

STATE OF ALABAMA
BALDWIN COUNTY

)
(
)

RECEIPT AND RELEASE

KNOW ALL MEN BY THESE PRESENTS: That I, the undersigned JAMES W. MOTHERSHED, being over the age of twenty-one years, for and in consideration of the sum of EIGHT HUNDRED FIFTEEN AND 25/100 DOLLARS (\$815.25) cash in hand paid to me on this day by JOSEPH L. QUINLIVAN and ESTELLE QUINLIVAN, partners, d/b/a CRYSTAL ICE COMPANY, and their insurer, ST. PAUL INSURANCE COMPANIES, Inc., a corporation, and for further good and valuable consideration, the receipt whereof in full is hereby acknowledged by me, there being no promise or further benefit or payment to be received, have, for myself and my heirs, executors, administrators and assigns, RELEASED AND DISCHARGED, and by these presents do hereby completely release, remise, acquit, and discharge forever said Joseph L. Quinlivan and Estelle Quinlivan, partners, d/b/a Crystal Ice Company, and their insurer, St. Paul Insurance Companies, Inc., a corporation, and any and all other persons, firms and corporations, jointly and severally, all and from any and all claims, demands, actions, causes of action, suits, costs, damages, expenses, medical expenses, compensation and liabilities of every kind, character and description, either direct or consequential, at law or in equity, which I may now have, or may have had at any time heretofore, or may have at any time hereafter, arising from, resulting from, or in any manner growing out of or incidental to that certain incident which occurred on or about the 22nd day of April, 1966, when I slipped and fell on the premises of Crystal Ice Company, which said accident occurred during the discharge of my duties as an employee of said Crystal Ice Company.

And in further consideration of the payment to me of the said sum of EIGHT HUNDRED FIFTEEN AND 25/100 DOLLARS (\$815.25) as aforesaid, and for other good and valuable consideration, the receipt whereof in full is hereby acknowledged by me, I do hereby covenant and agree on behalf of myself, my heirs, executors, administrators and assigns, to protect, indemnify and save harmless,

Joseph L. Quinlivan and Estelle Quinlivan, d/b/a Crystal Ice Company and their insurer, St. Paul Insurance Companies, Inc., a corporation, and any and all other persons, firms and corporations, jointly and severally, from and against any and all claims, actions, suits and demands whatsoever which I now have or may have had at any time heretofore or may have at any time hereafter, at law or in equity, for damages, costs, expenses, medical expenses, compensation and loss of services on account of, or in any manner growing out of, said incident occurring on the 22nd day of April, 1966, as aforesaid.

To procure the payment of said sum of EIGHT HUNDRED FIFTEEN AND 25/100 DOLLARS (\$815.25) to me, I hereby declare that no representations about the nature and extent of any injuries, disabilities or damages sustained by me and made by any physician, attorney, or agent of any party hereby released, or any other party has induced me to make this release and indemnity agreement, that in determining the amount of said sum paid to me as aforesaid, there has been taken into consideration by me not only the ascertained injuries, disabilities, medical expenses and damages sustained by me, but also the possibility that said injuries and damages sustained by me may be permanent and progressive, and recovery therefrom uncertain and indefinite so that consequences not now anticipated may result from said incident, and that I am acting upon my own judgment, belief and knowledge of the nature, extent, injuries, disabilities and expenses sustained by reason of said incident occurring on the 22nd day of April, 1966, as aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 13th day of February, 1970.

James W. Mothershed
James W. Mothershed.

FILED

MAR 10 1970

ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA)
 (
BALDWIN COUNTY)

I, the undersigned Notary Public, within and for said State and County, do hereby certify that JAMES W. MOTHERSHED, who is known to me, and whose name is signed to the foregoing release and indemnity agreement, did acknowledge before me on this day that, being informed of the contents of said release and indemnity agreement, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 13th day of February, 1970.


Eleanore G. Cudworth
Notary Public, Baldwin County, Alabama.

JAMES W. MOTHERSHED,

Plaintiff,

vs.

CRYSTAL ICE COMPANY, a partnership; and JOHN DOE and RICHARD ROE, partners, d/b/a CRYSTAL ICE COMPANY, whose correct names have been ascertained to be JOSEPH L. QUINLIVAN and ESTELLE QUINLIVAN, partners, d/b/a CRYSTAL ICE COMPANY,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO. 7488.

