2086

LEE JOHNSON,	)	IN THE
VS.	)	CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
ARCHIE McMILLAN.	)	FEBRUARY 8, 1954.

MR. MARSEL OF MOBILE, representing the Plaintiff.

MR. CHASON, representing the Defendant.

LEE JOHNSON, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Chason.

Q. Is this Lee Johnson?

A. Yes, sir.

Q. Lee, were you working for Mr. Archie McMillan on September 25, 1953?

A. Yes, sir.

Q. Were you injured on that day?

A. Yes, sir.

Q. Did you receive injuries to your left arm and shoulder?

A. Yes, sir.

Q. That injury was caused from an accident arising out of and in the course of your employment?

A. Yes, sir.

Q. Have you and Mr. Archie McMillian, as Administrator of the estate ofMr. Archie McMillan deceased, agreed on a settlement of this matter?

A. Who?

Q. Mr. Archie McMillan, as administrator 66- Bill McMillan - he is also known as Mr. Bill McMillan. Have you all reached a settlement of this matter?

A. Yes, sir.

Q. Have you agreed on how much you are to receive?

A. Yes, sir, $2,000.00.

Q. You have agreed that you will receive $2000.00 in settlement of your injuries?

A. Yes, sir.

Q. That is for you and your Attorney, Mr. Marsel?

A. Yes, sir.

Q. Do you think that settlement is a fair and reasonable settlemen and do you think it is to your best interest?

A. Yes, sir.

Q. You think it is to your best interest to make that settlement, and both you and your Attorney, Mr. Marsel, ask the Court to approve this settlement?

A. Yes, sir.

Q. Mr. M. A. Marsel of Mobile, Alabama, is your Attorney, is he not?

A. Yes, sir.

Q. You did employ him to represent you in this case?

A. Yes, sir.

Q. And you ask the Court to approve his employment, do you not?

A. Yes, sir.

Q. And you discussed this settlement of $2,000.00 with Mr. Marsel this morning, did you not?

A. Yes, sir.

Q. And both you and Mr. Marsel agreed to it?

A. Yes, sir.

I hereby certify that the foregoing, consisting of two pages, is a true and correct transcript of the testimony taken by me in open Court, before Hon. Hubert M. Hall, Judge of said Court on the 8th day of February, 1954.

This 8th day of February, 1954.

Laurie Duesenberg
Official Court Reporter

FILED
FEB 10 1954
ALICE J. DUSK, Clerk

HARRY SEALE
LAWYER
FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

HARRY SEALE
M. A. MARSAL
A. J. SEALE

September 8, 1953

Mrs. Alice Duck
Clerk of the Circuit Court
Baldwin County, Alabama

Dear Mrs. Duck:

I am enclosing herewith a complaint in the case of Johnson vs. McMillan. Please advise me of any legal documents that may be filed by the Defendant.

Highest personal regards.

Yours truly,

M. A. Marsal

M. A. MARSAL

MAM:fn

No 2086

Lee Johnson
vs.
Archie M. McMillan
Adm of Estate of Archie
McMillan

Workmans Compensation
9-9-53

M. A. Marcak -

HARRY SEALE
LAWYER
FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

HARRY SEALE
M. A. MARSAL
A. J. SEALE

September 10, 1953

Circuit Court of Baldwin County
Criminal Division
County Courthouse
Bay Minette, Alabama

Attention: Mrs. Duck

Dear Mrs. Duck:

I am enclosing herewith a petition to be filed in the above styled case. Please inform me if there is a hearing .

Highest personal regards.

Yours truly,

M. A. Marsal

M. A. MARSAL

MAM:bm

LEE JOHNSON,	)	
Plaintiff	)	IN THE CIRCUIT COURT
VS.	)	OF MOBILE COUNTY,
ARCHIE M. McMILLAN, Administrator of the estate of ARCHIE McMILLAN,	)	ALABAMA
	)	CIVIL DIVISION
Defendant	)	NO._____

The Plaintiff claims of the Defendant the sum of FOUR THOUSAND SIX HUNDRED AND NO/100 ($4,600.00) DOLLARS, for that heretofore and on, to-wit, the 25th day of September, 1952, the Plaintiff, while in the employment of Archie McMillan, the deceased, suffered an injury that caused the permanent loss of use of his entire left arm and shoulder. The Plaintiff makes this claim pursuant to Title 26, Section 253, of the Alabama Code of 1940. The Plaintiff alleges that personal injury, as aforesaid, was caused by an accident arising out of and in the course of his employment.

Attorney for the Plaintiff

FILED
SEP 9 1953
ALICE J. DUCK, Clerk.

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2086

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Archie M. McMillan as Administratrix of Estate of Archie McMillan

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

Archie M. McMillan as Adm. of the Estat e od Archie McMillan, Defendant

by Lee Johnson

_____, Plaintiff

Witness my hand this 9th day of Sept 19 53

Alice J. Wack, Clerk

RECORDED

No. 2086 Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

LEE JOHNSON

Plaintiffs

vs.

ARCHIE M. McMILLAN, Adm. of Estate of

ARCHIE McMILLAN

Defendants

SUMMONS and COMPLAINT

Filed 9-9-53, 19

Alice J. Clements, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Sept. 9, 1953

Taylor Wilkins, Sheriff

I have executed this summons

this 9/11, 1953

by leaving a copy with

Archie M McMillan

Taylor Wilkins Sheriff

Peter Seller Deputy Sheriff

LEE JOHNSON,	)	
Plaintiff,	)	
vs.	)	IN THE CIRCUIT COURT OF
ARCHIE M. McMILLAN, Administrator of the Estate of Archie McMillan,	)	BALDWIN COUNTY, ALABAMA
	)	LAW SIDE NO. 2086
Defendant.	)	

This matter coming on to be heard on this the 8th day of February, 1954, by consent of the parties made in open court and the parties being present in open court and the cause being at issue the court proceeded to hear the evidence in such case orally in open court.

And it appearing to the court from the evidence in such case that the Plaintiff, Lee Johnson, was injured on September 25, 1952, while such Plaintiff was in the employment of Archie McMillan, who is now dead, and that he suffered an injury to his left arm and shoulder and that such injury was caused by an accident arising out of and in the course of his employment.

And it further appearing to the court that there is a dispute between the parties as to the extent of the injury of the Plaintiff and a dispute between the parties as to whether the Defendant was actually liable under the Workmen's Compensation Law of Alabama but the parties have agreed for the purpose of this settlement and for the amount agreed upon that there is liability on the part of the Defendant in order that the matter may be settled between the parties with the approval of this court, and that the Plaintiff and the Defendant have agreed in open court that Two Thousand Dollars ($2,000.00) to be paid by the Defendant to the Plaintiff would be reasonable compensation for such injury and the Plaintiff having testified orally in open court that the sum of Two Thousand Dollars ($2,000.00) would be adequate compensation to be paid him for such injury and that he agrees to accept that amount in full payment for such injury and that it would be to his best interest that such settlement be approved.

And it appearing to the court from the pleadings and the evidence taken orally in open court in said cause that it is to the best interest of the Plaintiff for the court to approve such settlement and to render judgment for the Plaintiff and against the Defendant in the sum of Two Thousand Dollars ($2,000.00) and that such settlement is in accordance with the provisions of the Workmen's Compensation Law of Alabama.

It is therefore ORDERED, ADJUDGED AND DECREED by the court that the Plaintiff shall recover of the Defendant the sum of Two Thousand Dollars ($2,000.00) as his damages in such cause for which let execution issue.

And it further appearing to the Court that the Plaintiff under Title 26, Section 261 of the 1940 Code of Alabama, as amended, has petitioned the court to order and approve the employment by the Plaintiff of M. A. Marsal, a practicing attorney at law in Mobile for such Plaintiff and upon hearing the evidence in this case the court is of the opinion that the employment by the Plaintiff of such attorney should be approved by this court, it is therefore, ORDERED ADJUDGED AND DECREED by the court that he hereby approve the employment of M. A. Marsal as the attorney for the Plaintiff in this case and he hereby fixes the fee of such attorney for the Plaintiff for his legal charges in the sum of Three Hundred Dollars ($300.00) and hereby orders that it shall be paid in one sum upon the collection of the judgment rendered herein.

Dated this 8th day of February, 1954.

Hubert M Hall

Judge.

JUDGMENT

LEE JOHNSON,

Plaintiff,

vs.

ARCHIE M. McMILLAN, Administrator of the Estate of Archie McMillan,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE. NO. 2086

Filed this 8th day of February, 1954.

Alice J. Kenda

Clerk.

LEE JOHNSON,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
ARCHIE M. McMILLAN, the administrator of the estate of ARCHIE McMILLAN,	)	CIVIL DIVISION NO._____
Defendant.	)	

Comes the Defendant in the above styled cause and for answer to the Complaint filed in said cause says:

1. Not guilty.

Aaron Stone

Attorneys for Defendant.

2086
RECORDED

PLEA

LEE JOHNSON,

Plaintiff,

vs.

ARCHIE M. McMILLAN, the administrator of the estate of ARCHIE McMILLAN,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CIVIL DIVISION NO._____

Filed the 24th day of September, 1953.

Clerk

2086