

ROLAND PARKER BUTTS,

Plaintiff,

vs.

ROBERTSDALE MILL AND ELEVATOR COMPANY, a corporation,

Defendant.

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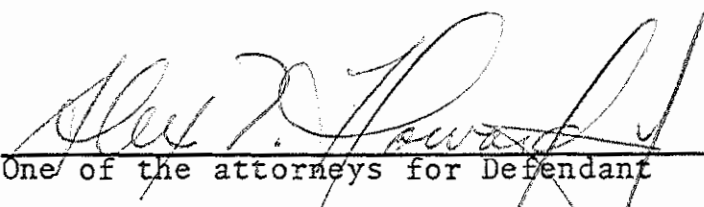
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, CASE NO. 5595

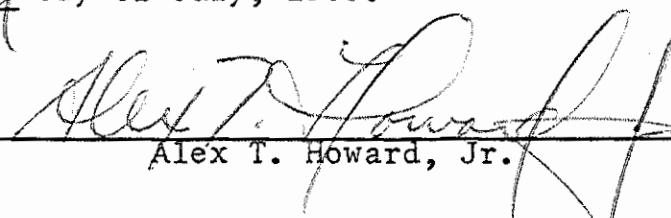
TO: Mr. John V. Duck
Attorney at Law
Fairhope, Alabama

Please take notice that the Defendant in the above styled cause will take the testimony on oral examination in said cause of Mr. Julius Childress, a witness in said cause, whose address is: near Woodhaven Dairy Bar, Robertsdale, Alabama, under the provisions of Section 474 (1) - 474 (18) of Title 7, Code of Alabama, at the law offices of McCorvey, Turner, Johnstone, Adams & May on the Ninth Floor of The Merchants National Bank Building in Mobile, Alabama, at 2:30 P.M., on Wednesday, August 21, 1963, before Mr. Louis M. Hubbard, Jr., a Notary Public, or before some other officer authorized by law to administer oaths. Such oral examination will continue from day to day until completed and you are invited to attend same.


One of the attorneys for Defendant

C E R T I F I C A T E

I, Alex T. Howard, Jr., one of the attorneys of record for the Defendant in the above styled cause, hereby certify that I have served a copy of the above and foregoing notice upon Mr. John V. Duck, attorney for the Plaintiff in said cause, by mailing a copy of same, postpaid, to him at his law office in Fairhope, Alabama, on this the 22nd day of July, 1963.


Alex T. Howard, Jr.

FILED

JUL 29 1963

ALICE I. DUCK, CLERK
REGISTER

ROLAND PARKER BUTTS,) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
=vs=)
) AT LAW NO. 5595
ROBERTSDALE MILL AND ELEVATOR)
COMPANY, a corporation,)
)
) Defendant.

FINDINGS OF FACT AND LAW AND CONCLUSIONS

From the pleadings, testimony and other evidence in this cause, the Court finds as follows:

That on or about the 4th day of June, 1962, the plaintiff, Roland Parker Butts, suffered injuries as the direct and proximate result of an accident which occurred while he was in the employ of the defendant, Robertsdale Mill and Elevator Company; that said accident occurred on the premises of the Robertsdale Mill and Elevator Company in Baldwin County, Alabama; that at the time and place of said accident the plaintiff was working as a feed grinder when he tripped over a rope or cable and fell into a bin; that at the time and place of said accident the plaintiff was acting within the line and scope and in the course of his said employment by the defendant; that at said time both the plaintiff and the defendant were subject to Article 2 of the Alabama Workmen's Compensation Law; that said accident arose out of and in the course of the employment of the plaintiff by the defendant; that the plaintiff's average weekly wage for the fifty-two weeks immediately preceding the date of said accident was approximately \$50.00; that at the time of the occurrence of said accident the plaintiff was married and had two dependent children under the age of eighteen years; that the defendant received notice of the occurrence of said accident within the time prescribed by law; that as a direct and proximate result of said accident the plaintiff suffered injuries; that

a dispute exists between the plaintiff and the defendant as to whether or not the plaintiff's injuries are permanent, and further as to whether or not the plaintiff's injuries were suffered as the result of an accident which arose out of and in the course of his employment by the defendant, and whether or not such injuries are compensable under the Alabama Workmen's Compensation Law, but that the plaintiff is willing to accept, and the defendant, by and through its workmen's compensation insurance carrier, is willing to pay to the plaintiff the sum of \$1,000.00 as all compensation due the plaintiff for said injuries, including medical expenses and all expenses incurred by the plaintiff in and about the treatment of his said injuries; that the Court is of the opinion that a settlement of all compensation to which the plaintiff is entitled as a result of said accident for the said sum of \$1,000.00 is for the best interest of the plaintiff and that said settlement should be, and the same hereby is, approved by the Court, and the Court is further of the opinion that it is to the best interest of the plaintiff that the said sum of \$1,000.00 be paid to him in one lump sum.

JUDGMENT

THE PREMISES CONSIDERED, IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT that the plaintiff is entitled to receive from the defendant the sum of One Thousand and No/100 (\$1,000.00) Dollars as payment in full of all compensation due the plaintiff by the defendant for all injuries received by the plaintiff as a result of said accident.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that of the said sum of One Thousand and No/100 (\$1,000.00) Dollars, the plaintiff shall pay to The Honorable John V. Duck, his Attorney, the sum of \$150.00 for his services rendered in representing the plaintiff in this cause.

now paid
565
3:11
IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED
BY THE COURT that the plaintiff have and recover of the de-
fendant the said sum of One Thousand and No/100 (\$1,000.00)
Dollars as all compensation due the plaintiff as the result
of said accident; that the plaintiff have and recover the
costs of this cause, for all of which let execution issue.

