

STATE OF ALABAMA    Ø  
                          \*  
BALDWIN COUNTY      Ø

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon INTERNATIONAL PAPER COMPANY, a corporation, to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of ALBERT H. KNOWLES.

WITNESS my hand this 18 day of September, 1968.

Gladys J. Weak

Clerk of Circuit Court

ALBERT H. KNOWLES,	Ø		
	Ø		
Plaintiff,	Ø	IN THE CIRCUIT COURT OF	
VS.	Ø		
	Ø	BALDWIN COUNTY, ALABAMA	
INTERNATIONAL PAPER COMPANY,	Ø	AT LAW	NO. <u>8324</u>
a corporation,	Ø		
	Ø		
Defendant.	Ø		

# COMPLAINT

The plaintiff claims of the defendant Workmen's Compensation benefits in the amount of, to-wit, Seventy-five Hundred Dollars (\$7500.00), arising out of the following facts, to-wit:

1. The plaintiff was on the 19th day of September, 1967, a resident and citizen of Baldwin County, Alabama, and was on the said date a workman or employee employed by the defendant, which is a corporation doing business in Baldwin County, Alabama.

2. That on the said 19th day of September, 1967, the plaintiff, while employed by the defendant and while working for the defendant, was hurt in Baldwin County, Alabama. He suffered serious injuries to his back, because of which he is totally disabled. Plaintiff's said injuries arose out of and on account of his employment by the defendant on the said date. The defendant was on the said date and at all times since the said date subject to the Workmen's Compensation Law of the State of Alabama.

3. Petitioner has a wife who is wholly dependent upon him, and has four children under eighteen years of age who are also wholly dependent upon him. Plaintiff's average weekly wages at the time of the accident amounted to \$143.55 per week.

4. Plaintiff further avers that the defendant, his said employer, had prompt and immediate notice of the said accident and that the defendant has paid to the plaintiff since the said accident

Workmen's Compensation, but alleges that a dispute has now arisen between the plaintiff and the defendant as to the total amount of compensation due by the defendant to the plaintiff.

J. B. Blackburn  
Attorney for Plaintiff

STATE OF ALABAMA    Ø  
                              \*  
BALDWIN COUNTY     Ø

Before me, the undersigned authority within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says: That he has read over the foregoing complaint; that he is informed and believes and on such information and belief says that the facts stated therein are true.

J. B. Blackburn

Sworn to and subscribed before me on  
this the 18th day of September, 1968.

Ernestine R. Sims

Notary Public, Baldwin County, Alabama

**FILED**

SEP 18 1968

**ALICE J. DUCK** CLERK  
REGISTER

No. 8324

RECEIVED

DEC 2 1968

TAYLOR WILKINS  
"SHERIFF"

Albert H. Knowles

VS

International Paper Co

Received 2 day of Dec 1968  
and on 2 day of Dec 1968  
I served a copy of the within IPC  
on International Paper Co.  
(Mr. Jones Day Minette)  
By service on Mr Jones

TAYLOR WILKINS, Sheriff  
By W. J. Talbot D. S.

Serve  
Mr Jones  
International Paper Co  
Day Minette Ala.  
S. B. Blackmon

STATE OF ALABAMA    Ø  
                              \*  
BALDWIN COUNTY       Ø

APPLICATION FOR EMPLOYMENT OF AN ATTORNEY

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

Now comes ALBERT H. KNOWLES and shows unto the court and  
your Honor that he is an employee, as defined by the Workmen's  
Compensation Laws of Alabama; that his employer, as defined under  
the Workmen's Compensation Laws of Alabama, is International Paper  
Company, a corporation; that he suffered an injury while acting in  
the scope of his employment, and that he prays for permission to  
secure the services of an attorney to represent him in the said  
matter. He requests permission to secure the services of J. B.  
Blackburn, an Attorney at Law, practicing at Bay Minette in Baldwin  
County, Alabama.

Dated this 16th day of September, 1968.



Claimant  
(Albert H. Knowles)

ORDER APPROVING EMPLOYMENT OF ATTORNEY

The foregoing application for employment of an attorney  
having been submitted to the court and the court being of the opinion  
that the said permission should be granted, the said Albert H.  
Knowles is hereby permitted and authorized to employ J. B. Blackburn,  
an Attorney at Law, practicing in Bay Minette, Alabama, to represent  
him in a claim for injuries arising out of an accident allegedly  
sustained by him in the line and scope of his employment while

employed by International Paper Company, a corporation.

