

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN RE: COMPENSATION FOR INJURIES)

NORA MARTIN,

Employee

vs.

No. 944

LONE STAR CEMENT CORPORATION,

Employer

O R D E R

Upon reading and filing the foregoing joint petition and settlement agreement of the parties and upon being fully advised in the premises, the employee being present in person and having been heard by the court; and the employer having been present by its counsel, John Chason, Esq., and the court having considered the written statements of Dr. W. C. Holmes of Foley, Alabama, and Dr. W. R. Meeker of Mobile, Alabama, who treated the employee, and it appearing to the court that the averments of the petition are true and that the said settlement is for the best interest of the employee and is in accordance with the provisions of the Workmen's Compensation Act of Alabama, it is therefore ordered, adjudged, and decreed by the court that the said agreement of settlement is hereby ratified, approved, and confirmed that the employer pay to the employee \$955.20 as a lump sum settlement; that upon the payment of the said sum by the employer to the employee, and upon payment by the employer of the costs of

this proceeding, the said employer shall be and hereby is forever released and discharged from any other, further, or different liability to the employee for or on account of any injuries sustained by him on the occasion referred to in the said petition, and for or on account of or in any manner arising out of the matters and things referred to in the said petition.

DONE this the 4th day of February, 1946.

F. M. Stone
Circuit Judge

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~~Received~~ Jul 4. 1946
R. R. Hall

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Mary Martin
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REPORT OF CIRCUIT COURT CLERKS TO WORKMEN'S COMPENSATION COMMISSIONER OF
THE STATE OF ALABAMA, REQUIRED BY SECTION 37,
WORKMEN'S COMPENSATION ACT, 1919.

NORA MARTIN

(Plaintiff)

Jan. 6. 1944

(Date of injury or death)

FOLEY ALA.

(Address)

NORA MARTIN

(Name of injured or deceased employee)

VS.

LONE STAR CEMENT CORP.

(Defendant)

Foley Ala.

(Employee's address)

Mobile Ala.

(Address)

STATE OF ALABAMA,

COUNTY.

As required by section 37 of the Workmen's Compensation Act of the State of Alabama, 1919.

I, R.S. Duck

Clerk of the Circuit Court, beg to report that th

above-styled case, our No. 944, filed under the provisions of said act was disposed of on 4th
day of February 1924 by the following judgment:

\$955.20 was paid to the Employee in settlement of all claims
under the workmans compensation Law. and said settlement was
approved by the Court

NOTE TO CIRCUIT COURT CLERKS

The report called for on the reverse hereof is required to be made under the following extract from the act of August 23, 1919:

37. The clerk of the circuit court shall within ten days after the disposition of any case make a report in writing giving the details of such disposition, and mail same to the compensation commissioner of Alabama on blanks to be procured from the commissioner for such purpose.

No report will be accepted not made on form prescribed, copies of which can at all times be had on application to the Commissioner.

Mail promptly.

WORKMEN'S COMPENSATION COMMISSIONER,
STATE CAPITOL, MONTGOMERY, ALA.

(W C C—Form No. 7)

**REPORT OF CIRCUIT COURT CLERKS
TO WORKMEN'S COMPENSATION
COMMISSIONER OF THE STATE OF
ALABAMA, REQUIRED BY SECTION
37, WORKMEN'S COMPENSATION
ACT OF 1919.**

Injured or deceased employee:

Employer: -----

(Note: These blanks are not to be filled in when reporting accident.)

WILSON PTC. CO. MONTGOMERY

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN RE: COMPENSATION FOR INJURIES)

NORA MARTIN,)

Employee)

vs.)

No. _____)

LONE STAR CEMENT CORPORATION,)

Employer)

PETITION AND SETTLEMENT AGREEMENT
UNDER WORKMEN'S COMPENSATION ACT

The undersigned, being the only parties interested in the above entitled matter, hereby petition the court to approve the following agreement and settlement, and, to that end, represent to the court as follows:

Both the employee and the employer are subject to the provisions of the Workmen's Compensation Act of Alabama (Code of 1940, Title 26, Article 2, Section 262, et seq). The employee is over twenty-one years old and resides at Sumnerdale, Baldwin County, Alabama. The employee was employed by the employer three days during the pay roll period ending December 25, 1943, for which he was entitled to and was paid wages in the sum of \$8.50; five days during the pay roll period ending January 1, 1944 for which he was entitled to and was paid wages in the sum of \$20.75; and four days during the pay roll period ending January 8, 1944, for which he was entitled to and was paid wages in the sum of \$16.00. On, to-wit, January 6, 1944, the employee sustained an injury by reason of

an accident arising out of and in the course of his employment by the employer at its clay pit located in Baldwin County, Alabama, the said accident having occurred in substantially the following manner:

The employee was assisting in moving mats for the drag line which was operating in the said clay pit, situated near Foley, Baldwin County, Alabama. The brake on the boom-hoist line drum failed causing the crane boom to fall, striking the employee and injuring him. He was treated by Dr. W. C. Holmes, Foley, Alabama, whose diagnosis of his injuries was as follows:

1. Fracture, complete (impacted) Femur neck, (R).
2. Fracture, complete, pelvis (R).
3. Dislocation of head of Femur (R).
4. Contusion, marked of soft parts of right thigh (Anteriorly & Posteriorly)
-Contusion and laceration of soft parts of hip (R).
5. Shock.

