

NEAL HARVILLE,)	
)	
Petitioner,)	IN THE CIRCUIT COURT OF
VS.)	BALDWIN COUNTY, ALABAMA
)	
RAY E. LOPER LUMBER COMPANY,)	AT LAW
INC., d/b/a LOPER HAULING)	NO. 4194
COMPANY,)	
)	
Defendant.)	

AGREEMENT AND PETITION FOR LUMP SUM SETTLEMENT
UNDER WORKMEN'S COMPENSATION LAW

The undersigned Neal Harville, the petitioner (employee), Ray E. Loper Lumber Company, Inc., d/b/a Loper Hauling Company, defendant (employer), and the American Employers' Insurance Company, the defendant employer's insurance carrier, being the only parties interested in this proceeding, hereby petition the Court for approval of the following agreement and settlement of this proceeding and agree and represent to this Court as follows:

1. The said employer and the said employee are now and were on the date of the accident hereinafter referred to subject to the provisions of the Workmen's Compensation Law of Alabama. The said employee, fifty-one years of age, residing in Baldwin County, Alabama, who can read and understand the English language, did on, to-wit, the 17th day of July, 1958, sustain an injury by accident while employed by the said employer, which accident and injury arose out of his employment and occurred in Escambia County, Alabama, which resulted in a twenty-six percent (26%) permanent partial disability of the said employee, who was receiving at the time of the said injury wages at the rate of \$39.72 per week.

2. The defendant employer, through its said insurance carrier, has, prior to the filing of this petition, paid to the said employee compensation for fifty-two (52) weeks at the rate of \$23.83 per week, making a total of Twelve Hundred Thirty-nine and 16/100 Dollars (\$1239.16).

3. The employee acknowledges that he has received the full medical, surgical and hospital benefits provided by the Workmen's Compensation Law, the cost of all of which has been paid by the defendant employer's said insurance carrier.

4. It is hereby agreed that the said employee is entitled to and shall receive additional compensation for the said injury in the amount of Eighteen Hundred Eighty-six and 55/100 Dollars (\$1886.55), to be paid in a lump sum, together with the costs of this proceeding, making a total of Thirty-one Hundred Twenty-five and 71/100 Dollars (\$3125.71).

5. The employer shall also pay the court costs incurred in this proceeding.

6. Upon payment of the said balance of \$1886.55 and the costs of this proceeding, amounting to \$16.00, the said employer and its said insurance carrier shall be and they are each relieved of and discharged from all other and further liability of every kind and nature to the said employee.

Dated at Bay Minette, Alabama, on this the 28th day of May, 1960.

Neal Harville
Neal Harville (Employee)

CHASON AND STONE

By Marlene C. Stone
Attorneys for Employee

RAY E. LOPER LUMBER COMPANY, INC.,
d/b/a LOPER HAULING COMPANY
(Employer)

By J. B. Blackburn
As its Attorney

AMERICAN EMPLOYERS' INSURANCE COMPANY

By J. B. Blackburn
As its Attorney

STATE OF ALABAMA)

BALDWIN COUNTY *

I, John D. Dixon, a Notary Public, within and for said County in said State, hereby certify that Neal Harville, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 28th
day of May, 1960.

[Handwritten Signature]

Notary Public, Baldwin County, Alabama

FILED

JUN 7 1960

ALICE A. DUEK, CLERK REGISTER

AGREEMENT AND PETITION FOR LUMP
SUM SETTLEMENT UNDER WORKMEN'S
COMPENSATION LAW.

NEAL HARVILLE,

Petitioner,

VS.

RAY E. LOPER LUMBER COMPANY, INC.,
d/b/a LOPER HAULING COMPANY,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 4194

FILED

JUN 7 1960

ALICE J. DUNK CLERK

ORDER APPROVING LUMP SUM SETTLEMENT.

NEAL HARVILLE,

Petitioner,

VS.