AGREEMENT AND PETITION FOR APPROVAL OF LUMP SUM
SETTLEMENT UNDER TITLE 26, CODE OF ALABAMA OF
1940 (RECOMPILED 1958)

The undersigned Plaintiff, JAMES W. MOTHERSHED, being over the age of twenty-one years, formerly a resident of Foley, Alabama, but now residing at Myrtle Grove, Florida, who cannot read, but can understand the English Language, and the undersigned, JOSEPH L. QUINLIVAN and ESTELLE QUINLIVAN, partners, d/b/a Crystal Ice Company, and ST. PAUL INSURANCE COMPANIES, a Corporation, being the only parties interested in the above entitled matter, and having resolved all disputes in this case, by these presents do petition this Court for approval of a final settlement in said case and do respectfully represent unto this Court as follows:

That they are subject to the provisions of the Workmen's Compensation Laws of the State of Alabama, as amended, and that the said employee, James W. Mothershed, who is now forty-eight years of age, while residing at Foley, Alabama, did on, to-wit, April 22, 1966, sustain an injury by accident while employed by said employer, which injury occurred at Foley, Alabama, and which resulted in disability as hereinafter set forth; that the said employee was receiving at the time of the injury, wages at the rate of \$70.00 per week;

That the said employee was, in prior years, employed by Gulf Ice and Cold Storage Company at Foley, Alabama, and that on July 26, 1964, he received an injury, for which injury he received

workmen's compensation; the nature of said injury received by the said employee on the 25th day of July, 1964, was an injury to his back, which required eventual surgery and which resulted in a twenty percent (20%) permanent partial disability to his said back; that settlement was made in the Circuit Court of Mobile County, Alabama on June 1, 1966;

That subsequently, said employee returned to work and received a low back sprain when he slipped on a piece of ice, which sprain resulted in temporary disability; that no injury was sustained nor condition created as a result of said accident on April 22, 1966, which did not exist prior to the injury complained of.

That the said parties to this cause now desire to compromise and settle any and all claims arising out of or to arise out of or in anyway connected with said accident and have agreed upon a final settlement in satisfaction of any and all claims to be approved by the Circuit Court of Baldwin County, Alabama, upon the following terms and conditions:

That without admitting but expressly denying all liability in the premises, the said employer defendants, through its insurance carrier, St. Paul Insurance Companies, will pay medical and hospital bills which arose during the months of April, May and June, 1966, which are as follows:

Dr. John E. Foster-----	\$106.00
South Baldwin Hospital-----	161.25
The Medical Center Clinic-----	48.00

and that the said employee shall further receive and accept a lump sum payment in the amount of Five Hundred Dollars (\$500.00) in full and final settlement of any and all claims in any way arising out of or in any way connected with the said accident;

That upon the payment of the above, the said employer defendants and their insurance carrier, shall be, without further formalities whatsoever, released and discharged from any and all liabilities arising out of or connected with said accident and from any and all obligation to pay further or additional compensation, medical benefits or other sums of whatsoever kind or nature.

This settlement contains the entire agreement between the parties hereto.

James W. Mothershed

James W. Mothershed, Plaintiff.

JOSEPH L. QUINLIVAN

By:

J. Connor Owens, Jr.
As his Attorney.

ESTELLE QUINLIVAN

By:

J. Connor Owens, Jr.
As her Attorney.

ST. PAUL INSURANCE COMPANIES.
A Corporation.

By:

J. Connor Owens, Jr.
As its Attorney.

STATE OF ALABAMA)

BALDWIN COUNTY)

On this the 27th day of January, 1970, before me, the undersigned Notary Public, within and for said State and County, personally appeared JAMES W. MOTHERSHED, to me known to be the identical person described in and who executed the foregoing settlement as employee and acknowledged the same is true after having had read to him, with a full understanding of the terms and affects thereof, he executed the same as his free act and deed and for the purposes therein expressed.

X James W. Mothershed

Sworn to and subscribed before
me this 27th day of January,
1970.

Charles R. Cudworth

Notary Public, Baldwin County, Alabama.

JAMES W. MOTHERSHED,)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
CRYSTAL ICE COMPANY, INC., a)	
Corporation, ET AL.,	)	LAW SIDE. NO. 7488
Defendants.)	

SPECIAL APPEARANCE AND MOTION TO STRIKE SUMMONS
AND COMPLAINT AND DISMISS ACTION

Now come Joseph L. Quinlivan and Estelle Quinlivan, a partnership doing business as Crystal-Ice Company, and appearing solely for the purpose of filing this special appearance and motion to strike summons and complaint and dismiss action, respectfully represent and show unto this Honorable Court as follows:

1. That on April 21, 1967, James W. Mothershed, the Plaintiff in this cause, filed in the Circuit Court of Baldwin County, Alabama, a complaint under the Workmen's Compensation Laws of the State of Alabama, for injuries allegedly suffered by him on April 22, 1966, while allegedly employed by Crystal Ice Company.

2. Defendants further show that while said summons and complaint was filed on April 21, 1967, the same was held by the Clerk of the Circuit Court of Baldwin County, Alabama, under instructions of Plaintiff's attorney and no service was had or attempted in this cause until August 12, 1968, when the Clerk issued a summons directed to the Crystal Ice Company and a copy of the summons and complaint was left with the manager of Crystal Ice Company at its place of business in Foley, Alabama.

3. That at all times and at all places since the commencement of the action on April 21, 1967, the Defendants in this cause maintained a place of business in Foley, Alabama, with its name and address listed in the Foley Telephone Directory.

