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**FILED**

January 2, 1996

8:01 A.M.

**Janet Reno  
Circuit Clerk  
Marvel County**

IN THE CIRCUIT COURT OF MARVEL COUNTY, ARKANSAS

J. WELLINGTON WIMPY, d/b/a WIMPY'S  
WIGWAMS

PLAINTIFF

V. NO. 96--0001

BLUTO'S WIDGET FACTORY, OLIVE OYL, d/b/a OLIVE'S WIDGET  
EMPORIUM, POPEYE'S PRETTY SPEEDY SHIPPING  
COMPANY, INTERNATIONAL BROTHERHOOD AND  
SISTERHOOD OF WIDGET WORKERS, LOCAL 292, SCABS  
R US, and THE SWEET HAVEN MILITIA

DEFENDANTS

COMPLAINT

Comes the Plaintiff, J. Wellington Wimpy, doing business as Wimpy's Wigwams, by and through his attorney, Ronald McDonald, and for his Complaint against the Defendants states:

1. Plaintiff is an individual resident of Marvel County, doing business as Wimpy's Wigwams, the premier tourist attraction in Marvel County, Arkansas.

2. Bluto's Widget Factory is an Arkansas corporation with its principal place of business in Marvel County, Arkansas.

3. Olive Oyl, doing business as Olive's Widget Emporium is an individual in the business of supplying widgets to the general public. Olive's holds itself out to be the finest widgetorium in Marvel County.

4. Popeye's Pretty Speedy Shipping Company is an Arkansas Corporation with its principal place of business in Marvel County Arkansas.

5. The International Brotherhood and Sisterhood of Widget Workers, Local 292 is an unincorporated association. The principal location of its activities is Marvel County, Arkansas.

6. Scabs R Us is an employment agency with its principal place of business in Marvel County, Arkansas.

7. The Sweet Haven Militia is a paramilitary organization attempting to overthrow the government in Marvel County, Arkansas.

8. On April 1, 1995, Plaintiff purchased twelve dozen widgets from Olive's Widget Emporium. Those widgets had been manufactured by Bluto's Widget Factory.

9. Plaintiff specifically told Defendant Olive Oyl that he intended to use the widgets on wigwams which he hoped to rent to tourists during the 1995 tourist season. Olive Oyl guaranteed Plaintiff that the widgets were fit for such use.

10. The widgets were defective, causing damage as set forth below.

11. The widgets were manufactured in a negligent manner. In particular, the flubber used to make the widgets was improperly heated during manufacture. The negligence resulted from the fact that Local 292 was on an illegal strike, and Scabs

R Us provided incompetent widget workers to Bluto's factory. The widgets were worsened when Popeye's Pretty Speedy Shipping Service negligently subjected the widgets to force in excess of 5 g's. Finally, Olive Oyl stored the widgets next to a vat of plutonium illegally owned by the Sweet Haven Militia. All parties were guilty of negligence which was the proximate cause of damages as set forth below.

12. Olive's breached express warranties, as well as implied warranties of merchantability and fitness for a particular purpose.

13. Bluto's provided a defective product as that concept is understood under the Arkansas Products Liability Act of 1979, Ark. Code Ann. § 16-116-101, in that the widgets were unsafe for reasonably foreseeable use and consumption.

14. As a result of the negligence and breach of warranty as set forth above, and defective condition of the widgets, Plaintiff was unable to rent wigwams to the tourists during the tourist season. The worksheet, attached hereto as Exhibit A, sets forth the losses, which total \$122,532.92. Further, Plaintiff slipped on the wet floor of a wigwam and injured his back. He suffered pain, and incurred medical expenses, and will continue to suffer pain and incur medical expenses in the future.

WHEREFORE, Plaintiff prays damages against all defendants in an amount sufficient to compensate him for his losses as alleged

above. Plaintiff demands a jury trial, and requests all other just and proper relief.

Respectfully submitted,

MCDONALD, KING, AND WENDY  
232 Hamburger Lane  
Sweet Haven, AR 72222

by: RONALD MC DONALD  
Ronald McDonald  
Attorney for Plaintiff

## Lost Earnings

I took the average I earned over the last five years, added the amount I lost this year, and added the two up to figure my lost earnings.