DONE on this the 18 day of September, 1968.

Joseph J. Massaro  
Judge

**FILED**

SEP 18 1968

**ALICE J. DUCK** CLERK  
REGISTER

ALBERT H. KNOWLES,	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
INTERNATIONAL PAPER COMPANY,	X	AT LAW
a corporation,	X	NO: 8324
	X	
Defendant.	X	

DEMURRER

Comes now the Defendant in the above styled cause, through its attorneys of record, and demurs to the Complaint heretofore filed in said cause and assigns the following ground in support thereof:

1. That said complaint fails to allege whether the injury to the Plaintiff has resulted in a temporary or permanent disability.

CHASON, STONE & CHASON

By: John E. Chason  
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 18 day of December, 1968.

John E. Chason

**FILED**

DEC 18 1968

ALICE J. DUCK

CLERK  
REGISTER

ALBERT H. KNOWLES, X  
Plaintiff, X IN THE CIRCUIT COURT OF  
vs. X BALDWIN COUNTY, ALABAMA  
INTERNATIONAL PAPER COMPANY, X AT LAW NO: 8324  
a corporation, X  
Defendant. X

ANSWER

Comes now the Defendant in the above styled cause by and through its attorneys of record and makes the following answer to the Complaint heretofore filed in the above styled cause and the amendments thereto:

1. The Defendant admits paragraph "1." of said Complaint.
2. The Defendant admits the allegations of paragraph "2." of said Complaint except wherein the Plaintiff alleges that he suffered serious injuries to his back because of which he is totally disabled and the Defendant denies said allegations and demands strict proof thereof.
3. The Defendant denies the allegations of paragraph "3." and demands strict proof thereof.
4. The Defendant admits the allegations of paragraph "4." of said Complaint.

CHASON, STONE & CHASON

By: John Earle Chason  
Attorneys for Defendant

*Filed May 14, 1969.  
Jeffrey J. Madaleno  
Judge*



ALBERT H. KNOWLES,	)	
	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
INTERNATIONAL PAPER COMPANY,	)	AT LAW
a corporation,	)	NO. 8324
	)	
Defendant.	)	

AMENDED COMPLAINT

Now comes the plaintiff in the above styled cause and amends the complaint heretofore filed in said cause, so that as amended, the complaint will read as follows:

"The plaintiff claims of the defendant Workmen's Compensation benefits in the amount of, to-wit, Seventeen Thousand Six Hundred and no/100 Dollars (\$17,600.00), arising out of the following facts, to-wit:

1. The plaintiff was on the 19th day of September, 1967, a resident and citizen of Baldwin County, Alabama, and was on the said date a workman or employee employed by the defendant, which is a corporation doing business in Baldwin County, Alabama.

2. That on the said 19th day of September, 1967, the plaintiff, while employed by the defendant and while working for the defendant, was hurt in Baldwin County, Alabama. He suffered serious injuries to his back, because of which he is totally and permanently disabled. Plaintiff's said injuries arose out of and on account of his employment by the defendant on the said date. The defendant was on the said date and at all times since the said date subject to the Workmen's Compensation Law of the State of Alabama.

3. Petitioner has a wife who is wholly dependent upon him, and has four children under eighteen years of age who are also wholly dependent upon him. Plaintiff's average weekly wages at the time of the accident amounted to \$143.55 per week.

4. Plaintiff further avers that the defendant, his said employer, had prompt and immediate notice of the said accident and

*Filed: May 14, 1969.*

*J. G. Madison*

that the defendant has paid to the plaintiff since the said accident Workmen's Compensation, but alleges that a dispute has now arisen between the plaintiff and the defendant as to the total amount of compensation due by the defendant to the plaintiff.

/s/ J. B. BLACKBURN

Attorney for Plaintiff

STATE OF ALABAMA     )  
                              \*  
BALDWIN COUNTY     )

Before me, the undersigned authority within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says: That he has read over the foregoing complaint; that he is informed and believes and on such information and belief says that the facts stated therein are true.

/s/ J. B. BLACKBURN

Sworn to and subscribed before me on  
this the 18<sup>th</sup> day of September, 1968.