This is the first time in history that a plaintiff has won a judgment for pain and suffering.
Done this 2nd day of September, 1965.

J. Fairfax H. Marlborough
Judge

FILED

SEP 2 1965

AME L DUCK, CLERK
REGISTER

VS.

Defendant

AT LAW NO. 5595

J. Edgar J. Washburn
JUDGE

M
M. 5595

Received 16 day of Nov 1917
I on 16 day of Nov 1917
Received a copy of the within Order
John L. Duck

Service on John L. Duck
Taylor Wilkins
TAYLOR, WILKINS, Sheriff
By Roy Randall D.

H. H. H. H.

Sheriff claims 70 miles at
Ten Cents per mile Total \$ 7.00
TAYLOR, WILKINS, Sheriff
BY RR
DEPUTY SHERIFF

Roland Park Butte

vs.

Robertsdale Mill &
Elevator Co. a corp

as be agreed to
1. John L. Duck, atty.
2. Mr. James Chidwick
3. Harry J. Dutton, atty

ROLAND PARKER BUTTS,

Plaintiff,

vs.

ROBERTSDALE MILL AND ELEVATOR
COMPANY, a corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 5595

ORDER

It appearing to the Court that the Defendant in the above styled cause, on October 17, 1963, filed a motion in this cause praying that after reasonable notice to one Julius Childress, a witness in said cause, that this Court hold a hearing to determine whether the said Julius Childress should be compelled to answer certain questions which were propounded to him by the attorney for the Defendant at the taking of the deposition of said witness in this cause on August 21, 1963, and which questions said witness refused to answer;

NOW, THEREFORE, IT IS CONSIDERED AND ORDERED BY THE COURT, that a hearing be had in this Court at 10 o'clock A. M., on the 4 day of March, 1964, for the purpose of determining whether or not the said Julius Childress shall be compelled to answer said questions.

It is further ordered that reasonable notice of said hearing be served upon the said Julius Childress and upon the attorneys for the parties to this cause.

DONE, this 12 day of February, 1964.

Hubert M. Jones
JUDGE

Received 12 day of Feb 1964
and on 17 day of Feb 1964
I served a copy of the within Order
on Julius Childress

By service on Julius Childress

Sheriff claims 50 miles at 500 miles at TAYLOR WILKINS, Sheriff
Ten Cents per mile Total \$ 50.00
BY TAYLOR WILKINS, Sheriff
DEPUTY SHERIFF

By J. M. Eastman
R. Dale, Clerk

5595-

Rolland Parker Butts

VS.

Robitdale Mill &
Elevator Co.

FILED

FEB 12 1984

CLERK
REGISTER

to be served on
Julius Chascoe
Robitdale, Ala

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY
ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

HEMLOCK 3-5561 P. O. BOX 1070

MOBILE 6, ALABAMA

GESSNER T. MCCORVEY
BEN D. TURNER
C. A. L. JOHNSTONE, JR.
R. F. ADAMS, SR.
JAMES L. MAY, JR.
ALEX T. HOWARD, JR.
J. JEPHTHA HILL
CHARLES B. BAILEY, JR.
C. M. A. ROGERS, III
BROCK B. GORDON

July 22, 1963

Honorable Alice V. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

Re: Case No. 5595
Roland Parker Butts vs.
Robertsdale Milling and Elevator Co., Inc.

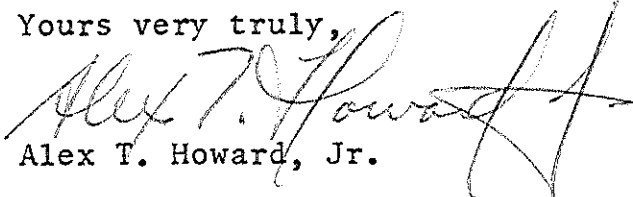
Dear Mrs. Duck:

Enclosed is a notice to the effect that I will take the deposition of Mr. Julius Childress, ~~wa~~ witness in the above cause, here in my office in Mobile at 2:30 P.M. on Wednesday, August 21, 1963.

Please issue a subpoena to Mr. Childress in accordance with the provisions of the enclosed notice so that Mr. Childress will be informed of the fact that he must appear for such deposition.

Thank you for your kind attention to the above.

Yours very truly,

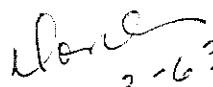

Alex T. Howard, Jr.

FILED

JUL 23 1963

ALICE J. DUCK, CLERK
REGISTERS

ATH, jr/an
Encl.


7-23-63
E.M.B.

February 7, 1964

McCorvey, Turner, Johnstone, Adams & May
Attorneys at Law
Attention: Hon. Alex T. Howard, Jr.
P.O. Box 1070
Mobile, Alabama

Dear Sir:

Re: Roland Parker Butts
vs: Robertsedale Mill and Elevator Company - case no. 5595

The motion you filed in the above styled cause was served both on the defendant and his attorney. Perhaps it would have been better if the order had been made and attached before service, however, if you will mail your order to me, I will present it to the Judge to set the date, then have service.

Yours truly,

Clerk.

