

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
432-5514
AREA CODE 205

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON, JR.
LYMAN F. HOLLAND, JR.
J. THOMAS HINES, JR.
DONALD F. PIERCE
LOUIS E. BRASWELL
HAROLD D. PARKMAN
G. PORTER BROCK, JR.
HARWELL E. COALE, JR.
STEPHEN G. CRAWFORD
JERRY A. McDOWELL

August 17, 1965

6590

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

Re: Herbert Taylor v. Gulf Telephone Company
Inc., a corporation, Circuit Court,
Case #6590

Dear Mrs. Duck:

Enclosed please find the original Answer which we would appreciate your filing on behalf of the defendant Gulf Telephone Company in the above-styled matter. Please indicate on the carbon copy of this letter the date of filing of the Answer and return it to us in the enclosed self-addressed envelope so that the date of filing may be reflected in our office file.

Thank you in advance for your cooperation.

Yours very truly,

Donald F. Pierce

For the Firm

DFP.mbd
Enclosure

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Yours very truly,

ORIGINAL SIGNED BY

DONALD F. PIERCE

For the Firm

DFP.mbd
Enclosure

RECEIVED AND FILE THIS THE _____ DAY OF AUGUST, 1965.

CLERK, CIRCUIT COURT OF BALDWIN COUNTY
ALABAMA

HERBERT TAYLOR, : IN THE CIRCUIT COURT OF
Plaintiff : BALDWIN COUNTY, ALABAMA,
v. : AT LAW
GULF TELEPHONE COMPANY, :
INC., a corporation,
Defendant. : CASE NO. 6590

A N S W E R

Comes now the defendant in the above-styled cause, Gulf Telephone Company, Inc., a corporation, and for separate and several answer to each count of the complaint heretofore filed, sets down and assigns, separately and severally, the following separate and several pleas:

ONE

Not guilty.

TWO

The defendant for answer to the complaint admits that prior to and on to-wit: the 18th day of May, 1964, plaintiff, Herbert Taylor, was employed by the defendant and that while so employed and while acting within the line and scope of his employment with said defendant, plaintiff fell and that as a proximate result of such fall he received some personal injuries.

Defendant denies that plaintiff, Herbert Taylor, suffered any injuries as the proximate result of the accident complained of in the complaint heretofore filed which have caused or do now cause him to be permanently and totally disabled as that term is employed by the Workmen's Compensation

Laws of Alabama.


It is denied that plaintiff is entitled to any benefits for total permanent disability under the Workmen's Compensation Laws of Alabama as the result of the accident complained of in the complaint.

Defendant specifically denies all of the material allegations of the complaint which are not herein admitted and demands strict proof thereof.

THREE

Defendant, Gulf Telephone Company, Inc., avers that it has paid to the plaintiff Herbert Taylor as compensation under the Workmen's Compensation Laws of the State of Alabama for injuries received while an employee of Gulf Telephone Company, Inc., on May 18, 1964, in an accident on which the action for benefits is based, 22 weeks compensation at \$15.00 per week for a total of \$330.00 and has paid and expended \$1,122.27 for medical treatment, hospitalization, drugs, x-rays and other miscellaneous charges for the treatment of injuries received by said Herbert Taylor in the said accident.

If any additional compensation is due and owing to said Herbert Taylor and defendant herein expressly denies that said Herbert Taylor is entitled to any additional compensation or medical benefits under said Workmen's Compensation Act defendant is entitled to credit for the amounts hereinabove set forth and to have such sums deducted from any such additional award.


Donald F. Pierce, Trial Attorney
622 First National Bank Building
Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I, Donald F. Pierce, one of the attorneys for the defendant in the above-styled cause, do hereby certify that I have served a copy of the foregoing Answer on Norbone Stone, Esq., attorney for the plaintiff, by depositing same in the United States Mail, postage prepaid, addressed to him at his office in Bay Minette, Alabama, on the 13th day of August, 1965.

Donald F. Pierce

FILED
AUG 19 1965

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON

AUG 13 4 23 PM '65

J. L. Marshall
CLERK

HERBERT TAYLOR, : IN THE CIRCUIT COURT OF
Plaintiff : BALDWIN COUNTY, ALABAMA
vs. : AT LAW
GULF TELEPHONE COMPANY, :
INC., a Corporation, :
Defendant. :
: CASE NO. 6590

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND FINAL JUDGMENT

This matter coming on for trial was submitted upon the Complaint, Answer and evidence adduced by counsel for each of the parties, from all of which, the Court makes the following Findings of Fact and Conclusions of Law, and enters the following judgment.

The plaintiff and the defendant were on May 18, 1964, engaged in the relationship of employer and employee and each were subject to the Workmen's Compensation Laws of the State of Alabama. On that date, while so employed, within the line and scope of his employment, with the defendant, the plaintiff suffered an industrial accident which arose out of and in the course of his employment.

