

STATE OF ALABAMA

COUNTY OF BALDWIN

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Thomas E. Givens and Inez Givens 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 thereto answer the complaint of Willis O. Roberts.

Witness my hand, this the 28 day of May, 1957.

Bessie H. Hester
CLERK

WILLIS O. ROBERTS

Plaintiff

VS

THOMAS E. GIVENS and INEZ
GIVENS,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 3256

The Plaintiff, Willis O. Roberts, respectfully shows unto your Honor as follows:

1. That he was, on February 28, 1957, a resident citizen of Baldwin County, Alabama, and a paper-wood workman and truck driver employed by Thomas E. Givens and Inez Givens, Defendants, residents of Baldwin County, Alabama.

2. That on February 28, 1957, while working as paper-wood worker and truck driver at or near the Seminole Fire Tower for the said Thomas E. Givens and Inez Givens, the Plaintiff was injured when lifting a billet or log of paper-wood in that his back was strained and he was disabled; that he has been totally disabled since that date; and that his said injuries arose out of and on account of his employment by the said Thomas E. Givens and Inez Givens who were subject to the Workmen's Compensation Laws of Alabama at the time of the said accident.

3. That your Plaintiff has a wife and 3 minor children who are 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 \$ 50.00 per week.

4. That a dispute has arisen as to payment under the Workmen's Compensation Laws of the State of Alabama.

5. That said Thomas E. Givens and Inez Givens have knowledge and have been given notice of Plaintiff's injury by registered mail on 9TH day of May, 1957.

WHEREFORE, your Plaintiff prays that Your Honor will take jurisdiction of this, his petition for Workmen's Compensation and will set the same for a hearing giving due and proper notice to Thomas E. Givens and Inez Givens, and upon a hearing will determine that he is entitled to total disability of \$ 23⁰⁰, for 300 weeks, and your Plaintiff prays for such other different or general relief to which he may be in entitled.

STATE OF ALABAMA

BALDWIN COUNTY

Willis O. Roberts

Willis Hays
Attorney for Plaintiff

Before me Ruth K. Howell, a Notary Public, in and for said State and County, personally appeared Willis O. Roberts, who is known to me, and who being first duly sworn, deposes on oath and says: that he has read the foregoing petition and the statements made therein are true and correct, and that he knows of his own personal knowledge that they are correct.

Willis O. Roberts

Sworn to and subscribed before me this the 24TH day of May, 1957.

Ruth K. Howell
Notary Public, Baldwin County,
Alabama

WILLIS O. ROBERTS,

Plaintiff,

vs.

THOMAS E. GIVENS and INEZ
GIVENS,

Defendants.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

DEMURRER

Come the Defendants in the above styled cause and demur to the complaint filed in said cause and each and every paragraph thereof, separately and severally, and assign the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That said complaint fails to allege that the Plaintiff was injured while performing a duty that was required of him by the Defendants.
3. For aught that appears from the complaint the Plaintiff was not injured while acting within the line and scope of his employment by the Defendants.
4. That the allegation in the complaint that the Plaintiff was employed by both of the Defendants is but a conclusion of the pleader and does not show what connection Inez Givens had with such operation.
5. That said complaint does not sufficiently set out the injury that the Plaintiff received.
6. That said complaint does not allege that the Plaintiff has not been employed since February 28, 1957.
7. That said complaint fails to allege when the Plaintiff first notified the Defendants of his injury.


Attorneys for Defendants

RECORDED

DEMURRER TO COMPLAINT

WILLIS O. ROBERTS,

Plaintiff,

vs.

THOMAS E. GIVENS and INEZ
GIVENS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3257

FILED
JUN 19 1957
ALICE J. RUCH, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

WILLIS O. ROBERTS,
Plaintiff,

vs.

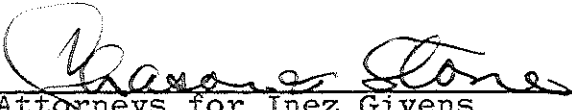
THOMAS E. GIVENS and
INEZ GIVENS,
Defendants.