AJD/eb

C O P Y

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

PHONE 433-5561 P. O. BOX 1070

MOBILE, ALABAMA 36601

GESSNER T. MCCORVEY
DEN D. TURNER
C. A. L. JOHNSTONE, JR.
R. F. ADAMS, SR.
JAMES L. MAY, JR.
ALEX T. HOWARD, JR.
J. JEPHTHA HILL
CHARLES B. BAILEY, JR.

C. M. A. ROGERS, III
BROCK B. GORDON

February 3rd, 1964

Honorable Alice J. Duck
Clerk of the Circuit Court
Baldwin County
Bay Minette, Alabama

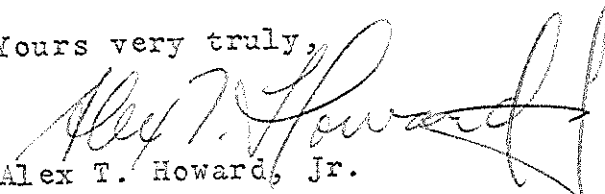
Re: Roland Parker Butts vs. Robertsdale Mill
and Elevator Company, Circuit Court of
Baldwin County, Alabama, Case No. 5595

Dear Mrs. Duck:

Please refer to my letter to you of October 16th, 1963, in the above case and let me know whether there is anything else which I need to do in regard to a hearing on my motion to require the witness, Julius Childress to answer questions put to him at the taking of his deposition. In talking with your son John today, I learned that I should probably have submitted an order with my motion and if this is the situation, please let me know what I can do to expedite this matter.

At this time I am enclosing the original and one copy of a Demurrer to the Complaint in the above case, as amended, and you will note that such Demurrer simply reassigns all grounds for Demurrer previously assigned to the original Complaint. I do not care to argue such Demurrer and if it can be submitted without argument, I would be most grateful.

Yours very truly,


Alex T. Howard, Jr.

ATHjr:djl
Enclosures
cc: Mr. John V. Duck

COPY

McCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING
433-5561 - AREA CODE 205 P. O. BOX 1070
MOBILE, ALABAMA 36601

GEORGE T. MCCORVEY
DEN D. TURNER
C. A. L. JOHNSTONE, JR.
R. F. ADAMS, SR.
JAMES L. MAY, JR.
ALEX T. HOWARD, JR.
J. JEPHIA HILL
CHARLES B. BAILEY, JR.
C. M. A. ROGERS, III
BROCK B. GORDON

May 6th, 1964

Mr. Harry J. Wilters
Wilters & Brantley
Attorneys at Law
Court House Square
Bay Minette, Alabama

Re: Roland Parker Butts vs. Robertsdale Mill
and Elevator Company, Circuit Court of
Baldwin County, Alabama. Case No. 5595

Dear Mr. Wilters:

I have heard nothing from you in regard to a convenient time for scheduling the hearing relating to your client, Mr. Julius Childress.

While I would like to hold this hearing at the convenience of all concerned, Mr. Duck is anxious that I proceed to get this case ready for trial or settlement as soon as possible and unless I hear from you within the next week I will ask the Judge to set a date for Mr. Childress' hearing and have him served with notice.

Yours very truly,


Alex T. Howard, Jr.

ATHjr:djl

cc: Honorable Alice J. Duck
Mr. John V. Duck

COPY

McCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

433-5561 - AREA CODE 205 P. O. BOX 1070

MOBILE, ALABAMA 36601

GESSNER T. McCORVEY
BEN D. TURNER
C. A. L. JOHNSTONE, JR.
R. F. ADAMS, SR.
JAMES L. MAY, JR.
ALEX T. HOWARD, JR.
J. JEPHTHA HILL
CHARLES B. BAILEY, JR.
C. M. A. ROGERS, III
BROCK B. GORDON

March 10th, 1964

Mr. Harry J. Wilters, Jr.
Wilters & Brantley
Attorneys at Law
Court House Square
Bay Minette, Alabama

Re: Roland Parket Butts vs. Robertsdale Mill
and Elevator Company, Circuit Court of
Baldwin County, Alabama. Case No. 5595

Dear Harry:

According to my diary, my Motion to Require Mr. Julius Childress to answer certain questions put to him by me at the taking of his deposition last August was set for hearing at Bay Minette at 10:00 A.M. on today, March 10th, 1964. Yesterday morning as I was reviewing my file in preparation for such hearing I noted that the order stated that such hearing was to be held at 10:00 A.M. on March 4th, 1964, and you can imagine how upset I was that I had made such a mistake.

I promptly called Mr. Duck in Fairhope and learned from him that he, you and Mr. Childress had been present in Bay Minette at the appointed time; that an effort had been made to contact me in Mobile when it was learned that I was in New Orleans. I am afraid that it does little good for a person to say "I'm sorry", but I want you to know that I am sorry and that I apologize to you, Mr. Duck, Mr. Childress and the Judge for inconveniencing all of you by my carelessness.

While this is no excuse, I do wish to explain what happened. When I received from Mrs. Duck my copy of the Court's Order setting this motion down for a hearing, I must have noticed the figure "10" rather than the figure "4" and proceeded to write this matter down in my diary for March 10th. As mentioned above, I did not discover my error until yesterday morning, March 9th. The reason I could not be contacted here in Mobile on the morning of March 4th was that I had flown to New Orleans on March 3rd to take a deposition over there and

Page 2.