The loss for September was so high because of all the ads I ran apologizing for not being able to accommodate the customers.

May, 1995	Average earnings 6,911.40 plus operating loss 7,081.22	Total: 13,992.62
June, 1995	Average earnings 14,667.62 plus operating loss 9,247.44	Total: 23,915.06
July, 1995	Avg. earnings 19,899.90 plus operating loss 8,233.33	Total: 28,133.23
August, 1995	Avg. earnings 16,140.40 plus operating loss 16,211.00	Total: 32,351.40
September, 1995	Avg. earnings 6,912.69 plus operating loss 7,227.97	Total: 14,140.61
Total losses		112,532.92!!!!

**FILED**

January 15, 1996  
3:00 P.M.

**Janet Reno  
Circuit Clerk  
Marvel County**

IN THE CIRCUIT COURT OF MARVEL COUNTY, ARKANSAS

J. WELLINGTON WIMPY, d/b/a WIMPY'S  
WIGWAMS

PLAINTIFF

V. NO. 96--0001

BLUTO'S WIDGET FACTORY, OLIVE OYL, d/b/a OLIVE'S WIDGET  
EMPORIUM, POPEYE'S PRETTY SPEEDY SHIPPING  
COMPANY, INTERNATIONAL BROTHERHOOD AND  
SISTERHOOD OF WIDGET WORKERS, LOCAL 292, SCABS  
R US, and THE SWEET HAVEN MILITIA

DEFENDANTS

ANSWER OF OLIVE OYL d/b/a OLIVE'S WIDGET EMPORIUM

Comes the Defendant, Olive Oyl, doing business as Olive's  
Widget Emporium, by and through her attorneys, Kirk, Spock, &  
McCoy, and for her Answer to the Complaint of J. Wellington  
Wimpy, doing business as Wimpy's Wigwams, states:

1. Defendant admits all the allegations of paragraph 1 of  
Plaintiff's Complaint, except that Defendant has no information  
as to whether Wimpy's Wigwams is the premier tourist attraction  
in Marvel County, and therefore denies that allegation.

2. Defendant admits the allegations of paragraph 2 of  
Plaintiff's Complaint.

3. Defendant admits the allegations of paragraph 3 of  
Plaintiff's Complaint.

4. Defendant admits the allegations of paragraph 4 of Plaintiff's Complaint.

5. Defendant has no knowledge as to the allegations of paragraphs 5, 6, 7, and 8 of Plaintiff's Complaint, and therefore denies them.

6. Defendant admits the allegations of paragraph 8 of Plaintiff's Complaint

7. Defendant denies the allegations of paragraphs 9 through 14 of **Defendant's** Complaint.

8. Olive's further moves to dismiss on the grounds of insufficiency of process and insufficiency of service of process in that service was had by delivery of the summons and complaint to an infant residing at the home of Defendant Olive Oyl.

WHEREFORE, Plaintiff's Complaint should be dismissed. Defendant prays for costs and all other just and proper relief.

Respectfully Submitted,

Kirk, Spock, & McCoy  
1701 Enterprise Lane  
Sweet Haven, AR 77777

by: Luke Skywalker  
Luke Skywalker  
Attorney for Defendant  
Olive Oyl, d/b/a  
Olive's Widget Emporium

**FILED**

January 16, 1996

3:45 P.M.

**Janet Reno  
Circuit Clerk  
Marvel County**

IN THE CIRCUIT COURT OF MARVEL COUNTY, ARKANSAS

J. WELLINGTON WIMPY, d/b/a WIMPY'S  
WIGWAMS

PLAINTIFF

V. NO. 96--0001

BLUTO'S WIDGET FACTORY, OLIVE OYL, d/b/a OLIVE'S WIDGET  
EMPORIUM, POPEYE'S PRETTY SPEEDY SHIPPING  
COMPANY, INTERNATIONAL BROTHERHOOD AND  
SISTERHOOD OF WIDGET WORKERS, LOCAL 292, SCABS  
R US, and THE SWEET HAVEN MILITIA

DEFENDANTS

ANSWER AND MOTION TO DISMISS

Comes the Defendant, International Brotherhood and  
Sisterhood of Widget Workers, Local 292, by and through their  
attorney, Rush Limbaugh, and for their Answer and Motion to  
Dismiss state:

1. Plaintiff's complaint should be dismissed for failure to  
state a cause of action.

2. Otherwise, Defendant admits the allegations of paragraph  
5 of Plaintiff's Complaint and otherwise denies each and every  
material allegation of Plaintiff's complaint.