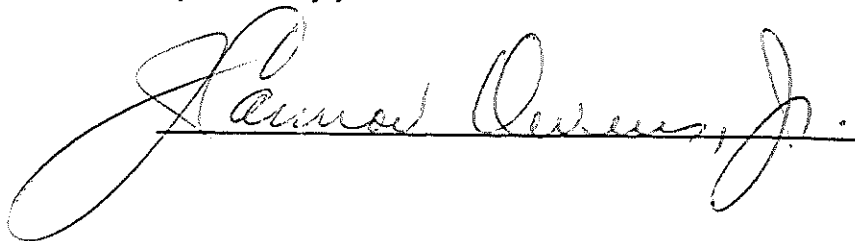
WHEREFORE, the said Joseph L. Quinlivan and Estelle Quinlivan, a partnership doing business as Crystal Ice Company, and appearing solely for the purpose of filing this motion to strike the summons and complaint and dismiss the action, pray this Honorable Court to dismiss the action herein filed on the grounds that there has been a discontinuance of the said cause.

OWENS AND PATTON

BY: 

Attorneys for Defendants.

I, the undersigned, one of the attorneys of record for the Defendants in the foregoing cause, do hereby certify that I have caused a copy of the foregoing to be served upon Cecil G. Chason, the attorney of record for the Plaintiff in said cause, by placing the same in the United States Mail, properly addressed with postage prepaid, this 6th day of May, 1969.



FILED

MAY 7 1969

ALICE J. DECK CLERK
REGISTER

JAMES W. MOTHERSHED,)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.)	
CRYSTAL ICE COMPANY, INC.,	)	BALDWIN COUNTY, ALABAMA
A Corporation, ET AL.,)	
Defendants.	)	LAW SIDE. NO. 7488.

AMENDED PLEA IN ABATEMENT:

Now come Joseph L. Quinlivan and Estelle Quinlivan, a partnership doing business as Crystal Ice Company, and appearing solely for the purpose of amending the plea in abatement heretofore filed, so that as amended, the same shall read as follows:

1. That on April 21, 1967, James W. Mothershed, the Plaintiff in this cause, filed in the Circuit Court of Baldwin County, Alabama, a complaint under the Workmen's Compensation Laws of the State of Alabama, for injuries allegedly suffered by him on April 22, 1966, while allegedly employed by Crystal Ice Company.

2. That no service was had or attempted in said cause until August 12, 1968, when the Clerk issued a summons directed to the said Crystal Ice Company and a copy of a summons and complaint was left with the manager of the Crystal Ice Company at its place of business in Foley, Alabama, no service being had upon Joseph L. Quinlivan and Estelle Quinlivan, or either of them.

3. That the said Plaintiff in this cause amended his complaint on December 2, 1968, by eliminating certain of the parties thereto and by alleging in his amended complaint that the proper parties to this cause were Joseph L. Quinlivan and Estelle Quinlivan, doing business as Crystal Ice Company; that the return upon said amended complaint shows that the same was served upon "Crystal Ice Company by Mr. Carr"; that the said Joseph L. Quinlivan and Estelle Quinlivan are residents of the State of Alabama, residing in Mobile County, Alabama.

WHEREFORE, the said Joseph L. Quinlivan and Estelle Quinlivan, individually and as a partnership doing business as Crystal Ice Company, and appearing solely for the purpose of filing this amended plea, move this Honorable Court to dismiss this writ and to abate this cause of action as to the said Joseph L. Quinlivan and Estelle Quinlivan for want of service and allow said parties to go hence.

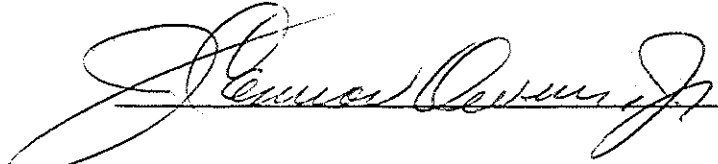
Owens and Patton

By: 

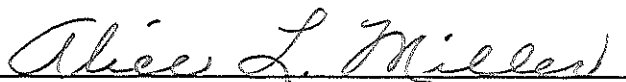
Attorneys for Defendants.

STATE OF ALABAMA)
 (
BALDWIN COUNTY)

Before me, the undersigned authority within and for said State and County, personally appeared J. Connor Owens, Jr., who first being duly sworn, deposes and says: That he is the attorney of record for Joseph L. Quinlavin and Estelle Quinlavin, partners doing business as Crystal Ice Company and that the facts set forth in the foregoing plea are true and correct.

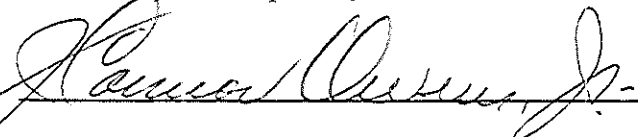


Sworn to and subscribed before
me this 15th day of April, 1969.



Notary Public, Baldwin County, Ala.