/s/ ERNESTINE R. SIMS

Notary Public, Baldwin County, Alabama. "

J. B. Blackburn  
Attorney for Plaintiff

ALBERT H. KNOWLES,	)	
	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
INTERNATIONAL PAPER COMPANY,	)	AT LAW
a corporation,	)	NO. 8324
	)	
Defendant.	)	

# FINDING OF FACTS AND FINAL JUDGMENT

This matter comes before the court on the amended complaint seeking benefits under the Workmen's Compensation Act from International Paper Company, a corporation, and on the answer of the defendant to the amended complaint.

There are present in court plaintiff and his attorney and the defendant appears by its attorney. The court has heard the testimony of the plaintiff orally; the deposition of Dr. William J. Neely taken at his office in Mobile, Alabama, on Tuesday, April 22, 1968, under Act 375, was introduced on behalf of the defendant and a letter from Dr. W. C. Hannon was introduced on behalf of the defendant by agreement with the plaintiff and his attorney and, upon consideration of the competent testimony, the court finds as follows:

The plaintiff, Albert H. Knowles, suffered an injury to his back on September 19, 1967, in the course of his employment and while working for the defendant and on said date the relation of employer and employee, or master and servant, as defined by the Workmen's Compensation Act of Alabama, existed between the said defendant and the said Albert H. Knowles.

Plaintiff was hospitalized on various occasions after his injury and was totally disabled until August 28, 1968. Plaintiff was released from his employment with the defendant, because of his injury. Plaintiff was paid by the defendant for 49 weeks at the rate of \$44.00 per week, amounting to Two Thousand One Hundred Fifty-six Dollars (\$2,156.00).

Both orthopedic surgeons who treated and examined plaintiff agreed substantially on the nature and extent of plaintiff's injury and the extent of plaintiff's disability. The deposition of Dr. William J. Neely and the letter from Dr. W. C. Hannon clearly demonstrated that plaintiff was permanently and partially disabled and could not perform any heavy work and was unable to perform the duties required of a truck driver on the open market.

The court, therefore, finds that the plaintiff was permanently and partially disabled seventy-five percent (75%) of the body as a whole, as a result of the accident which occurred on September 19, 1967, and that he is entitled to compensation for the full statutory period of 300 weeks in the amount of \$44.00 per week, leaving a balance of 251 weeks at \$44.00 each week, making a balance of Eleven Thousand Forty-four Dollars (\$11,044.00).

The court further finds that the plaintiff was earning \$118.00 each week before his injury and is now able to earn \$32.00 each week, because of his permanent and partial disability.

The plaintiff made application for employment of an attorney as provided by Title 26, Section 261 of the Code, at the time of the filing of this suit, which application was approved by the trial judge and the plaintiff was authorized to employ J. B. Blackburn to represent him.

#### JUDGMENT

The court finds from the evidence, and it is the judgment of the court that the defendant in this cause was subject to the Workmen's Compensation Laws of Alabama, that Albert H. Knowles was an employee of the defendant at the time of his injury and that his injury was caused by an accident arising out of and in the course of his employment. It is, therefore, considered, ordered and adjudged by the court as follows:

1. That the plaintiff was totally disabled from September 19, 1967, until August 28, 1968, for which he was paid compensation at the rate of \$44.00 each week, totalling 49 weeks

for which time the defendant is entitled to credit.

2. That the plaintiff is seventy-five percent (75%) partially and permanently disabled and is entitled to draw compensation payments of \$44.00 per week during the continuance of such disability, said payments not to continue longer than a total of 300 weeks nor to aggregate more than Thirteen Thousand Two Hundred Dollars (\$13,200.00). Defendant is entitled to a credit for the 49 week period during which plaintiff was paid, leaving a balance of time not to exceed 251 weeks.

3. That plaintiff have and recover from the defendant the sum of \$44.00 per week during the continuance of his permanent and partial disability caused by the injuries received in the accident September 19, 1967, beginning on May 24, 1969, and not to exceed 251 weeks from said date and not to total more than Eleven Thousand Forty-four Dollars (\$11,044.00). The 36 weeks now due totalling Fifteen Hundred Eighty-four Dollars (\$1584.00) will be paid in at once and the balance at regular intervals.

4. That J. B. Blackburn, attorney for the plaintiff in this cause, be paid an attorney's fee for the services rendered by him in behalf of the plaintiff in this cause and the said fee shall be and the same is hereby fixed at fifteen percent (15%) of the amount to be paid by the defendant to the plaintiff.