WHEREFORE this matter should be dismissed for failure to  
state a cause of action, or in the alternative, upon trial of  
this matter, this case should be dismissed. Defendant further

FILED

March 4, 1996

3:45 P.M.

**Janet Reno  
Circuit Clerk  
Marvel County**

IN THE CIRCUIT COURT OF MARVEL COUNTY, ARKANSAS

J. WELLINGTON WIMPY, d/b/a WIMPY'S  
WIGWAMS

PLAINTIFF

V.

NO. 96--0001

BLUTO'S WIDGET FACTORY, OLIVE OYL, d/b/a OLIVE'S WIDGET  
EMPORIUM, POPEYE'S PRETTY SPEEDY SHIPPING  
COMPANY, INTERNATIONAL BROTHERHOOD AND  
SISTERHOOD OF WIDGET WORKERS, LOCAL 292, SCABS  
R US, and THE SWEET HAVEN MILITIA

DEFENDANTS

**ORDER**

On this first day of March, 1996, comes on to be heard the motion of Local 292 to dismiss for failure to state a cause of action. I find that Plaintiff and Cross-Defendant Bluto's fail to state a ground for recovery under the law. I would further note, that although the issue is not before me, the cases cited by Local 292 would also seem to exonerate Scabs R Us.

Therefore, Local 292's motion to dismiss for failure to state a cause of action is granted. Any party may file an amended complaint against Local 292 within 30 days of the service of this order.

It is so Ordered.

N. Decisive  
Circuit Judge

March 1, 1996  
Date

FILED

April 17, 1996

3:45 P.M.

**Janet Reno**  
**Circuit Clerk**  
**Marvel County**

IN THE CIRCUIT COURT OF MARVEL COUNTY, ARKANSAS

J. WELLINGTON WIMPY, d/b/a WIMPY'S  
WIGWAMS

PLAINTIFF

V.

NO. 96--0001

BLUTO'S WIDGET FACTORY, OLIVE OYL, d/b/a OLIVE'S WIDGET  
EMPORIUM, POPEYE'S PRETTY SPEEDY SHIPPING  
COMPANY, INTERNATIONAL BROTHERHOOD AND  
SISTERHOOD OF WIDGET WORKERS, LOCAL 292, SCABS  
R US, and THE SWEET HAVEN MILITIA

DEFENDANTS

**ORDER**

The motion of the Sweet Haven Militia is hereby GRANTED. I hereby  
direct entry of judgment and find there is no just reason for delay.

IT IS SO ORDERED.

N. Decisive  
Circuit Judge

April 10, 1996  
Date

FILED

August 14, 1996  
11:59 P.M.

**Janet Reno  
Circuit Clerk  
Marvel County**

IN THE CIRCUIT COURT OF MARVEL COUNTY, ARKANSAS

J. WELLINGTON WIMPY, d/b/a WIMPY'S  
WIGWAMS

PLAINTIFF

V.

NO. 96--0001

BLUTO'S WIDGET FACTORY, OLIVE OYL, d/b/a OLIVE'S WIDGET  
EMPORIUM, POPEYE'S PRETTY SPEEDY SHIPPING  
COMPANY, INTERNATIONAL BROTHERHOOD AND  
SISTERHOOD OF WIDGET WORKERS, LOCAL 292, SCABS  
R US, and THE SWEET HAVEN MILITIA

DEFENDANTS

**NOTICE OF APPEAL**

1. The Defendant, Bluto's Widget Factory by and through its attorneys, Piggee & theFrog, hereby gives notice of its appeal to the Supreme Court of Arkansas from judgment in favor of J. Wellington Wimpy, the Plaintiff against Bluto's Widget Factory, the Defendant, entered on August 14, 1996.

2. Appellant hereby designates the entire record and all proceedings, exhibits, evidence and documents introduced into evidence to be contained in the record on appeal.

3. The transcript has been ordered from Selena Kyle, whose address is Room 6, Marvel County Courthouse, Sweet Haven, Arkansas, 72222, the reporter of the proceedings in this case.