RAY E. LOPER LUMBER COMPANY, INC.
d/b/a LOPER HAULING COMPANY,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 4194

m

NEAL HARVILLE,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
LOPER HAULING COMPANY, A Corporation,	X	AT LAW
	X	
Defendant.	X	

AMENDED COMPLAINT

Comes now the Plaintiff in the above styled cause, by his attorneys, and amends the complaint heretofore filed by him so that the same shall read as follows:

NEAL HARVILLE,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
RAY E. LOPER LUMBER COMPANY, INC., a corporation, doing business as LOPER HAULING COMPANY,	X	AT LAW
	X	
Defendant.	X	

WORKMAN'S COMPENSATION COMPLAINT

1. The Plaintiff, Neal Harville, is a resident citizen of Bay Minette, Baldwin County, Alabama, and is over the age of twenty-one years. The Defendant, Ray E. Loper Lumber Company, Inc., a corporation, doing business as Loper Hauling Company, is a corporation organized and existing under the laws of the State of Alabama, with its principal place of business in Bay Minette, Alabama.

2. On July 17, 1958, the Plaintiff, while employed by Ray E. Loper Lumber Company, Inc., a corporation, doing business as Loper Hauling Company, suffered injuries proximately resulting from an accident arising out of and in the course of his employment as a servant or employee of the Defendant as follows: that he was riding in the cab of a truck of the Defendant on U. S. Highway 31, about five miles East of Wabeek Community in Escambia County, Alabama, while engaged in delivering dressed lumber of the Defendant and said truck turned

over and caused the fracture of the sixth and seventh cervical vertebra and the first thoracic vertebra of the Plaintiff. That as a proximate result of said injuries the Plaintiff was rendered permanently disabled to the extent of forty to fifty (40% to 50%) percent.

3. That subsequent to the receipt of said injuries by the Plaintiff Ray E. Loper Lumber Company, Inc., a corporation, doing business as Loper Hauling Company, through their insurance carrier, paid the Plaintiff compensation in the total amount of One Thousand Two Hundred Thirty-nine Dollars and Sixteen Cents (\$1,239.16) but discontinued such compensation payments on, to-wit: July 27, 1959. Said compensation was paid every two weeks at the rate of Forty-seven Dollars and Sixty-six Cents (\$47.66) per week.

4. That prior to his said injuries the average weekly earnings of the Plaintiff were Thirty-nine Dollars and Seventy-two Cents (\$39.72) and the Defendant has knowledge of the injuries sustained by the Plaintiff and had notice of said accident.

WHEREFORE, the Plaintiff asks Workman's Compensation of and from the Defendant under the Workman's Compensation Law of the State of Alabama.

CHASON & STONE

By: *Norborne C. Stone, Jr.*
Attorneys for Neal Harville

STATE OF ALABAMA

BALDWIN COUNTY

Before me, *Blanche White*, a Notary Public, in and for said County in said State, personally appeared Norborne C. Stone, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Norborne C. Stone, Jr., and he is one of the attorneys for Neal Harville. That he is informed and believes and upon such information and belief states that the facts alleged in the foregoing complaint are true and correct.

Norborne C. Stone, Jr.
sworn to and subscribed before me on
this *25th* day of *May*, 1960.

Blanche White

4194

NEAL HARVILLE,
Plaintiff,

vs.

LOPER HAULING COMPANY, A
Corporation,
Defendant.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

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FILED
MAY 25 1960
ALICE L. DUCK, CLERK
REGISTER

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Loper Hauling Company, a corporation, to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Neal Harville.

Witness my hand this 26 day of ~~January~~ ^{February}, 1960.


Clerk

NEAL HARVILLE,	Y	
Plaintiff,	Y	IN THE CIRCUIT COURT OF
vs.	Y	
	Y	BALDWIN COUNTY, ALABAMA
LOPER HAULING COMPANY, A	Y	
Corporation,	Y	AT LAW
Defendant.	Y	

WORKMAN'S COMPENSATION COMPLAINT

1. The Plaintiff, Neal Harville, is a resident citizen of Bay Minette, Baldwin County, Alabama, and is over the age of twenty-one years. The Defendant, Loper Hauling Company, a corporation, is a corporation organized and existing under the laws of the State of Alabama, with its principal place of business in Bay Minette, Alabama.
2. On July 17, 1958, the Plaintiff, while employed by Loper Hauling Company, a corporation, suffered injuries proximately resulting from an accident arising out of and in the course of his employment as a servant or employee of the Defendant as follows: that he was riding in the cab of a truck of the Defendant on U. S. Highway 31, about five miles East of the Wabeek Community in Escambia County, Alabama, while engaged in delivering dressed lumber of the Defendant and said truck turned over and caused the fracture of the sixth and seventh cervical vertebra and the first thoracic vertebra of the Plain-

tiff. That as a proximate result of said injuries the Plaintiff was rendered permanently disabled to the extent of forty to fifty (40% to 50%) percent.

