HEALY AND ROBINSON
68 Post Street
San Francisco, California 94104
EXbrook 2-0092

Attorneys for Defendant NANCY CHRISTIAN

FILED
JUL 28 1964
MARTIN MONGAN, Clerk
BY [signature] Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

JAMES DAVIS ROWLAND, JR., Plaintiff vs. T. HING HONG, WUN HONG, et al.., Defendants	No. 538773 AFFIDAVIT OF NANCY CHRISTIAN IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT
STATE OF CALIFORNIA City and County of San Francisco	ss.

NANCY CHRISTIAN, being first duly sworn, deposes and says:

That she is one of the defendants in the above entitled action; that your affiant, if sworn as a witness, can testify to the following facts, which are true and correct and within the personal knowledge of affiant:

That affiant is one of the defendants in the above entitled action; that she was and is a tenant, from month to month, in an apartment in the premises at 1115 Taylor Street, in the City and County of San Francisco, State of California; that said tenancy began October 1, 1963; that the accident, which forms the subject of the above action, occurred in the bathroom of her apartment on November 30, 1963; that she had casually known the plaintiff prior to said day, he being a friend of a friend of hers, i.e., one, Bob Kohler; that plaintiff arrived at her apartment

sometime between 3:00 P.M. and 4:00 P.M. on said date; that plaintiff was purely and solely a social guest of your affiant in her said apartment; that plaintiff was not in the apartment of your affiant for any business purposes; that he was not there for any interest common to the plaintiff and your affiant, and his presence in said apartment was not for the advantage of your affiant.

That plaintiff was on his way to the San Francisco International Airport to board a plan for Portland, Oregon, and affiant, purely as a courtesy and gratuity, and without any consideration or compensation or other renumeration, whatsoever or at all, offered to and was about to take plaintiff to the Airport in her automobile so that he might board the plane as aforesaid.

That while in your affiant's apartment, as aforesaid, and while plaintiff was waiting for your affiant to get ready to drive him to the airport, plaintiff went into the bathroom to use the bathroom facilities. That the deposition of plaintiff was taken on April 13, 1964 and your affiant has read said deposition; that plaintiff in his deposition testified that after he went into the bathroom in affiant's apartment and while using the cold water faucet of the wash basin, said faucet broke in his hand, causing the injuries of which he claims.

WHEREFORE, affiant prays that her motion for summary judgment be granted, and that judgment in the above action be entered in her favor and against plaintiff.

Nancy C Krisian

Subscribed and sworn to before me
this 27th day of July, 1964.

RUTH E. LYBACK, Notary Public of the
State of California, principal office
in the City and County of San Francisco

My Commission Expires: 5-31-68

HEALY AND ROBINSON
ATTORNEYS AT LAW
69 POST STREET
SAN FRANCISCO 4
EXBROOK 2-0092

(PROOF OF SERVICE BY MAIL — 1013a, 2015.5 C. C. P.)

I am a citizen of the United States and a resident of the county of San Francisco city and business *I am over the age of eighteen years and not a party to the within above entitled action; my residence address is:*

68 Post Street, San Francisco, California 94104

On July 27, *19* 64, *I served the within* Notice of Motion for Summary Judgment and Affidavit of Nancy Christian in Support of Motion for Summary Judgment *on the* plaintiff and defendant Hing *in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at* San Francisco, California, *addressed as follows:*

Jack K. Berman, Esq.
Penthouse-Whitcomb Hotel
1231 Market Street
San Francisco, California

Bronson, Bronson & McKinnon
255 California Street
San Francisco 11, California

I certify (or declare), under penalty of perjury, that the foregoing is true and correct.*

Executed on July 27, 1964 *(date)* *at* San Francisco *(place)*, *California*

Gillian Crane
Signature

**proof of service by mail forms, being signed under penalty of perjury, do not require notarization.*

ATTORNEYS PRINTING SUPPLY FORM NO. 11