X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE NO. 3256

Comes the Defendant Inez Givens and for plea to the
Complaint filed in said cause, separately and severally, says:

1. Not guilty.
2. That the allegations of the complaint are untrue.
3. That the Defendant Inez Givens did not employ the
Plaintiff Willis O. Roberts and he was not working for her on Feb-
ruary 28, 1957. That the said Inez Givens was not engaged in any
occupation on February 28, 1957, either individually or as a partner
with Thomas E. Givens, which required employment of laborers. That
the said Inez Givens was not subject to the Workman Compensation laws
of the State of Alabama on February 28, 1957.


Attorneys for Inez Givens

WILLIS O. ROBERTS

Plaintiff

VS

THOMAS E. GIVENS and INEZ
GIVENS,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: _____

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Comes now the Plaintiff in the above styled cause and amends his complaint to read as follows:

1. That he was, on February 26, 1957, a resident citizen of Baldwin County, Alabama, and a paper-wood workman and truck driver employed by Thomas E. Givens and Inez Givens, Defendants, residents of Baldwin County, Alabama.

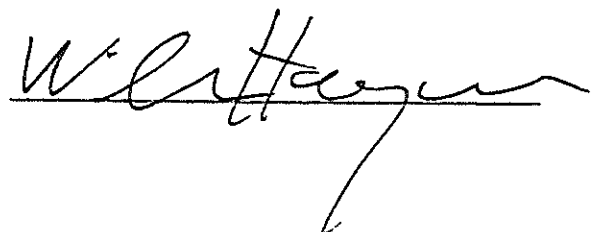
2. That on February 28, 1957, while working as paper-wood worker and truck driver at or near the Seminole Fire Tower for the said Thomas E. Givens and Inez Givens, the Plaintiff was injured when lifting a billet or log of paper-wood while acting in the line and scope of his employment in that his back was strained and he was disabled; that he has been totally disabled since that date; and that his said injuries arose out of and on account of his employment by the said Thomas E. Givens and Inez Givens who were subject to the Workmen's Compensation Laws of Alabama at the time of the said accident.

3. That your Plaintiff has a wife and 3 minor children who are 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 \$50.00 per week.

4. That a dispute has arisen as to payment under the Workmen's Compensation Laws of the State of Alabama.

5. That said Thomas E. Givens and Inez Givens have knowledge and have been given notice of Plaintiff's injury by registered mail on 9th day of May, 1957.

WHEREFORE, your Plaintiff prays that Your Honor will take jurisdiction of this, his petition for Workmen's Compensation and will set the same for a hearing giving due and proper notice to Thomas E. Givens and Inez Givens, and upon a hearing will determine that he is entitled to total disability of \$25.00, for 500 weeks, and your Plaintiff prays for such other different or general relief to which he may be in entitled.



WILLIS O. ROBERTS,

Plaintiff,

vs.

THOMAS E. GIVENS and
INEZ GIVENS,

Defendants.

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IN THE CIRCUIT COURT OF

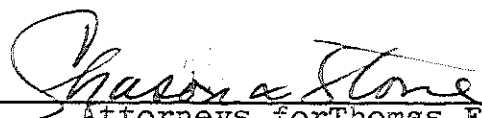
BALDWIN COUNTY, ALABAMA

LAW SIDE

NO. 3256

Comes the Defendant Thomas E. Givens and files the following separate and several pleas to the complaint filed in said cause:

1. Not guilty.
2. That the allegations of the complaint are untrue.
3. That on February 28, 1957, the Plaintiff Willis O. Roberts was not employed by Thomas E. Givens and Inez Givens and that on said date the said Willis O. Roberts was not working as a paperwood worker and truck driver for the said Thomas E. Givens and Inez Givens and the said Thomas E. Givens and Inez Givens were not jointly subject to the Workman's Compensation Laws of the State of Alabama on said date.
4. That Willis O. Roberts was employed as a truck driver on February 28, 1957, and he continued to perform his duties as such driver without any claim of having been injured for at least two or three weeks immediately following that date. That the said Willis O. Roberts informed his fellow employees that his kidneys had been giving him trouble. He made no mention to them of having been injured in an accident or of having been injured as a result of his employment.



Attorneys for Thomas E. Givens