4. The appeal is taken to the Supreme Court of Arkansas pursuant to Rule 1-2(a)(16) of the Rules of the Supreme Court because it involves the interpretation of the law of torts.

Filed this fourteenth day of August, 1996.

Respectfully submitted,

Piggee & theFrog  
3233 Muppet Way  
Sweet Haven, AR 72222

by: *Kermit theFrog*  
Kermit theFrog

**FILED**

August 14, 1996

12:00 Noon

**Janet Reno  
Circuit Clerk  
Marvel County**

IN THE CIRCUIT COURT OF MARVEL COUNTY, ARKANSAS

J. WELLINGTON WIMPY, d/b/a WIMPY'S  
WIGWAMS

PLAINTIFF

V.

NO. 96--0001

BLUTO'S WIDGET FACTORY, OLIVE OYL, d/b/a OLIVE'S WIDGET  
EMPORIUM, POPEYE'S PRETTY SPEEDY SHIPPING  
COMPANY, INTERNATIONAL BROTHERHOOD AND  
SISTERHOOD OF WIDGET WORKERS, LOCAL 292, SCABS  
R US, and THE SWEET HAVEN MILITIA

DEFENDANTS

JUDGMENT

On the 1st day of July, this cause came on to  
be heard, Plaintiff, J. Wellington Wimpy, appearing in  
person and by his attorney, Ronald McDonald, and the  
Defendant, Olive Oyl, appearing in person and by her  
attorney, Luke Skywalker, and the Defendant Popeye's Pretty  
Speedy Shipping Company, appearing by its Chief Executive  
Officer Pablo Popeye and by its attorney, Jacqueline Hyde,  
and Defendant Bluto's Widget Factory, appearing by its Chief  
Executive Officer Ettu Bluto and its attorney, Kermit

theFrog, and all parties being prepared for trial, a jury composed of twelve members of the regular panel of petit jurors of this Court was selected, empaneled and sworn according to law to try the issues of fact arising in this case. After hearing all of the evidence introduced, the instructions of the Court and the arguments of counsel, the jury retired to consider its verdict and after deliberating thereon, returned the following responses to interrogatories:

INTERROGATORY NO. 1: Do you find from a preponderance of the evidence that there was negligence upon the part of Olive Oyl doing business as Olive's Widget Emporium which was a proximate cause of any damages?

ANSWER: Yes  
(Yes or No)

INTERROGATORY NO. 2. Do you find from a preponderance of the evidence that there was negligence on the part of Bluto's Widget Factory which was a proximate cause of any damages?

ANSWER: Yes  
(Yes or No)

INTERROGATORY NO. 3. Do you find from a preponderance of the evidence that there was negligence on the part of Popeye's Pretty Speedy Shipping Company which was a proximate cause of any damages?

ANSWER: Yes  
(Yes or No)

INTERROGATORY NO. 4. Use this interrogatory only if you have answered "Yes" to one or more of Interrogatories 1 through 3:

Using 100% to represent the total responsibility for the occurrence and any injuries or damages resulting from it, apportion the responsibility between the parties whom you have found to be responsible.

Olive Oyl	<u>22.5 %</u>
Bluto's Widget Factory	<u>60.3 %</u>
Popeye's Pretty Speed	
Shipping Co.	<u>17.2 %</u>

6. State the amount of any damages which you find from a preponderance of the evidence were sustained by J. Wellington Wimpy as a result of the occurrence.

\$57,293.44

IT IS, THEREFORE, BY THE COURT CONSIDERED, ORDERED AND ADJUDGED that Plaintiff, J. Wellington Wimpy doing business as Wimpy's Wigwams, have and recover of and from defendants, Olive Oyl doing business as Olive's Widget Emporium, Bluto's Widget Factory, and Popeye's Pretty Speedy Shipping Company the sum of \$57,293.44, with interest thereon from this date until paid at the rate of 10 per cent per annum, together

with all costs herein expended, for all of which execution  
may issue.

IT IS SO ORDERED.

N. Decisive  
Circuit Judge

August 14, 1996  
Date

**FILED**

September 30, 1996

12:00 Noon

**Janet Reno  
Circuit Clerk  
Marvel County**

IN THE CIRCUIT COURT OF MARVEL COUNTY, ARKANSAS

J. WELLINGTON WIMPY, d/b/a WIMPY'S  
WIGWAMS

PLAINTIFF

V.