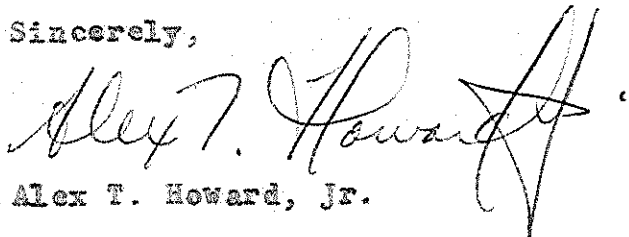
due to bad weather could not fly back to Mobile on the afternoon of March 3rd or the morning of March 4th, and finally had to rent a car to get home.

Late yesterday afternoon I drove up to Bay Minette and apologized to Judge Hall and he advised me that the hearing on this motion had been continued and that he would set it for hearing at sometime convenient to the attorneys involved. Judge Hall did state that since he was going to be very busy for the next three or four weeks, he did not want to set it during that period of time.

Please let me know if 10:00 A.M. on Wednesday, April 8th, 1964, would be a convenient time and date for this hearing and by carbon copy of this letter I am asking Mr. Duck to advise as to whether such date is convenient with him.

Again let me say how sorry I am to have inconvenienced all of you and I hope that you will accept my apology.

Sincerely,



Alex T. Howard, Jr.

ATHjr:djl

cc: Mrs. Alice J. Duck

Mr. John V. Duck

McCORMEY, TURNER, JOHNSTONE, ADAMS & MAY
ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING
PHONE 433-5561 P. O. BOX 1070
MOBILE, ALABAMA 36601

GESSNER T. MCCORMEY
BEN D. TURNER
C. A. L. JOHNSTONE, JR.
R. F. ADAMS, SR.
JAMES L. MAY, JR.
ALEX T. HOWARD, JR.
J. JEPHTHA HILL
CHARLES B. BAILEY, JR.

C. M. A. ROGERS, III
BROCK B. GORDON

February 10th, 1964

Honorable Alice J. Duck
Clerk of the Circuit Court
Baldwin County, Alabama
Bay Minette, Alabama

Re: Roland Parker Butts vs. Robertsdale Mill
and Elevator Company, Circuit Court of
Baldwin County, Alabama, Case No. 5595

Dear Mrs. Duck:

Thank you for your letter of February 7, 1964.

Enclosed are the original and three copies of an order setting the time and date for a hearing to determine whether or not the witness, Mr. Julius Childress, will be compelled by the Court to answer those questions referred to in my motion of October 17, 1963.

I have left the time and date blank in such order, but would greatly appreciate it if such motion could be heard during the week of March 2, 1964.

Thank you for your cooperation.

Yours very truly,

Alex T. Howard, Jr.
Alex T. Howard, Jr.

ATHjr:cyj
Enclosures

cc: Mr. John V. Duck

*one copy mailed to
John V. Duck atty
Alex T. Howard 2-12-64*

COPY

McCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING
433-5561 — AREA CODE 205 P. O. BOX 1070
MOBILE, ALABAMA 36601

GESSNER T. MCCORVEY
BEN D. TURNER
C. A. L. JOHNSTONE, JR.
R. F. ADAMS, SR.
JAMES L. MAY, JR.
ALEX T. HOWARD, JR.
J. JEPHTHA HILL
CHARLES B. BAILEY, JR.
C. M. A. ROGERS, III
BROCK B. GORDON

March 31st, 1964

Mr. Harry J. Wilters
Wilters & Brantley
Attorneys at Law
Court House Square
Bay Minette, Alabama

Re: Roland Parker Butts vs. Robertsdale Mill
and Elevator Company, Circuit Court of
Baldwin County, Alabama. Case Number 5595

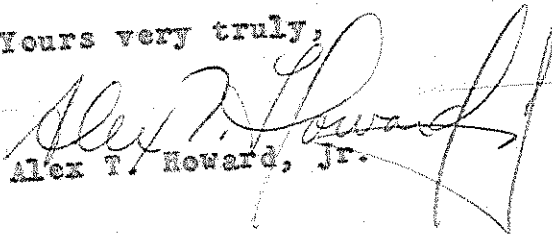
Dear Mr. Wilters:

Thank you for your letter of March 23, 1964, advising that you had not been able to get in touch with Mr. Childress and that as soon as you do you will let me know.

As I have heard nothing further from you I hesitate to ask the Court to set this hearing for April 8th, but if in the meantime it develops that April 8th will be agreeable with you and your client, Mr. Childress, please let me know so that I can keep Mrs. Duck advised.

Thank you for your cooperation.

Yours very truly,


Alex T. Howard, Jr.

ATHjr:djl

cc: Honorable Alice J. Duck
Mr. John V. Duck

T
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Mrs. Alice J. Duck,
Clerk of Circuit Court
Baldwin County Court House
Bay Minette, Alabama

F
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JOHN V. DUCK & RICHARD C. LACEY
Attorneys At Law
319 Magnolia Avenue
FAIRHOPE, ALABAMA

SUBJECT:

BUTTS VS. ROBERTSDALE MILL & ELEVATOR CO.

DATE:

6/5/63

Message - Reply

FOLD A

THIS IS NCR (NO CARBON REQUIRED) PAPER.

{ JUST TYPE (OR WRITE) ON ORIGINAL. YOUR IMPRESSION
WILL AUTOMATICALLY APPEAR ON COPIES BENEATH.

Form 37 - New England Business Service, Inc., Townsend, Mass.

Dear Miss Alice:

Petition in subject matter is returned herewith after
correction.