3. That subsequent to the receipt of said injuries by the Plaintiff Loper Hauling Company, a corporation, through their insurance carrier, paid the Plaintiff compensation in the total amount of One Thousand Two Hundred Thirty-nine Dollars and Sixteen Cents (\$1,239.16) but discontinued such compensation payments on, to-wit: July 27, 1959. Said compensation was paid every two weeks at the rate of Forty-seven Dollars and Sixty-six Cents (\$47.66) per week.

4. That prior to his said injuries the average weekly earnings of the Plaintiff were Thirty-nine Dollars and Seventy-two Cents (\$39.72) and the Defendant has knowledge of the injuries sustained by the Plaintiff and had notice of said accident.

WHEREFORE, the Plaintiff asks Workman's Compensation of and from the Defendant under the Workman's Compensation Law of the State of Alabama.

Neal Harville
Neal Harville

STATE OF ALABAMA

BALDWIN COUNTY

Before me Norborne C. Stone, Jr., a Notary Public, in and for said County in said State, personally appeared Neal Harville, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Neal Harville and he has read the foregoing Complaint and the facts alleged therein are true and correct.

Neal Harville

Sworn to and subscribed before me on this 29th day of January, 1960.

Norborne C. Stone, Jr.
Notary Public, Baldwin County, Alabama

FILED
FEB 26 1960
ALICE J. DUCK, Clerk

4194

Received 29 day of Feb 1960

and on 2 day of March 1960

I served a copy of the within LHC

on Loper Hauling Co.

By service on Ray C. Loper

TAYLOR WILKINS, Sheriff

By W. A. Talbot D. S.

o m c

NEAL HARVILLE,
Plaintiff

vs.

LOPER HAULING COMPANY, A
Corporation,
Defendant

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

SUMMONS AND COMPLAINT

* * * * *

FILED

FEB 26 1960

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

NEAL HARVILLE,
Plaintiff,
VS.
LOPER HAULING COMPANY, a
corporation,
Defendant.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 4194

ANSWER

Now comes the defendant and for answer to the petition
filed in this cause, says:

The allegations thereof are untrue.

J. B. Blackburn
Attorney for defendant

ANSWER

NEAL HARVILLE,

Plaintiff,

VS.

LOPER HAULING COMPANY, a corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 4194

STATE OF ALABAMA

BALDWIN COUNTY

TO: THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA:

Comes now Neal Harville, and shows unto Your Honor that he was an employee of Loper Hauling Company, a corporation, in Bay Minette, Alabama, on July 17, 1958, on which date he suffered an injury while acting in the line and scope of his employment and since that date he has been unable to reach a settlement with the said Loper Hauling Company, a corporation, with respect to the amount to which he is entitled under the Workman's Compensation Laws of the State of Alabama, and respectfully asks that permission be granted to him to secure the services of an attorney to represent him in said matter.

It is requested that permission be given to secure the services of Chason & Stone, Attorneys at Law, Bay Minette, Alabama.

FILED
FEB 26 1960
ALICE J. DUCK, Clerk


Neal Harville

STATE OF ALABAMA

BALDWIN COUNTY

The foregoing application having been submitted and called to the attention of this Court and the Court being of the opinion that said permission should be granted and that Neal Harville is hereby authorized and permitted to employ Chason & Stone, Attorneys at Law, Bay Minette, Alabama, to represent him in a claim for injuries arising out of an accident allegedly sustained in the course of the employment of the said Neal Harville while employed by Loper Hauling Company, a corporation.

Circuit Judge

4194

NEAL HARVILLE,
Plaintiff

vs.

LOPER HAULING COMPANY, A
Corporation,

Defendant

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

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WORKMAN'S COMPENSATION COMPLAINT

(* * * * *

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA