

1489

M. D. WHITE,	) (	
Plaintiff,	) (	IN THE CIRCUIT COURT OF
-vs-	) (	BALDWIN COUNTY, ALABAMA
H. KENNEDY,	) (	LAW SIDE
Defendant.	) (	

This day came the parties in the above styled cause, the defendant appearing by his attorney, and issue being joined by the parties, and after hearing the evidence, the Court being of the opinion that the plaintiff is entitled to recover, it is considered and ordered by the Court and is the judgment of the Court that compensation be and the same is hereby awarded to the plaintiff over and above those amounts already paid for compensation and medical services in the sum of Two Thousand Five Hundred Dollars (\$2,500.00).

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the Court that the plaintiff have and recover of the defendant the said sum of Two Thousand Five Hundred Dollars (\$2,500.00) in one lump sum, together with the costs in this behalf expended and for all of which execution may issue.

Done this the 25<sup>th</sup> day of April, 1950.

Telfair J. Mashburn, Jr.  
Telfair J. Mashburn, Jr.  
Circuit Judge

Filed 4-25-50  
Alice J. Duck  
Clerk

M. D. WHITE,	) (	
Plaintiff,	) (	IN THE CIRCUIT COURT OF .
-vs-	) (	BALDWIN COUNTY, ALABAMA
H. KENNEDY,	) (	LAW SIDE
Defendant.	) (	

Comes the defendant in the above styled cause and acknowledges service of summons and complaint and for answer to the complaint says:-

1. He admits that on the 2nd day of October, 1949, the relation of employer and employee existed between the plaintiff and the defendant and that the plaintiff and the defendant were subject to the Workmens Compensation Laws of Alabama.

2. He admits that on, to-wit, the 2nd day of October, 1949, at approximately 10:00 o'clock, a.m., the plaintiff was injured as a result of an accident.

3. He neither admits or denies that at the time of said accident the plaintiff was acting within the line and scope of his employment and that said accident arose out of and in the course of said employment, defendant not having any immediate knowledge of the facts other than plaintiff's allegations.

4. Defendant admits that he had notice of said accident and that he, through the Hartford Accident & Indemnity Company, a corporation, his Insurer, paid and have assumed payment of plaintiff's hospital and medical bills to the extent of Nine Hundred Forty-five & 15/100 Dollars (\$945.15) and he further admits that the Hartford Accident & Indemnity Company, his Insurer, paid in his behalf to the plaintiff Workmens compensation benefits for a period of fifteen (15) weeks at the rate of Twenty-one Dollars (\$21.00) per week, totaling Three Hundred Fifteen Dollars (\$315.00) so paid, and that except for the above payments no other payments have been made or are contemplated.

5. Defendant further admits that at the time of the alleged injury plaintiff was receiving a salary averaging Thirty-two Dollars (\$32.00) per week but defendant denies any liability of any kind or

nature other than for the compensation which has already been paid, this being for a dislocated clavicle sternal, and denies that any malignant growth, permanent, partial disability, shortening of life-span as alleged by plaintiff is a proximate result of any injury received in the line and scope of plaintiff's employment with the defendant, wherefore, defendant says that the plaintiff is not entitled to maintain or prosecute this action under the Workmens Compensation Act of the State of Alabama and that the plaintiff has recovered of defendant and defendant's Insurer all that he is entitled to under the provisions of said Act and that the plaintiff ought not to have and recover anything of this defendant or defendant's Insurer in this cause.

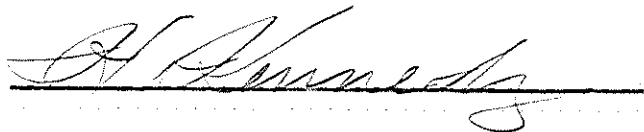


STATE OF ALABAMA

BALDWIN COUNTY

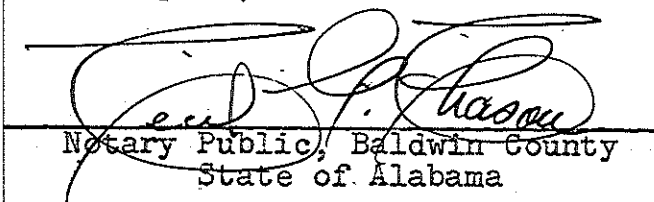
Before me, a Notary Public in and for said County in said State, personally appeared H. Kennedy, who being by me first duly sworn, deposes and says:

That he is the defendant in the above entitled cause; that he has knowledge of the facts set out in the foregoing answer and that the matters and facts therein alleged are true according to his best information, knowledge and belief.



Sworn to and subscribed before me,

a Notary Public, on this the 25<sup>th</sup>  
day of April, 1950.

  
Notary Public, Baldwin County  
State of Alabama

A N S W E R

M. D. WHITE,

Plaintiff,

-VS-

H. KENNEDY,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE

*Filed  
4-25-55  
Alice J. [unclear]*

CECIL G. CHASON  
ATTORNEY AT LAW  
FOLEY, ALABAMA

STATE OF ALABAMA )  
BALDWIN COUNTY ) IN THE CIRCUIT COURT . . . LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons H. Kennedy 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 M. D. White.

WITNESS my hand this 25<sup>th</sup> day of April, 1950.

Deirdre L. Hensley  
Clerk

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M. D. WHITE, ) (  
Plaintiff, ) ( IN THE CIRCUIT COURT OF  
-vs- ) ( BALDWIN COUNTY, ALABAMA  
H. KENNEDY, ) ( LAW SIDE  
Defendant. ) (

The plaintiff claims of the defendant benefits under the Workmens Compensation Laws of the State of Alabama due and owing under the following statement of facts, viz:-

On the 2nd day of October, 1949, the relation of employer and employee, or master and servant, existed between the defendant and the plaintiff, and defendant and plaintiff were subject to the Workmens Compensation Laws of the State of Alabama, and while so employed and engaged in the business of the defendant, and while acting in the line and scope of his employment with said defendant, plaintiff suffered an injury which arose out of and in the course of said employment. As a proximate result of said accident and injury, plaintiff has been partially disabled, which said disability plaintiff expects to be and so states will be permanent and as a result of which plaintiff believes and so states that his life-span will be materially shortened.

A controversey has arisen as to the benefits to be paid under the Workmens Compensation Laws of the State of Alabama. The

plaintiff's name is M. D. White; he is fifty-six (56) years of age and he is a resident of Summerdale, Baldwin County, Alabama; the defendant is a resident of Summerdale, Baldwin County, Alabama. At the time of the said accident on, to-wit, October 2nd, 1949, at approximately 10:00 o'clock a.m., the plaintiff was assisting another laborer to clean the warehouse of the defendant and while working they took down a trough used to convey beans from the third floor to the second floor, which said trough was approximately 20 feet in length and weighed approximately 15 pounds. The trough was placed on a stack of beans approximately 5 feet above floor level and the laborer, who was assisting plaintiff in cleaning the warehouse, pushed the trough for the purpose of straightening it and as he did so an end of the trough struck the plaintiff in the neck or chest. The plaintiff received a dislocated clavicle sternal which was a proximate result of the accident. Plaintiff also alleges that a malignant growth has developed at the place of said dislocation, which plaintiff alleges is also the proximate result of said injury.

The plaintiff further avers that said injury occurred in Summerdale, Baldwin County, Alabama. Plaintiff alleges that defendant had prompt and immediate notice of said accident and injury and that the defendant or the Hartford Accident & Indemnity Company, a corporation, defendant's Insurer, paid an assumed payment of all of plaintiff's hospital and medical expenses to date, this being in the total amount of Nine Hundred Forty-five & 15/100 Dollars (\$945.15) and that plaintiff was paid Workmens Compensation benefits for fifteen (15) weeks at Twenty-one Dollars (\$21.00) per week, or a total of Three Hundred Fifteen Dollars (\$315.00). Plaintiff alleges that at the time of the injury he was receiving a salary averaging Thirty-two Dollars (\$32.00) per week.

Plaintiff further alleges that he is partially disabled and believes that he will continue to be partially disabled and that the span of his life will be shortened as a proximate result of said injury, wherefore, plaintiff claims of the defendant, H. Kennedy, such benefits as he is entitled to receive under the Work-

mens Compensation Laws of the State of Alabama in addition to the benefits already received. He prays that notice may be given the defendant and that a hearing may be had, all in accordance with the laws and rules of this Honorable Court.

M. D. White

STATE OF ALABAMA

BALDWIN COUNTY

Before me, a Notary Public in and for said County in said State, personally appeared M. D. White, who is known to me, and who, being first duly sworn, deposes on oath and says:

That he has read the foregoing petition and complaint and has signed the same and that the statements made therein are true and correct to his own personal knowledge.

M. D. White

Sworn to and subscribed before me,  
a Notary Public, on this the 25th  
day of April, 1950.

Ora L. Nelson

Notary Public, Baldwin County  
State of Alabama at Large



M 1489

RECORDED

SUMMONS AND COMPLAINT

M. D. WHITE,

Plaintiff,

-VS-

H. KENNEDY,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE

*Filed 4-25-15  
Wesley J. Owen  
Clerk.*

CECIL G. CHASON  
ATTORNEY AT LAW  
FOLEY, ALABAMA