I, the undersigned, one of the attorneys of record for the Defendants in the foregoing cause do hereby certify that I have caused a copy of the foregoing amended plea in abatement to be served on Cecil G. Chason, the attorney of record for the Plaintiff by placing the same in the United States Mail, properly addressed, with postage prepaid, this 15th day of April, 1969.



FILED

APR 15 1969

ALICE J. DICK
CLERK
REGISTER

STATE OF ALABAMA)
BALDWIN COUNTY) IN THE CIRCUIT COURT IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon CRYSTAL ICE COMPANY, a partnership; and JOHN DOE and RICHARD ROE, partners, d/b/a CRYSTAL ICE COMPANY, whose correct names have been ascertained to be JOSEPH L. QUINLIVAN and ESTELLE QUINLIVAN, partners, d/b/a CRYSTAL ICE COMPANY to appear within thirty (30) 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 JAMES W. MOTHERSHED.

Witness my hand this the 2nd day of Dec., 1968.

Alice J. Quirk
Register

JAMES W. MOTHERSHED,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
)	
vs.	)	AT LAW CASE NO 7488
)	
CRYSTAL ICE COMPANY, a partner-)	
ship; and JOHN DOE and RICHARD)	
ROE, partners, d/b/a CRYSTAL)	
ICE COMPANY, whose correct names)	
have been ascertained to be)	
JOSEPH L. QUINLIVAN and ESTELLE)	
QUINLIVAN, partners, d/b/a)	
CRYSTAL ICE COMPANY,)	
)	
Defendants.)	

AMENDED COMPLAINT

Plaintiff claims of the Defendants benefits under the Workmen's Compensation Laws of Alabama due and owing under the following statement of facts; on to-wit April 22, 1966, the relation of employer and employee, or master and servant, existing between the Defendants and the Plaintiff, and the Defendants and Plaintiff were subject to the Workmen's Compensation Laws of Alabama, and while acting in line and scope of his employment with said company, Plaintiff suffered an accident, which arose out of and in the course of said employment. As the proximate result of said accident, Plaintiff has been totally disabled. A controversy has arisen as to the benefits to be paid under the Workmen's Compensation Laws of Alabama.

Plaintiff is over the age of twenty-one years and is presently residing at 1507 77th Avenue, Myrtle Grove, Florida, and the Defendants operate a plant or business in Foley, Baldwin County, Alabama with the head office being at 800 Monroe Street, Mobile, Alabama.

At the time of said accident on to-wit, April 22, 1966, Plaintiff was working in the ice plant of the Defendants in Foley, Baldwin County, Alabama, and while so employed in the line and scope of his employment he suffered an accident by slipping on a piece of ice and as a proximate result Plaintiff was severely injured in the lower part of his back.

Plaintiff avers that the Defendants had actual knowledge of the said accident as required by law. Plaintiff alleges that at the time of injury he was receiving as wages Seventy Dollars (\$70.00 a week and that the last payment was made to him on or about the 23rd day of April, 1966, and that he has received no compensation or payment of any kind from the Defendants since that date and that his hospital bills and bills for medical service have not been paid. Plaintiff further alleges that he is totally disabled and that he has been continuously totally and entirely disabled from working since the date of said injuries to the present date.

Wherefore, Plaintiff claims of the Defendants _____, such benefits as he is entitled to receive under the Workmen's Compensation Laws of Alabama. He prays that notice may be given the Defendants and that hearing may be had, all in accordance with the laws and rules of this Honorable Court.

James W. Mothershed
James W. Mothershed.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Tanice L. Childress, a Notary Public in and for said State and County, personally appeared JAMES W. MOTHERSHED, 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

complaint and the statements made therein are true and correct
and that he knows of his own knowledge that they are correct.

James W. Mothershed

James W. Mothershed

Sworn to and subscribed before me this the 28 day of Nov.,
1968.

Janice L. Childress
Notary Public, Baldwin County
State of Alabama

JANICE L. CHILDRESS, Notary Public
Baldwin County, Alabama
My Commission Expires 7/14/69

(affix Seal)

FILED

DEC 2 1968

ALICE J. DUCK CLERK
REGISTER

Joseph L. Quinlivan or Estelle Quinlivan
may be served at 800 Monroe St.,
Mobile, Alabama

C. G. C.

E VOL

63 PAGE 215

21
4-23-69

23rd Sep
57 / Mr. Carr and
Assended Complaint

RECEIVED
DEC 3 1963

RECEIVED
APR 21 1969

FILED

DEC 2 1968

ALICE J. DUCK

CLERK ~~Received~~ 23 Day of April 19 69
REGISTERED on 23 Day of April 19 69
I served a Copy of the within
on Cyril de Compagnie
a partner
by service on Joseph L. Dunham
Co-Partner

RAY D. BRIDGES, Sheriff
By *T. A. Penwell* D. S.