Nora Martin was treated in the usual manner and has progressed very satisfactorily up to this time being up and about for several months on crutches and able to walk without crutches for short distances. There will be some further improvement but it is of my opinion that this injured will continue to have a great amount of permanent disability and that he will not be able to carry on his duty in the capacity as that of a laborer.

Dr. W. C. Holmes of Foley, Alabama, and Dr. W. R. Meeker of Mobile, Alabama, with whom Dr. Holmes consulted concerning the employee's injuries, made the following statement with respect to his disability:

"This is to certify that we have given Nora Martin a complete physical examination as of this date and have come to the conclusion that this man has a forty per cent disability which will be permanent. He will not improve by further treatment and it is our opinion that he should be discharged to some light duty."

The employee is married and has no children.

The employee was not employed by the employer for fifty-two weeks prior to the said accident, but the employee would have received average weekly wages from the employer at the rate of \$20.00 for a normal work week if he had worked a normal work week, and such sum was the average weekly amount which, during the fifty-two weeks prior to the date of the said injury, was being earned by persons in the same grade employed at the same work by the employer or by persons in the same grade employed in the same class of employment in the same district.

The employer and the employee have agreed, upon the basis of the advice of Dr. W. C. Holmes, Foley, Alabama, in consultation with Dr. W. R. Meeker, that the employee has sustained 40% disability in his body as a whole, that he is entitled to compensation on such basis, and accordingly that he is entitled to compensation for fifty weeks temporary total disability at the rate of \$12.00 per week (aggregating \$600.00) and 250 weeks permanent partial disability at 40% of \$20.00 per week, that is \$8.00 at 60% or \$4.80 per week (aggregating \$1200.00).

The employer has furnished all necessary medical and hospital expenses occasioned by the said injury at a cost to the employer of \$538.00, which has been paid by the employer, an itemized statement of the said medical and hospital expenses being as follows:

	<u>Professional Services</u>	<u>Hospital</u>	<u>Total</u>
Dr. W. C. Holmes	\$150.00	\$255.00	\$405.00
V. C. Christensen - Ambulance		10.00	10.00
Sibley Holmes Memorial Hosp.		89.00	89.00
Dr. W. C. Holmes) a/c Consultation with) Dr. Meeker)	24.00		24.00
Dr. W. R. Meeker - Consultation	10.00		10.00
Total	\$184.00	\$354.00	\$538.00

The employee acknowledges that he has heretofore received from the employer \$844.80 representing compensation for fifty weeks temporary total disability at the rate of \$12.00 per week (\$600.00) and fifty-one weeks permanent partial disability at the rate of \$4.80 per week computed in the manner hereinabove stated (\$244.80), making a total of \$844.80. The said amount of \$844.80 having been paid by the employer, the employee is entitled to compensation for 199 weeks permanent partial disability at the rate of \$4.80 per week computed in the manner hereinabove set forth, or a total of \$955.20 if periodically paid at the rate of \$4.80 per week for 199 weeks. The said sum of \$955.20 when commuted to one lump sum payment, in accordance with the provisions of Title 26, Section 299 of the Code, amounts to \$859.43, the present value of all future installments of compensation calculated on a 6% basis. However, the employer is willing to pay and has agreed to pay to the employee the said sum of \$955.20 at this time in one lump sum payment, without commutation, in full and final settlement of all claims which the said employee has or may have against the employer under and by virtue of the provisions of the Workmen's Compensation Act of Alabama, or otherwise.

Subject to the approval of the court, the employee and the employer have agreed upon the said sum of \$955.20 as a lump sum settlement of all claims which the said employee has or may have against the employer under and by virtue of the provisions of the Workmen's Compensation Act of Alabama, or otherwise.

The said agreement of settlement is substantially in accordance with the provisions of the Workmen's Compensation Act of Alabama.

Nora Martin
Employee

LONE STAR CEMENT CORPORATION
(Employer)

By [Signature]
Its Attorney

STATE OF ALABAMA)
BALDWIN COUNTY)

On this 4 day of February, 1946,
NORA MARTIN personally appeared before me and made known to me to be the identical person described in and who executed the foregoing petition as employee, and after being first duly sworn, he did acknowledge that the facts recited in said petition are true and that after reading the same or having the same read to him and with the full understanding of the terms and effect thereof, he executed the same as his free act and deed and for the uses and purposes therein expressed, and as

the full settlement of all claims on account of any accident and injuries arising under the Workmen's Compensation Act of Alabama or otherwise.

Nora Martin

Sworn to and subscribed before
me this 7 day of February
1946.

John Dawson
Notary Public,
Bullard County, Ala