5. The costs of this proceeding are hereby taxed against the defendant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the <sup>10<sup>th</sup></sup>24 day of <sup>June</sup>~~May~~, 1969.

Jeffrey J. Mashburn  
Judge

FILED

JUN 10 1969

ALICE J. DUCK CLERK  
REGISTER



INTERNATIONAL PAPER COMPANY

P. O. BOX 2448, MOBILE, ALABAMA 36601

June 25, 1969

SOUTHERN KRAFT DIVISION

WOODLANDS DEPARTMENT

GULF REGION

Mrs. Alice J. Duck  
Clerk Circuit Court Baldwin County  
Bay Minette, Alabama 36507

Dear Mrs. Duck:

Please refer to the Decree handed down in Case No. 8324 in the Circuit Court of Baldwin County, Alabama, Albert H. Knowles vs International Paper Company. The Decree, among other things, stipulates that International Paper Company is to pay in the sum of \$1584.00 representing 36 weeks at \$44.00 per week covering the period August 28, 1968 through May 6, 1969. In addition we have your statement in the amount of \$31.00 covering court cost in connection with the case. Although not brought out in the Decree, International Paper Company, the defendant in this case, has previously paid to plaintiff the sum of \$97.68 in weekly permanent partial disability payments. These payments were made on the basis of \$2.64 per week for 37 weeks during the period August 28, 1968 through May 13, 1969, and were based on a 5% medical opinion of disability, that has now been increased, or changed to 75% by the courts.

On the advice of our Attorney, Chason, Stone & Chason, and we understand at the approval of the plaintiff's attorney, we are enclosing herewith payable to the Court our check in the amount of \$1517.32. This amount representing the \$1584.00 called for in the Decree, plus \$31.00 Court Cost, less \$97.68 previously paid to the plaintiff. If our handling in this matter is not in accordance with the Courts wishes, please advise.

Subject Decree further stipulates that the balance remaining being \$9460.00, the difference between \$11,044.00 and \$1584.00 be paid at regular intervals. As set out in the Decree, this balance will be paid and is payable at the rate of \$44.00 per week. We assume that it will be satisfactory with the Court and everyone concerned if these weekly payments are made direct to Albert H. Knowles, however, if this is not the case we would appreciate your advice as to whom and how the remaining weekly payments of \$44.00 should be made.

Yours very truly,

R. S. ANDREWS  
Regional Manager

*W W Winter*

By: W. W. Winter  
Regional Administrative  
Director

HHK;mg

att

cc: Ala. Workmen's Compensation Com.  
Chason, Stone & Chason

ALBERT H. KNOWLES,	X	
Plaintiff,	X	
vs.	X	IN THE CIRCUIT COURT OF
INTERNATIONAL PAPER COMPANY,	X	BALDWIN COUNTY, ALABAMA
a corporation,	X	AT LAW NO. 8324
Defendant.	X	

AMENDED JUDGMENT

It having been made to appear to the Court that the judgment of this Court rendered the 10th day of June, 1969, is ambiguous in that paragraph "4." which sets out the attorney's fee payable to the Plaintiff's attorney in the cause does not show whether the same is to be payable to the Plaintiff's attorney out of the proceeds of the judgment recovered by the Plaintiff or whether said fee is an additional award in favor of the Plaintiff and the attorney against the Defendant and the Court being of the opinion that on consideration of the same said paragraph should be amended for the purpose of clarification it is hereby

ORDERED, ADJUDGED and DECREED that said paragraph "4." is amended so that the same shall read as follows:

4. That J. B. Blackburn, attorney for the Plaintiff in this cause, be paid an attorney's fee for the services rendered by him on behalf of the Plaintiff in this cause and that said fee shall be, and the same is hereby, fixed at fifteen percent (15%) of the amount to be paid by the Defendant to the Plaintiff and that said attorney's fee be paid to the said J. B. Blackburn by the Plaintiff Albert H. Knowles, out of the proceeds of his recovery against the Defendant and the Defendant shall in no wise be liable to the Plaintiff for the payment of all or any part of said attorney's fee or any other sum other than as set forth in para-

graphs "1.", "2.", and "3." of the original decree of this Court dated June 10, 1969.

Done this 16<sup>th</sup> day of June, 1969.

Julius A. Maddeburn  
Circuit Judge

FILED

JUN 16 1969

ALICE J. DUCK CLERK  
REGISTER