L. G. Chason

JAMES W. MOTHERSHED,)	
Plaintiff,)	
vs.)	
CRYSTAL ICE COMPANY, INC.,	)	IN THE CIRCUIT COURT OF
A Corporation; CRYSTAL ICE)	
COMPANY, a sole proprietorship;	)	BALDWIN COUNTY, ALABAMA
CRYSTAL ICE COMPANY, a partner-)	
ship; or JOHN DOE AND RICHARD ROE,	)	LAW SIDE. NO. 7488.
individuals or as partners, all)	
of whom do business as CRYSTAL)	
ICE COMPANY, but whose proper)	
legal name is otherwise unknown)	
to the Plaintiff, but will be)	
added by amendment when ascertain-)	
ed.)	
Defendant.)	

PLEA IN ABATEMENT

Now come Joseph L. Quinlivan and Estelle Quinlivan, a partnership doing business as Crystal Ice Company, and appearing solely for the purpose of filing this plea in abatement and represent and show unto this Honorable Court as follows:

1. That on April 21, 1967, James W. Mothershed, the Plaintiff in this cause, filed in the Circuit Court of Baldwin County, Alabama, a complaint under the Workmen's Compensation Laws of the State of Alabama, for injuries allegedly suffered by him on April 22, 1966, while allegedly employed by Crystal Ice Company.

2. That no service was had or attempted in said cause until August 12, 1968, when the Clerk issued a summons directed to the said Crystal Ice Company and a copy of a summons and complaint was left with the manager of the Crystal Ice Company at its place of business in Foley, Alabama, no service being had upon Joseph L. Quinlivan and Estelle Quinlivan, or either of them.

3. That the Plaintiff named as parties defendant in this cause, the following: Crystal Ice Company, Inc., a corporation; Crystal Ice Company, a sole proprietorship; Crystal Ice Company, a partnership, John Doe and Richard Roe, et al.

WHEREFORE, the said Joseph L. Quinlavin and Estelle Quinlavin a partnership, doing business as Crystal Ice Company, and appearing solely for the purpose of filing this plea for this Honorable Court to abate this cause of action as to Crystal Ice Company, said partnership, and allow said partnership to go hence.

OWENS & PATTON

By: J. Connor Owens, Jr.
Attorneys for Joseph L. Quinlavin
and Estelle Quinlavin, a partner-
ship, doing business as Crystal
Ice Company.

STATE OF ALABAMA)
 (
BALDWIN COUNTY)

Before me, the undersigned authority within and for said State and County, personally appeared J. Connor Owens, Jr., who first being duly sworn, deposes and says: That he is the attorney for Joseph L. Quinlavin and Estelle Quinlavin, partners doing business as Crystal Ice Company and that the facts set forth in the foregoing plea in abatement are true and correct.

Sworn to and subscribed before
me this 21st day of August, 1968.

Alice L. Miller

I, the undersigned, one of the attorneys of record for the defendants in the foregoing cause do hereby certify that I have caused a copy of the foregoing plea in abatement to be served on Cecil G. Chason, the attorney of record for the plaintiff by plac-
ing the same in the United States mail, properly addressed, with postage prepaid, this 21st day of August, 1968.

J. Connor Owens, Jr.

FILED

AUG 23 1968

ALICE L. MILLER
REGISTERED
ALICE L. MILLER

JAMES W. MOTHERSHED,
Plaintiff,

vs

CRYSTAL ICE COMPANY, INC.,
a corporation;
CRYSTAL ICE COMPANY,
a sole proprietorship;
CRYSTAL ICE COMPANY,
a partnership; or
JOHN DOE AND RICHARD ROE,
Individuals or as partners,
all of whom do business as
CRYSTAL ICE COMPANY, but whose
proper legal name is otherwise
unknown to the Plaintiff, but
will be added by amendment when
ascertained,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

7488

Plaintiff shows to the Court that his compensation while employed by the Defendant was paid to him on checks showing only "CRYSTAL ICE COMPANY" and at this time he does not know the correct legal name of the Defendant other than as CRYSTAL ICE COMPANY; however, amendment will be made when ascertained.

Plaintiff claims of the Defendant benefits under the Workmen's Compensation Laws of Alabama due and owing under the following statement of facts; on to-wit April 22, 1966, the relation of employer and employee, or master and servant, existed between the Defendant and the Plaintiff, and the Defendant, CRYSTAL ICE COMPANY, and Plaintiff were subject to the Workmen's Compensation Laws of Alabama, and while so employed and engaged in the business of the Defendant, and while acting in line and scope of his employment with said company, Plaintiff suffered an accident, which arose out of and in the course of said employment. As the proximate result of said accident, Plaintiff has been totally disabled. A controversy has arisen as to the benefits to be paid under the Workmen's Compensation Laws of Alabama.

Plaintiff is a bona fide resident citizen of Baldwin County, Alabama, residing in Foley, and the Defendant operates a plant or business in Foley, Baldwin County, Alabama with the head office being at 800 Monroe Street, Mobile, Alabama.

