

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

30TH FLOOR-FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON
LYMAN F. HOLLAND, JR.
J. THOMAS HINES, JR.
DONALD F. PIERCE
LOUIS E. BRASWELL
HAROLD D. PARKMAN
G. PORTER BROCK, JR.
HARWELL E. COALE, JR.
STEPHEN G. CRAWFORD
JERRY A. MCDOWELL
W. RAMSEY MCKINNEY, JR.
LARRY U. SIMS
A. CLAY RANKIN, III
EDWARD A. HYNDMAN, JR.
MICHAEL D. KNIGHT
G. HAMP UZZELLE, III
THOMAS GUY GREAVES, III

MAILING ADDRESS:
P. O. DRAWER C
OR P. O. BOX 123

CABLE ADDRESS:
HAB
TELEPHONE
432-5511
AREA CODE 205

November 13, 1970

Mrs. Alice Duck, Clerk
Circuit Court of Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama

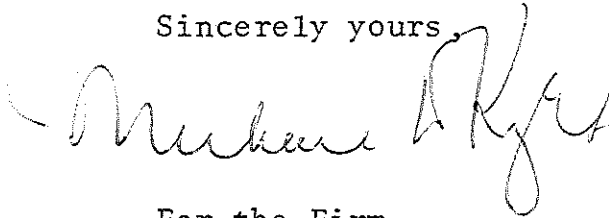
Re: Bertha Moore vs.
Coast Properties, Inc.
Case No. 9501

Dear Mrs. Duck:

I enclose herein answer filed on behalf of
Coast Properties, Inc., in this case, which is set
for trial on Monday, November 16, 1970.

Thank you for your assistance.

Sincerely yours,



For the Firm

MDK.er

Enclosures

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

30TH FLOOR-FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

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THOMAS GUY GREAVES, III

November 30, 1970

Mrs. Alice Duck, Clerk
Circuit Court of Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama

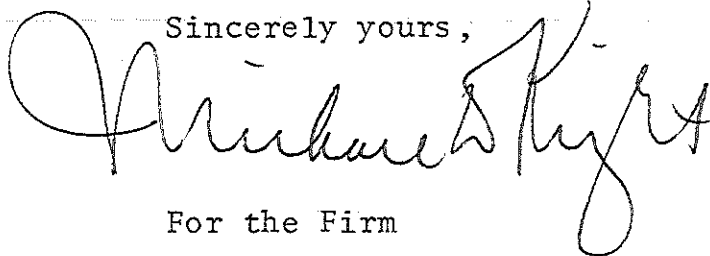
Re: Bertha Moore vs.
Coast Properties, Inc.
Case No. 9501

Dear Mrs. Duck:

We enclose herein American Fire and Casualty Company draft made payable to your order in the amount of \$1,731.00 representing full settlement and satisfaction of that Workmen's Compensation award rendered by Judge Joseph Hocklander in favor of claimant, Bertha Moore. Please favor us with your cost bill when it is convenient, and let me know when claimant's attorney has noted satisfaction of the judgment on the record.

Thank you for your assistance.

Sincerely yours,



For the Firm

MDK.er

Enclosure

CC: Taylor Wilkins, Jr.

BERTHA MOORE, resident of	:	IN THE CIRCUIT COURT OF
Baldwin County, Alabama,	:	
	:	BALDWIN COUNTY, ALABAMA
PLAINTIFF,	:	
	:	AT LAW
VS	:	
	:	
COAST PROPERTIES, INCORPORATED,	:	
a corporation, domiciled in the	:	
State of Alabama,	:	
	:	CASE NUMBER 9501
DEFENDANT.	:	

AMENDMENT TO ORDER OF COURT

The Order of Court heretofore rendered in this cause on the 16th day of November, 1970, by the Honorable Joseph M. Hocklander, Circuit Judge, sitting for Judge Telfair J. Mashburn, is hereby amended as follows:

I

It was stipulated by the parties that Mrs. Moore was injured and suffered twenty-five (25%) per-cent permanent disability to her left hand on November 16, 1969, as an employee of the Sea Gate Motel being owned and operated by Coast Properties, Incorporated, and while performing her duties as the manager of the motel. It was also stipulated that Mrs. Moore gave legal notice to her employer of the accident and her employer had actual knowledge of the injury suffered by her.