As a result of that accident the plaintiff suffered an injury to his spine which has left him permanently disabled.

The plaintiff is married and has one child under the age of eighteen years dependent upon him. His average weekly earnings, at the time of said accident, were in the amount of \$25.00 per week.

The plaintiff was treated by Dr. R. A. Rowe of Foley, Alabama and was examined by Dr. Robert King of Mobile, Alabama. Each of these physicians were of the opinion that the plaintiff suffered permanent partial disability. Dr. King was of the opinion that the plaintiff had a permanent partial disability of twenty per cent (20%) of the body as a whole and Dr. Rowe felt that the plaintiff's permanent partial disability, from a functional standpoint, at least, was fifty per cent (50%) of the body as a whole.

The Court finds that a controversy exists between the plaintiff and defendant as to the amount of permanent and total disability, if any, suffered by the plaintiff as a result of said accident. The plaintiff claims to be totally and permanently disabled, while the defendant claims that the plaintiff's total disability is something less than that.

Medical benefits, as required by the Workmen's Compensation Laws of the State of Alabama, have been furnished to the plaintiff by the defendant, or its insurer, Hartford Accident and Indemnity Company. The plaintiff is not entitled to receive any additional medical benefits, after the entry of this judgment and the satisfaction of same. This includes doctors' bills, hospital bills, and any other medical, hospital or similar benefits which an employer is required to furnish to an employee, under the Workmen's Compensation Laws of the State of Alabama.

The Court finds that the plaintiff and the defendant have agreed to compromise the foregoing claim of the plaintiff for workmen's compensation benefits for a lump sum payment of \$4,000.00. The Court specifically and expressly finds that such a compromise settlement is fair and equitable, and is recommended by counsel for both the plaintiff and the defendant, and is in the best interest of the employee, Herbert Taylor. The Court specifically approves such settlement and its judgment entered herein is based thereon.

CONCLUSIONS OF LAW

1. The plaintiff and the defendant are subject to the Workmen's Compensation Act of the State of Alabama, Title 26, §253, etc. Code of Alabama, 1958, as recompiled.

2. The plaintiff is entitled to compensation based upon fifty-five per cent (55%) of his average weekly earnings, at the time of the injury, plus an additional five per cent (5%) for a dependent wife and an additional five per cent (5%) for a dependent child, making a total of sixty-five per cent (65%) of his average weekly earnings. His compensation rate is \$16.25 per week.

3. The Court has jurisdiction of the parties and of the cause of action and the power to approve the compromise

agreement made by the parties, after finding same to be in the best interest of the plaintiff-employee.

JUDGMENT

Upon the foregoing Findings of Fact and Conclusions of Law, the Court enters the following judgment: IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff Herbert Taylor have and recover of the defendant, Gulf Telephone Company, Inc., the sum of \$4,000.00, as compensation due and payable to the plaintiff as a result of his injury on May 18, 1964, and as a result of a settlement of conflicting claims between the parties hereto, which settlement the Court expressly finds is in the best interest of the employee, the plaintiff, Herbert Taylor, and, it is FURTHER ORDERED, ADJUDGED AND DECREED that the defendant is hereby discharged of any and all obligation to provide any additional medical or hospital benefits, or other similar benefits as required by the Workmen's Compensation Laws of the State of Alabama, and, it is FURTHER ORDERED, ADJUDGED AND DECREED that Norborne C. Stone, Jr., Esq., as attorney for the plaintiff be and he hereby is allowed, from said \$4,000.00, an attorney's fee equal to fifteen per cent (15%) of such amount, or, the sum of \$600.00. The plaintiff is further allowed all costs of this cause, for the collection of which execution may issue.

- 5 -

DONE this 13th day of October, 1965.

Telfair J. Mashburn
TELFAIR J. MASHBURN, CIRCUIT JUDGE

FILED
OCT 19 1965
ALICE L. DUCK, CLERK

HERBERT TAYLOR,

Plaintiff,

vs.

GULF TELEPHONE COMPANY,
INC., A Corporation,

Defendant.

Y

Y

Y

Y

Y

Y

Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 6590

ORDER

It having been made to appear to the court that the above styled cause is now at issue and the court being of the opinion that the same should be set for trial, it is, therefore,

Ordered and decreed by the Circuit Court of Baldwin County, Alabama, that this cause be, and the same is hereby, set down for trial on the 22nd day of September, 1965 at 1:30 P. M.

It is further ordered and decreed by the court that the Clerk forward a copy of this order to the attorneys of record for each of the parties hereto.

Done this 10th day of September, 1965.

J. J. Mason
Circuit Judge

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Gulf Telephone Company, Inc., 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 the same, then and there to answer the complaint of Herbert Taylor.

Witness my hand this 14 day of July, 1965.