At the time of said accident on to-wit April 22, 1966, Plaintiff was working in the ice plant of the Defendant in Foley, Baldwin County, Alabama, and while so employed in the line and scope of his employment he suffered an accident by slipping on a piece of ice and as a proximate result Plaintiff was severely injured in the lower part of his back.

Plaintiff avers that the Defendant had prompt and immediate notice of said accident. Plaintiff alleges that at the time of injury he was receiving as wages \$ 70⁰⁰ a week and that the last payment to him was made on or about the 23 day of April, 1966, and that he has received no compensation or payment of any kind from the Defendant since that date and that his hospital bills and bills for medical service have not been paid. Plaintiff further alleges that he is totally disabled and that he has been continuously totally and entirely disabled from working since the date of said injuries to the present date.

Wherefore, Plaintiff claims of the Defendant, _____, such benefits as he is entitled to receive under the Workmen's Compensation Laws of Alabama. He prays that notice may be given the Defendant and that hearing may be had, all in accordance with the laws and rules of this Honorable Court.

James W. Mothershed

STATE OF ALABAMA
BALDWIN COUNTY

Before me, C. G. Chason, a Notary Public in and for said State and County, personally appeared JAMES W. MOTHERSHED, 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.

James W. Mothershed

Sworn to and subscribed before me this the 21 day of

April, 1967.

C. G. Chason
Notary Public, Baldwin County
State of Alabama

(Affix Seal)

FILED

APR 21 1967

ALICE L. DUCK, CLERK
REGISTERED

C. G. CHASON, Notary Public
Baldwin County, Alabama
My Commission Expires 2 May, 1970

-2-

EVOL

63 PAGE 208

no. 7488

JAMES W. MOTHERSHED,

Plaintiff,

VS

CRYSTAL ICE COMPANY, et al.

FILED

APR 21 1967

Alice J. Nick, CLERK
REGISTER

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 7488

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ...CRYSTAL ICE COMPANY, INC., A Corporation

.....CRYSTAL ICE COMPANY, INC., A Sole Proprietorship

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.....

.....Crystal Ice Company, Inc., etc., Defendant.....

byJames W. Mothershed

.....Plaintiff.....

Witness my hand this.....12.....day of.....August.....19. 68

.....Clerk

24/8-13-68

No. 7488

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JAMES W. MOTHERSHED

Plaintiffs

vs.

CRYSTAL ICE COMPANY, etc.

Defendants

SUMMONS AND COMPLAINT

Filed 4/21/67 19.....

Alice J. Duck

Clerk

TAYLOR WILKINS, SHERIFF OF BALDWIN

COUNTY, ALABAMA, CLAIM \$1.50 EACH

FOR SERVING 1 PROCESS(ES) AND

TRAVEL EXPENSE ON EACH OF \$ 7.20

PROCESS(ES) OR A TOTAL OF \$ 8.70

Cecil G. Chason

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received in Office
RECEIVED

AUG 12 1968

19.....

TAYLOR WILKINS

Sheriff

I have executed this summons

this August 13 1968

by leaving a copy with

~~Cecil G. Chason~~

Crystal Ice Co.
By service on:

Leonard M. Farris Mgr.

Taylor Wilkins, Sheriff

John Easton, Deputy Sheriff

Taney, Ala.

JAMES W. MOTHERSHED,)	
)	
Plaintiff,)	
)	
-VS-)	
)	
CRYSTAL ICE COMPANY, INC.,)	
a corporation;)	
CRYSTAL ICE COMPANY,	)	IN THE CIRCUIT COURT OF
a sole proprietorship;)	
CRYSTAL ICE COMPANY,)	
a partnership; or	)	BALDWIN COUNTY, ALABAMA
JOHN DOE AND RICHARD ROE,)	
individuals or ss partners,)	
all of whom do business as	)	AT LAW
CRYSTAL ICE COMPANY, but whose	)	7488
proper legal name is otherwise)	
unknown to the Plaintiff, but)	
will be added by amendment when)	
ascertained,)	
)	
Defendant.)	

PLAINTIFF'S INTERROGATORIES TO DEFENDANT;
CRYSTAL ICE COMPANY

Comes the Plaintiff in the above styled cause and propounds the following interrogatories to the Defendznt, Crystal Ice Company, to be answered separately and severally in the manner and form provided by law, viz:-

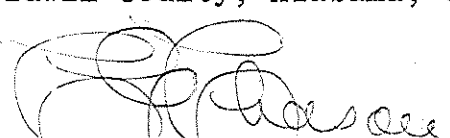
1. Is Crystal Ice Company a partnership?
2. If the answer to Interrogatory No. 1 is in the affirmative, give the names and addresses of the partners.
3. Is Crystal Ice Company a corporation?
4. If the answer to Interrogatory No. 3 is in the affirmative, give the names and addresses of the agents, servants or employees in the State of Alabama on whom process may be served.
5. Is Crystal Ice Company a name under which an individual does business?
6. If the answer to Interrogatory No. 5 is in the affirmative, furnish the name and address of the individual doing business as Crystal Ice Company.
7. Was Crystal Ice Company doing business in Foley, Baldwin County, Alabama on April 22, 1966?
8. Was the Plaintiff, James W. Mothershed, an employee of Crystal Ice Company on April 22, 1966?
9. If the answer to Interrogatory No. 8 is in the affirmative,

tive, what wage or salary was being paid the said James W. Mothershed on April 22, 1966?