NO. 96--0001

BLUTO'S WIDGET FACTORY, OLIVE OYL, d/b/a OLIVE'S WIDGET  
EMPORIUM, POPEYE'S PRETTY SPEEDY SHIPPING  
COMPANY, INTERNATIONAL BROTHERHOOD AND  
SISTERHOOD OF WIDGET WORKERS, LOCAL 292, SCABS  
R US, and THE SWEET HAVEN MILITIA

DEFENDANTS

**NOTICE OF APPEAL**

1. Defendant Popeye's Pretty Speedy Shipping Company,  
by and through its attorneys, Runne, Laquelle, and Hyde,  
hereby gives notice of its appeal to the Arkansas Court of  
Appeals from the Order Denying All Motions for New Trial in  
favor of J. Wellington Wimpy, the Plaintiff, against  
Popeye's Pretty Speedy Shipping Company, a Defendant,  
entered herein on September 24, 1996. Defendant Popeye's

Pretty Speedy Shipping Company further appeals all other intermediate orders of the Trial Court, including but not limited to the Court's failure to rule on Olive Oyl's Motion for New Trial, which was deemed to have occurred on or about September 20, 1996, the Judgment entered herein on August 14, 1996, the Order denying Popeye's Pretty Speedy Shipping Company's Motion for Summary Judgment entered on May 2, 1996, the Order granting the Motion for Summary Judgment of Sweet Haven Militia entered on April 17, 1996, and the Order Dismissing Complaint Against Local 292 entered on March 4, 1996.

2. Appellant hereby designates the entire record and all proceedings, exhibits, evidence, and documents introduced into evidence to be contained in the record on appeal.

3. The transcript has been ordered from Selina Kyle, whose address is Room 6, Marvel County Courthouse, Sweet Haven, Arkansas, 72222, the reporter of the proceedings in this case.

4. Defendant/Appellant Popeye's Pretty Speedy Shipping Company has tendered a check in the amount of \$450.00 to Ms. Kyle, which is 50% of the estimated cost of preparing the transcription of the record in this case.

5. This appeal is taken to the Arkansas Court of

Appeals.

Respectfully Submitted,

RUNNE LAQUELLE & HYDE  
1313 Mockingbird Lane  
Sweet Haven, AR 72222

by: Jacqueline Hyde  
Jacqueline Hyde  
Attorney at Law

**Certificate of Service**

I, Jacqueline Hyde, hereby certify that I have mailed a true and correct copy of the above Notice of Appeal to Ronald McDonald, MCDONALD, KING, AND WENDY, 232 Hamburger Lane, Sweet Haven, AR 72222; Luke Skywalker, KIRK, SPOCK, & MCCOY, 1701 Enterprise Lane, Sweet Haven, AR 77777, Rush Limbaugh, LIMBAUGH & KENNEDY, EIB Building, Suite 4200, First and Main, Sweet Haven, AR 72222, and Alan Dershowitz, 444 Harvard Lane, Sweet Haven, AR 72222, by regular mail, with the required postage prepaid, this 30th day of September, 1996.

Jacqueline Hyde  
Jacqueline Hyde

May 23, 1997

Mr. Wimpy is a regular patient of Dr. Zamenhof's. He last saw Dr. Zamenhof on February 3, 1995 for a general checkup. His health was fine then. Now he is here to see Dr. Zamenhof because he slipped and fell in a wigwam yesterday. He landed on his left hip. He has had pain in the hip ever since then.

S. Pt c/o pm L hip & back.

O. ROM ltd. Spasm.

A. Sprain, strain

P. Motrin. Go home, go to bed. Don't go back in to work for 5 days.

Zamenhof

June 1, 1995

Mr. Wimpy came back because his pain was worse.

Pm  $\bar{c}$  exertion. Muscle relaxer Skelaxin.

Zamenhof

June 16, 1995

Mr. Wimpy called, needed refill on Motrin.

June 22, 1996

Mr. Wimpy is here for a followup.

Saw pt today. much better. Released to return PRN.

Zamenhof

PLAINTIFF'S

EXHIBIT

23