleas Court Hamilton County, Ohio

5 Anna Sherman

Elezier Silver

Hopkins & Hopkins

Seawood & B.S. Schwartz

No. H. 74752

Enter
Schwartz J

Attorney for Plaintiff, and

Attorney for Defendant, request the

services of an Official Stenographer to make a full report of the testimony and proceedings in this case.

ENTERED
JUL 6 1942
MINUTE 4

Signed... Hopkins v Hopkins
Murray Seawood B.S. Schwartz

The above request for an Official Stenographer is granted and

Miss Garnetson

is appointed to make a full report

of the testimony and proceedings.

VERDICT FOR DEFENDANT
GENERAL CODE, SEC. 1120

ENTERED
JUL 10 1942
11 AM

Court of Common Pleas, Hamilton County, Ohio

Anna Sherman
.....
vs. Plaintiff
Eleazar Silver
.....
Defendant

July Term, A. D. 1942
No. *2-74475-2*

Civil Action—Verdict for Defendant

We, the Jury, being duly impaneled and sworn and ~~found~~, find the issues in this case in favor of the Defendant, *Eleazar Silver*.

And we do so render our verdict upon the concurrence of *12* members of our said Jury, that being three-fourths or more of our number. Each of us said jurors concurring in said verdict signs his name hereto this *10* day of *July*, 1942.

Laura Lang
Mary Kramer
Arthur P. Curader
Georgis Applegate
Mary A. Selpham
Irish M. Parker

Hynd McCreary
Harvey F. [unclear]
Geo. Schmitz [unclear]
Thompson [unclear]
Walter H. [unclear]
Hudson M. [unclear]