DUCK & LACEY

FOR THE FIRM,

SIGNED:



DATE OF REPLY:

REPLY TO:

SIGNED:

SENDER: MAIL RECIPIENT WHITE AND PINK SHEETS

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MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY
ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING
HEMLOCK 3-5561 P. O. BOX 1070

MOBILE 6, ALABAMA

GESSNER T. MCCORVEY
BEN D. TURNER
C. A. L. JOHNSTONE, JR.
R. F. ADAMS, SR.
JAMES L. MAY, JR.
ALEX T. HOWARD, JR.
J. JEPHTHA HILL
CHARLES B. BAILEY, JR.
C. M. A. ROGERS, III
BROCK B. GORDON

July 5th, 1963

Honorable Alice J. Duck
Clerk of the Circuit Court
Baldwin County
Bay Minette, Alabama

Re: Roland Parker Butts vs. Robertsdale Milling
and Elevator Company, Inc., Circuit Court
Baldwin County, Alabama, Case Number 5595

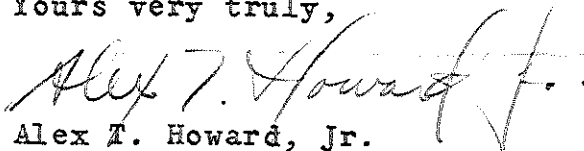
Dear Mrs. Duck:

Enclosed are the original and one copy of a Demurrer
to the Complaint in the above case and I would appreciate it
if you would file such Demurrer in this case.

Please let me know when such Demurrer is to be argued
so that I can either come to Bay Minette or arrange to have one
of your local attorneys handle this matter for me.

Thank you for your usual fine cooperation.

Yours very truly,


Alex T. Howard, Jr.

ATHjr:djl
Enclosures

July 8, 1963

Hon. Alex T. Howard, Jr.
P.O. Box 1070
Mobile 6, Alabama

Dear Sir:

Re: Roland Parker Butts
vs: Robertsdale Milling and Elevator Co.
Case no. 5595

The Demurrer in the above style cause was received and filed
this date and same will be heard on the 16th day of July, which is
Pleading day.

Yours very truly,

Clerk.

AJD/eb

COPY

INSTRUCTIONS

SENDER:

Write (or type) message, pull out yellow sheet, mail the other two.

RECIPIENT:

Write your reply at bottom, mail back white sheet and keep the pink.

NCR

T
O

Mrs. Alice J. Duck
Clerk of Circuit Court
Day Ninette, Alabama

F
R
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M

JOHN V. BINK & RICHARD G. LACHY
Attorneys At Law
219 Magnolia Avenue
TARHOPE, ALABAMA

SUBJECT:

Poland Pecker Buble-Robertsdale Mill &
Elevator Company.

DATE:

10/11/63

Message - Reply

FOLD A THIS IS NCR (NO CARBON REQUIRED) PAPER.

JUST TYPE (OR WRITE) ON ORIGINAL. YOUR IMPRESSION
WILL AUTOMATICALLY APPEAR ON COPIES BENEATH.

Form 87 - New England Business Service, Inc., Townsend, Mass.

M
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Dear Mrs. Duck:

Enclosed you will find amended bill of complaint on the
above.

Will you please send a copy of this to Alex Howard, of
Law firm of Howard, McCreary, Turner, Johnston, Adams & Co.
Mobile, Alabama

JVB/og

SIGNED:

John V. Bink

DATE OF REPLY:

REPLY TO:

John V. Duck

FILED

OCT 22 1963

Alice J. Duck, CLERK
REGISTER

SIGNED:

RECIPIENT: WRITE REPLY. RETURN WHITE TO SENDER. KEEP THIS PINK COPY.

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INSTRUCTIONS

SENDER:

Write (or type) message, pull out yellow sheet, mail the other two.

RECIPIENT:

Write your reply at bottom, mail back white sheet and keep the pink.

NCR

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Mrs. Alice J. Duck
Clerk of Circuit Court
Bay Minette, Alabama

F
R
O
M

JOHN V. DUCK & RICHARD C. LACEY
Attorneys At Law
319 Magallon Avenue
FAIRHOPE, ALABAMA

SUBJECT:

Roland Parker Butts-Robertsdate Bill L.
Elevator Company.

DATE:

10/16/63

Message - Reply

FOLD A THIS IS NCR (NO CARBON REQUIRED) PAPER.

JUST TYPE (OR WRITE) ON ORIGINAL. YOUR IMPRESSION
WILL AUTOMATICALLY APPEAR ON COPIES BENEATH.

Form 87 - New England Business Service, Inc., Townsend, Mass.

M
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S
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E

Dear Mrs. Duck:

Inclosed you will find recorded Bill of Complaint on the

Above.

Will you please send a copy of Bill to Alex Howard, or
Law firm of Howard, Rectorvey, Tipton, Johnston, Adams & Lee
Mobile, Alabama

JVD/ou

SIGNED:

John V. Duck

DATE OF REPLY:

REPLY TO:

John V. Duck

FILED

OCT 22 1963

SIGNED:

JOHN V. DUCK, CLERK
REGISTER

RECIPIENT: WRITE REPLY. RETURN WHITE TO SENDER. KEEP THIS PINK COPY.

ROLAND PARKER BUTTS

Employee

-VS-

ROBERTSDALE MILL & ELEVATOR CO.,
A Corporation

Employer

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW;

APPLICATION TO HIRE AN ATTORNEY

Comes now Roland Parker Butts and hereby petitions and applies to the Honorable Judge of the Circuit Court of Baldwin County, Alabama, for an order approving his employment of John V. Duck, Attorney at Law, to represent his interest in the above matter.