Alice J. Duck
Clerk

HERBERT TAYLOR, X

Plaintiff, X

vs.

X IN THE CIRCUIT COURT OF

X BALDWIN COUNTY, ALABAMA

GULF TELEPHONE COMPANY, INC., X

a corporation,

AT LAW

Defendant. X

6590

COMPLAINT

The Plaintiff claims of the Defendant benefits under the Workman's Compensation Laws of the State of Alabama due and owing under the following statement of facts:

1. On, to-wit: May 18, 1964, the relationship of employer and employee existed between the Plaintiff and the Defendant and the Defendant was subject to the Workman's Compensation Laws of the State of Alabama. On said date and while so employed and engaged in the business of the Defendant and while acting within the line and scope of his employment

with said company the Plaintiff suffered an accident, which arose out of and in the course of said employment and as a proximate result of said accident the Plaintiff has been totally and permanently disabled. A controversy has arisen as to the benefits to be paid under the Workman's Compensation Laws of Alabama.

2. The Plaintiff's name is Herbert Taylor and he resides in Baldwin County, Alabama. The Defendant, Gulf Telephone Company, Inc., a corporation, is an Alabama Corporation, and its principle place of business is Foley, Alabama.

3. At the time of said accident the Plaintiff fell upon a concrete floor and as a proximate result of such fall the Plaintiff received an injury to one or more vertebra of the lumbar section of his spine.

4. The Plaintiff further avers that the Defendant had prompt, actual and immediate notice of said accident and that the Defendant or its insuror, paid certain hospital bills of the Plaintiff and paid him Workman's Compensation benefits for 17 1/2 weeks, but said payments have now stopped.

5. The Plaintiff alleges that at the time of the injuries he was receiving a salary in the sum of \$25.00 a week. The Plaintiff further alleges that he is totally and permanently disabled and that he has been continuously totally and entirely disabled from working since the date of said injuries. The Plaintiff further alleges that he has a wife and one minor child who are dependent upon him for support.

Wherefore, the Plaintiff claims of the Defendant such benefits as he is entitled to receive under the Workman's Compensation Laws of Alabama, in addition to the benefits already received. He prays that notice may be given to the

Defendant and that hearing may be had, all in accordance with the laws and rules of this Honorable Court.

H Taylor

Herbert Taylor

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Herbert Taylor, 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 he has read the foregoing petition and the statements therein are true and correct and that he knows of his own knowledge that they are correct.

H Taylor

Herbert Taylor

Sworn to and subscribed

before me this the 28th

day of June, 1965

John Earle Chason
Notary Public, Baldwin County, Alabama

FILED

JUL 14 1965

ALICE I. DUCK, CLERK
REGISTER

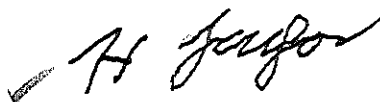
STATE OF ALABAMA

BALDWIN COUNTY

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Comes now Herbert Taylor and shows unto the Court and unto Your Honor that he is an employee as defined by the Workman's Compensation Laws of the State of Alabama; that his employer is Gulf Telephone Company, Inc., a corporation; that he has suffered an injury while acting within the line and scope of his employment and that he has been unable to reach a settlement with such employer and he prays for permission to secure the services of an attorney to represent him in the matter.

He hereby requests permission to secure the services of Chason, Stone & Chason, Attorneys at Law, Bay Minette, Alabama.



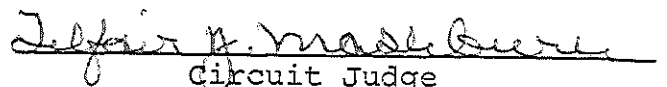
Herbert Taylor

ORDER

The foregoing petition having been submitted and the court being of the opinion that said permission should be granted, the said Herbert Taylor is hereby permitted and authorized to employ the firm of Chason, Stone & Chason, Attorneys at Law, to represent him in a claim for injuries arising out of an accident sustained in the line and scope of his employment while employed by Gulf Telephone Company, Inc., a corporation.

ORDERED, ADJUDGED AND DECREED, this 19th day of

July, 1965.


Circuit Judge

CASE NO. 6590

HERBERT TAYLOR,
Plaintiff

vs:

GULF TELEPHONE COMPANY, INC.,
a corporation,

Defendant

FILED
JUL 14 1965
ALICE A. DUCK, CLERK
REGISTER

Chason, Stone & Chason
Attorneys for Plaintiff

Received 19 day of July 1964
and 23 day of July 1964
I see the within
on Gulf Telephone Co.
by me John Snooks

TAYLOR WILKINS, Sheriff
By J. M. Eastburn
Foley, Ala

Sheriff claims 72
Ten Cent for mile Travel 7.50
TAYLOR WILKINS, Sheriff
BY J. M. Eastburn
CLERK SHERIFF