10. When was the last payment of wages or salary made by said Crystal Ice Company to the said James W. Mothershed?

11. Has any compensation been paid to James W. Mothershed for injury which is alleged to have occurred while in the employment of Crystal Ice Company in Foley, Baldwin County, Alabama on April 22, 1966, and if so, what compensation has been paid?

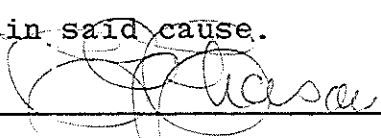
12. Has any payment been made by Crystal Ice Company, or in the behalf of Crystal Ice Company, for hospitalization or medical services rendered to James W. Mothershed following an injury which allegedly occurred while he was an agent, servant or employee of Crystal Ice Company in Foley, Baldwin County, Alabama, on April 22, 1966?



Attorney for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Before me, ~~Janice L. Childress~~, a Notary Public in and for said County in said State, personally appeared C. G. Chason, who, after being by me first duly and legally sworn, deposes and says as follows: That he is the attorney of record for the Plaintiff, James W. Mothershed, in the foregoing styled cause and the answers to the foregoing interrogatories if truthfully made will be material testimony for the Plaintiff in said cause.


SWORN TO AND SUBSCRIBED BEFORE me on this the 18th day of October, 1967.


Notary Public, Baldwin County
State of Alabama

Defendant may be served at
800 Monroe Street
Mobile, Alabama

FILED

OCT 19 1967

C. G. C.

ALISE J. DUCK CLERK
REGISTER

RECEIVED

OCT 19 1967

TAYLOR WILKINS
SHERIFF

Interviewed 24 Day of Oct 1967
at 24 Day of Oct 1967
Interviewed on Cryptal dce company
by service on W.A. Clark, Bookkeeper

RAY D. EDDGES, Sheriff
By L. Gullman D.S.

Interrogatories

RECD SHERIFF DEPT.
MOBILE COUNTY, ALA.
OCT 20 8 35 AM '67
BY

Bill no. 1488 4458
James W. Motherhead

24th Bill
Cryptal dce Co
w a clerk
Bookkeeper

c. h. c. h. inc

CECIL G. CHASON

Attorney at Law

CHARLES H. SIMS III
ASSOCIATE

P. O. DRAWER 458
216 W. LAUREL AVENUE
FOLEY, ALABAMA 36535
PHONE 205/943-3171

April 18, 1969

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

Dear Mrs. Duck:

Re: James W. Mothershed, Plaintiff
vs Crystal Ice Company, Inc.
Law Side Case # 7488

Please make a photo copy of the Amended Complaint in the above referenced case and proceed to make proper service of said Complaint on JOSEPH L. QUINLIVAN and ESTELLE QUINLIVAN, 800 Monroe Street, Mobile, Alabama. In addition, please attach a note to the Sheriff of Mobile County to the effect that the Bill of Complaint must be served on either Joseph L. Quinlivan or Estelle Quinlivan who are co-partners doing business as a partnership.

Yours very truly,


Charles H. Sims III

CHS;dmc

STATE OF ALABAMA

BALDWIN COUNTY

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

Now comes JAMES W. MOTHERSHED, and shows unto your Honor that he is an employee as defined by the Workmen's Compensation Laws of Alabama, that his employer was CRYSTAL ICE COMPANY, that he has suffered an injury while acting in the line and scope of his employment, that he has been unable to reach settlement with his employer and that he prays for permission to secure the services of an attorney to represent him in said matter. He requests permission to secure the services of Cecil G. Chason, and attorney at law at Foley, Alabama.

James W. Mothershed

The foregoing having been submitted and the court being of the opinion that said permission should be granted, the said JAMES W. MOTHERSHED, is hereby permitted and authorized to employ Cecil G. Chason, an attorney at law, to represent him in a claim for injuries arising out of an accident sustained in the line and course of his employment while employed by CRYSTAL ICE COMPANY.

Telfair J. Mashburn
Circuit Judge

DONE this the 21st day of April, 1967.

FILED
APR 21 1967
CLERK
BALDWIN COUNTY, ALABAMA

CECIL G. CHASON

ATTORNEY-AT-LAW
FOLEY, ALABAMA 36535

August 10, 1968

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

Re: James W. Mothershed, vs
Crystal Ice Company, Inc., et al
Case No 7488

In reviewing my active court files, I have run across the above referenced case in which there appears to be no service on the Defendant. If this is the case, please attach a summons to the Complaint and have both served on the Defendant immediately.