Roland Parker Butts
Roland Parker Butts

ORDER

Upon consideration of the foregoing petition, the employment of John V. Duck as attorney for Roland Parker Butts in the above styled cause is hereby ordered and approved, the fees to be paid said attorney not to exceed 15% of the Compensation awarded said employee, all in accordance with Title 26, Section 261 of the Alabama Code of 1940, as amended.

John V. Duck
Judge

ROLAND PARKER BUTTS,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
=vs=)	
ROBERTSDALE MILL AND ELEVATOR	)	AT LAW NO. 5595
COMPANY, a corporation,)	
Defendant.)	

A N S W E R

Comes now the defendant in the above styled cause and for answer to the complaint heretofore filed in said cause, states as follows:

1. The defendant admits the allegations of the first full paragraph of the amended complaint to the effect that on or about the 4th day of June, 1962, the relation of employer and employee existed between the plaintiff and the defendant and that the plaintiff and the defendant were subject to the Workmen's Compensation Laws of the State of Alabama, however, the defendant denies the remaining allegations of the first paragraph of the amended complaint;

2. The defendant denies all of the allegations of the second full paragraph of the amended complaint and denies that the plaintiff suffered any injuries as the result of an accident which arose out of and in the course of his employment by the defendant;

3. The defendant denies the allegations of the third full paragraph of the amended complaint to the effect that the defendant had prompt and immediate notice of the said accident, the defendant denies that any such accident occurred, and therefore denies receiving any notice of any such alleged accident, and defendant admits that no compensation has been paid to the plaintiff;

4. The allegations of the fourth full paragraph of the amended complaint are admitted;

5. The allegations of the fifth full paragraph of the complaint as amended are admitted;

6. For further answer to the complaint the defendant avers that the defendant, by and through its workmen's compensation insurance carrier, is willing to pay, and the plaintiff is willing to accept, the sum of \$1,000.00 as payment in full of all compensation which might be due and owing the plaintiff as the result of the alleged accident described in the amended complaint and made the basis of this suit, and that said sum of \$1,000.00 is in full settlement and satisfaction of all claims for compensation, including medical expenses;

WHEREFORE, THE PREMISES CONSIDERED, the defendant respectfully prays that the Court will approve a settlement of the plaintiff's claim for workmen's compensation benefits upon payment to the plaintiff of the sum of \$1,000.00.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By Charles B. Bailey, Jr.
Attorneys for Defendant

STATE OF ALABAMA
COUNTY OF MOBILE

Personally appeared before me, a Notary Public in and for said State and County, Charles B. Bailey, Jr., attorney for the defendant in the above styled cause, who is known to me, and who being by me first duly sworn, deposes and says that he is informed and believes, and upon such information and belief, avers that the statements of fact contained in the above and foregoing answer are all true and correct.

Charles B. Bailey, Jr.
Charles B. Bailey, Jr.

Sworn to and subscribed before me on this 2nd day of September, 1965.


Grace L. Pugh
Notary Public, State of Alabama at Large

FILED

SEP 2 1965

ALICE L. DICK, CLERK
REGISTER

I hereby acknowledge receipt of and accept service of
a copy of the above and foregoing answer on this the 2
day of September, 1965.



John V. Duck, Attorney for Plaintiff

FILED

2 1965

AUGUST 2, 1965, CLERK
REGISTERED

ROLAND PARKER BUTTS,
Plaintiff,

vs.

ROBERTSDALE MILL AND ELEVA-
TOR COMPANY, a corporation,
Defendant.

)
) IN THE CIRCUIT COURT OF
)
)
) BALDWIN COUNTY, ALABAMA
)
)
) AT LAW, CASE NO. 5595
)
)

Now comes the Defendant in the above styled cause and respectfully shows unto the Court as follows:

That heretofore, and on, to-wit, the 23rd day of July, 1963, the Defendant filed in said cause a notice to the attorney for the Plaintiff in said cause of its intention to take the deposition of Julius Childress, a witness in said cause; that the Defendant requested that a subpoena be served upon the said Julius Childress notifying him to appear at the office of Defendant's attorneys in Mobile, Alabama on August 21, 1963, for the purpose of having his deposition taken by the Defendant; that said subpoena was served on said witness in due course; that said witness appeared at the appointed time and place for said deposition; that said deposition of said witness was taken on said date of August 21, 1963, in accordance with said notice; that at the taking of said deposition said witness refused to answer certain questions propounded to him upon oral examination, which questions pertained to a certain alleged altercation between said witness and the Plaintiff during the month of June, 1962 and that such questions, if well and truly answered, will be material evidence at the trial of this case.

That the original transcript of said deposition is filed herewith and made a part of this motion as though fully set out herein, and those questions referred to hereinabove appear on pages 5, 6, 7, 8, 10, 11 and 12 of said deposition.

WHEREFORE, under the provisions of Title 7, Section 474(17) of the Code of Alabama, the Defendant prays that this motion be heard by the Court after reasonable notice of same to the said Julius Childress, whose address is Robertsdale, Alabama, and to Honorable John V. Duck, attorney for Plaintiff, at his office in Fairhope, Alabama, and that upon such hearing the Court

will compel said witness to fully answer such questions.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

BY


Attorneys for Defendant

Address of Mr. Julius Childress:

Near Woodhaven Dairy
Robertsdale, Alabama

Address of Honorable John V. Duck:

Attorney at Law
Fairhope, Alabama

FILED

OCT 17 1965

ALICE J. DUCK, CLERK
REGISTER

5595

Sheriff claims 12 0 miles at

Ten Cents per mile Total \$ 12.00

TAYLOR WILKINS, Sheriff
BY Deputy Sheriff
DEPUTY SHERIFF

ceived 17 day of Oct 1963

d on 1949 day of Oct 1963

erved a copy of the within

John Duck

service on

TAYLOR WILKINS, Sheriff

By Fred Siebert D. S.
Phog

eived 17 day of Oct 1963

on 23 day of Oct 1963

aved a copy of the within

Julius Childress

ervice on Jan

TAYLOR WILKINS, Sheriff

By H. F. Hall D. S.
J. M. Easton
R'dale

Roland Parker Butts

05

Robertsdale Mill &
Elevator Co

1st house on Rt.
past 1/2 Sec. Sta
R'dale

To be served on

1. John Dock, attorney - Fairhope
2. Mrs. Julius Childress - Robertsdale

ROLAND PARKER BUTTS	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
-VS-	)	AT LAW.
ROBERTSDALE MILL AND	)	NO. 5595
ELEVATOR COMPANY,)	
a corporation.)	
Defendant)	

AMENDED BILL OF COMPLAINT

Comes now the Plaintiff in the above styled cause, and amends the Bill of Complaint filed heretofore as follows:

The Plaintiff claims of the Defendant benefits under the workmens compensation laws of Alabama due and owing under the following statements of facts: That on or about the 4th day of June, 1962, the relation of employer and employee existed between the Defendant, Robertsdale Mill and Elevator Company, a Corporation, and Plaintiff, Roland Parker Butts, and Plaintiff and said Defendant was subject to Workmens Compensation laws of Alabama, and while so employed and engaged in the business of the Defendant, and while acting in the line and scope of his employment with the said Defendant, the Plaintiff suffered an accident which arose out of and in the course of said employment. As a proximate result of said accident the Plaintiff suffered a severe injury to his head, a brain concussion. A controversy has arisen as to the benefits to be paid under Workmens Compensation.

Plaintiff further avers that at the time of said accident on or about the 4th day of June, 1962, Plaintiff was attempting to lift and carry a bag or sack of grain or feed and that he tripped and fell over a cable rope or wire and his head was thrown into an abutment or wall, and as a proximate result of which, Plaintiff suffered a severe concussion of the brain. Said accident occurred in Baldwin County, State of Alabama.

Plaintiff further avers that the Defendant had prompt and immediate notice of the said accident, and that the Defendant

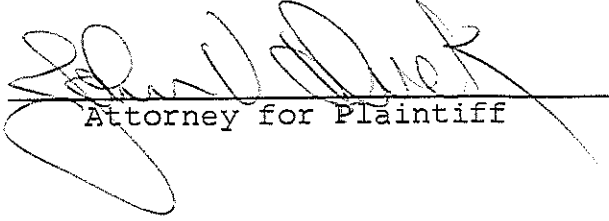
has failed, neglected or refused to pay any workmens compensation benefits by way of weekly compensation payments, hospital bills, drug bills, X-ray bills, doctors bills or otherwise.

Plaintiff alleges that at the time of his injury and for the prior 52 weeks thereto, his average weekly wages was the sum of, to-wit: Fifty Dollars (\$50.00).

Plaintiff further alleges that at the time of the accident complained, and at the present time, he had a wife and two minor children, all of whom were and are his dependents.

Wherefore, Plaintiff claims of the Defendant such benefits as he is entitled to receive under the workmens Compensation Laws of Alabama.

DUCK & LACEY


Attorney for Plaintiff

FILED

OCT 22 1963

ALICE J. DUCK, CLERK
REGISTER

ROLAND PARKER BUTTS,	:	IN THE CIRCUIT COURT
)	
Employee,	:	OF BALDWIN COUNTY,
)	
vs.	:	ALABAMA
)	
ROBERTSDALE MILL AND ELEVATOR	:	
COMPANY, a Corporation,)	
	:	AT LAW
Employer.	)	no. 5595

Your Petitioner, ROLAND PARKER BUTTS, respectfully shows unto Your Honor and this Honorable Court as follows:'

1. That he was, on the 4th day of June, 1962, a citizen resident of Baldwin County, Alabama, and a workman employed by Robertsdale Mill and Elevator Company, a Corporation, which is a Corporation doing business by agent in said County and State.

2. That on the 4th day of June, 1962, while working as a feed grinder in the Robertsdale Mill and Elevator Company, a Corporation, Your Petitioner was hurt by falling with a sack of feed from tripping over a rope, or cable, and fell into a bin or wall, which inflicted serious injuries on his head, and he was first totally disabled for a period in excess of four weeks, and has since been partially disabled, and Petitioner avers that his said injuries arose out of and on account of his employment by the said Robertsdale Mill and Elevator Company, a Corporation, which was subject to the Workmen's Compensation Act of Alabama at the time of said accident.

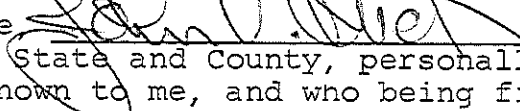
3. That your Petitioner has a wife who is wholly dependent upon him, and two children under the age of eighteen years, also all wholly dependent upon him, and that his average wage was at the time of the accident and for a long period theretofore, not less than Fifty Dollars (\$50.00) per week.