Yours very truly,



C. G. Chason

CGC:dmc

*none
6/12-68*

ATTORNEY-AT-LAW
FOLEY, ALABAMA 36535

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

Dear Mrs. Duck:

Re: Mothershed vs Crystal Ice Co.
Case No. 7488

Enclosed please find amended complaint in the above styled cause which should be served on Joseph L. Quinlivan or Estelle Quinlivan. They may be served at 800 Monroe St. Mobile, Alabama.

It is necessary to serve these parties as the original complaint was served on a manager of this partnership.

Yours very truly,

Reason
A. G. CARSON

CGC : dmc

Encls

JAMES W. MOTHERSHED,)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.)	
CRYSTAL ICE COMPANY, a partner-	)	BALDWIN COUNTY, ALABAMA
ship, and JOHN DOE and RICHARD)	
ROE, partners, d/b/a CRYSTAL	)	AT LAW. NO. 7488.
ICE COMPANY, whose correct names)	
have been ascertained to be)	
JOSEPH L. QUINLIVAN and ESTELLE)	
QUINLIVAN, partners, d/b/a)	
CRYSTAL ICE COMPANY,)	
Defendants.)	

DECREE:

This cause coming on to be heard on the joint petition of the above named Plaintiff, JAMES W. MOTHERSHED, and the Defendants, JOSEPH L. QUINLIVAN and ESTELLE QUINLIVAN, partners, d/b/a CRYSTAL ICE COMPANY, for the approval of settlement among said parties upon the terms set forth in said petition and the Court being fully advised in the premises, and it appearing that the allegations of said petition are true, and the Court having made inquiry into the bona fides of the said Plaintiff's claim and the liability of the Defendants and being of the opinion that the agreement reached in said petition represents a fair adjustment of the said claim described therein, the Court does hereby find and determine that it is to the best interest of James W. Mothershed that it enter a judgment against said Defendant-Employer, Joseph L. Quinlivan and Estelle Quinlivan, partners, d/b/a Crystal Ice Company, and their insurance carrier, Defendant St. Paul Insurance Companies, in the sum of FIVE HUNDRED DOLLARS (\$500.00);

NOW, THEREFORE, it is ORDERED, ADJUDGED AND DECREED by the Court that the said James W. Mothershed have judgment against the Defendants in the sum of FIVE HUNDRED DOLLARS (\$500.00);

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff's attorney, Cecil G. Chason, shall be entitled to a reasonable attorney's fee in the premises in the sum of \$75.00;

And the Court having further determined that certain medical and hospital bills were incurred by James W. Mothershed in this cause, and they are as follows:

Dr. John E. Foster-----	\$106.00
South Baldwin Hospital-----	161.25
The Medical Center Clinic-----	48.00

It is, therefore ORDERED, ADJUDGED AND DECREED by the Court that the Defendants shall pay the foregoing medical and hospital bills so incurred;

It is further ORDERED, ADJUDGED AND DECREED by the Court that the costs of these proceedings be, and the same are hereby taxed against the Defendants, for which let execution issue.

DATED at Bay Minette, Baldwin County, Alabama, this 5th day of February, 1970.

Jeffair J. Maskeburn
Circuit Judge.

FILED

FEB 5 1970

ALICE J. DUCK CLERK
REGISTER

JAMES W. MOTHERSHED,)
Plaintiff,) IN THE CIRCUIT COURT OF
vs.) BALDWIN COUNTY, ALABAMA
CRYSTAL ICE COMPANY, ET AL.,)
Defendants.) AT LAW. NO. 7488

ORDER:

This cause coming on to be heard upon the stipulation of the facts as agreed upon between the parties and upon the Defendant, Crystal Ice Company's, special appearance and motion to strike summons and complaint and dismiss action, and the same having been considered by the Court, it is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that said motion be, and the same is hereby denied.

DATED at Bay Minette, Alabama, this 12th day of May, 1969.

J. J. Mason
Circuit Judge.

FILED

MAY 12 1969

ALICE J. DICK CLERK
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

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

Now comes JAMES W. MOTHERSHED, and shows unto your Honor that he is an employee as defined by the Workmen's Compensation Laws of Alabama, that his employer was CRYSTAL ICE COMPANY, that he has suffered an injury while acting in the line and scope of his employment, that he has been unable to reach settlement with his employer and that he prays for permission to secure the services of an attorney to represent him in said matter. He requests permission to secure the services of Cecil G. Chason, an attorney at law at Foley, Alabama.

James W. Mothershed

The foregoing having been submitted and the court being of the opinion that said permission should be granted, the said JAMES W. MOTHERSHED, is hereby permitted and authorized to employ Cecil G. Chason, an attorney at law, to represent him in a claim for injuries arising out of an accident sustained in the line and course of his employment while employed by CRYSTAL ICE COMPANY.

Telfair J. Mashburn
Circuit Judge

DONE this the 21st day of April, 1967.

FILED
APR 21 1967
ALICE J. ALEX. CLERK
REGISTERED