WHEREFORE, Your Petitioner prays that Your Honor will take jurisdiction of this, his petition for Workmen's Compensation and will set the same for hearing, giving due and proper notice thereof to the ROBERTSDALE MILL AND ELEVATOR COMPANY, a Corporation, and will set the same for hearing, and upon a hearing, will determine that he is entitled to total disability of \$361.00 Dollars for 31 weeks and partial disability of Dollars per week for weeks, and also his doctors and hospital bills in accordance with the Workmen's Compensation Laws of the State of Alabama, and Your Petitioner prays for such other and further relief as he may be entitled.


ATTORNEY FOR PETITIONER

STATE OF ALABAMA)

COUNTY OF BALDWIN)

Before me , a Notary Public in and for said State and County, personally appeared ROLAND P. BUTTS, who is known to me, and who being first duly sworn, deposes on oath and says:

That he has read or had read to him the foregoing Petition and the statements made therein are true and correct, and that he knows of his own knowledge that they are correct.


ROLAND P. BUTTS

SUBSCRIBED TO and sworn before me this, the 1st day of June, 1963.

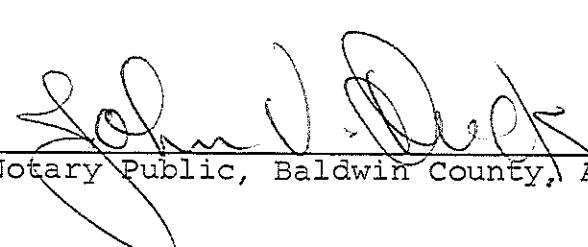
FILED

JUN 27 1963

ALICE J. DUCK,

CLERK
REGISTER

(AFFIX SEAL)


Notary Public, Baldwin County, Alabama

419

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 5595

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon Robertsdale Mill and Elevator Company, a corporation

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Robertsdale Mill and Elevator Company, a Corporation, Defendant

by Roland Parker Butts

Plaintiff

Witness my hand this 6th day of June 19 63

EX-6-20-63

Alice J. Luck, Clerk

No. 5595

Page

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

ROLAND PARKER BUTTS

Plaintiffs

vs.

ROBERTSDALE MILL AND ELEVATOR CO.,

a Corporation

Defendants

Summons and Complaint

Filed June 3, 1963

Alice J. Duck Clerk

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

6-6-1963

Sheriff.

I have executed this summons

this 1963
by leaving a copy with

Frank C. [unclear]

Hope Stinson

Robert [unclear]
Hope Stinson

Sheriff, claims 50 miles at

Ten Cents per mile Total \$ 5.00

TAYLOR WILKINS, Sheriff

BY *Childress*
DEPUTY SHERIFF

Taylor Wilkins
Sheriff.

Charles [unclear]
Deputy Sheriff.

R. H. [unclear]

ROLAND PARKER BUTTS,)	
	)	IN THE CIRCUIT COURT OF
Plaintiff,)	
	)	BALDWIN COUNTY, ALABAMA
vs.)	
	)	AT LAW NO. 5595
ROBERTSDALE MILL AND ELEVATOR)	
COMPANY, a corporation,)	
)	
Defendant.)	

DEMURRER

Now comes Robertsdale Milling and Elevator Company, Inc., a corporation, and demurs to the Complaint in the above styled cause and as grounds therefor assigns, separately and severally, the following:

1. For that the Complaint fails to state a cause of action under the Alabama Workmen's Compensation Law.
2. From aught that appears the Plaintiff was not subject to article 2 of the Alabama Workmen's Compensation Law at the time and place complained of in the Complaint.
3. From aught that appears the Defendant had no notice of the occurrence of the accident complained of in the Complaint.
4. From aught that appears the accident complained of did not occur in the State of Alabama or occur while the Plaintiff was working for the Defendant under a contract made in the State of Alabama.
5. For that the Defendant is not advised as to the extent of Plaintiff's disability.
6. For that it affirmatively appears that the Plaintiff is seeking to recover compensation greatly in excess of that provided for in the Alabama Workmen's Compensation Law.
7. For that there is no allegation as to the Plaintiff's average weekly wage for the 52 weeks immediately prior to the occurrence of the accident complained of in the Complaint.
8. From aught that appears Plaintiff had no persons dependent upon him for their support at the time and place complained of in the Complaint.

9. For that the Complaint is vague, uncertain and indefinite.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

BY

Wey. J. Howard Jr.
Attorneys for Defendant

FILED

JUL 8 1968

ALICE J. DUCK, CLERK
REGISTER

ROLAND PARKER BUTTS

Employee

-VS-

ROBERTSDALE MILL & ELEVATOR CO.,
A Corporation

Employer

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW:

APPLICATION TO HIRE AN ATTORNEY

Comes now Roland Parker Butts and hereby petitions and applies to the Honorable Judge of the Circuit Court of Baldwin County, Alabama, for an order approving his employment of John V. Duck, Attorney at Law, to represent his interest in the above matter.

Roland Parker Butts
Roland Parker Butts

ORDER

Upon consideration of the foregoing petition, the employment of John V. Duck as attorney for Roland Parker Butts in the above styled cause is hereby ordered and approved, the fees to be paid said attorney not to exceed 15% of the Compensation awarded said employee, all in accordance with Title 26, Section 261 of the Alabama Code of 1940, as amended.

FILED

JUN 5-69

ALICE L. DUCK, CLERK
COURT CLERK

Robert M. Carter
Judge

AT LAW NO. 5595

428