II

Paragraph two (2) is amended to read:

This Court therefore, finds that the Plaintiff is entitled to recover from both defendants the sum of ONE THOUSAND SEVEN HUNDRED THIRTY-ONE AND NO/100 (\$1,731.00) DOLLARS, representing fifty-five (55%) per-cent of SEVENTY-FIVE (\$75.00) DOLLARS per week for a total of twenty-five (25%) per-cent of one hundred seventy (170) weeks being forty-two and one-half (42 1/2) weeks less TWENTY-TWO (\$22.00) DOLLARS representing one (1) week of total/ temporary disability.

III

Paragraph three (3) is amended to read:

It is therefore ORDERED, ADJUDGED and DECREED that the Plaintiff have and recover of the Defendants a total judgment of ONE THOUSAND SEVEN HUNDRED THIRTY-ONE AND NO/100 (\$1,731.00) DOLLARS.

Telfair J. Mashburn
Honorable Telfair J. Mashburn
Circuit Judge
Baldwin County, Alabama

FILED

DEC 1st 1970

ALICE J. DUCK CLERK
REGISTER

BERTHA MOORE, Resident of
 Baldwin County, Alabama

 PLAINTIFF

 VS

 COAST PROPERTIES, INCORPORATED
 a corporation, domiciled in the
 State of Alabama

 DEFENDANT

: IN THE CIRCUIT COURT OF
 :
 : BALDWIN COUNTY, ALABAMA
 :
 : IN EQUITY
 :
 :
 : CASE NUMBER 9501
 :
 :
 :

ORDER OF COURT

This case coming on to be heard on this the 16th day of November, 1970, before the Honorable Joseph M. Hocklander, Circuit Judge, sitting for Judge Telfair J. Mashburn, and upon the Complaint, answer and oral proof heard in open Court, is of the opinion and so holds that the Plaintiff, Bertha Moore, was injured in the course and scope of her employment while working for Coast Properties, Incorporated, when she fell and sustained an injury to her left hand; that the parties were subject to the provisions of the Workmen's Compensation Laws of Alabama, on December 15, 1969, when the injury took place and that on that date, Coast Properties, Incorporated, the employer, had insured his liability under the Workmen's Compensation Laws of Alabama with The American Fire and Casualty Company; that Bertha Moore was totally disabled as a result of the injury from December 15, 1969, to March 2, 1970, a period of eleven (11) weeks; that the Plaintiff was permanently/partially disabled to the extent of twenty-five (25%) per-cent; that the Plaintiff was earning an average weekly wage of SEVENTY-FIVE (\$75.00) DOLLARS per week and therefore is entitled to the maximum benefits of FORTY-ONE AND 25/100 (\$41.25) DOLLARS per week under the Workmen's Compensation Laws of the State of Alabama.

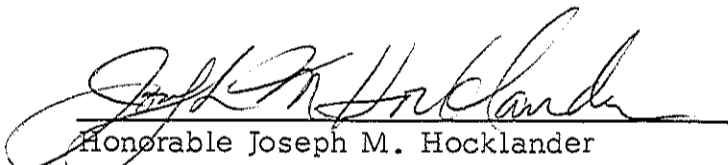
This Court therefore, finds that the Plaintiff is entitled to recover from both defendants the sum of ONE THOUSAND THIRTY-ONE AND NO/100

(\$1,731.00) DOLLARS, representing fifty-five (55%) per-cent of SEVENTY-FIVE (\$75.00) DOLLARS per week for a total of twenty-five (25%) per-cent of ONE HUNDRED SEVENTY (170) weeks being forty-two and one-half (42 1/2) weeks less TWENTY-TWO (\$22.00) DOLLARS representing one (1) week of total/ temporary disability.

It is, therefore ORDERED, ADJUDGED and DECREED that the Plaintiff have and recover of the Defendants a total judgment of ONE THOUSAND THIRTY-ONE AND NO/100 (\$1,731.00) DOLLARS.

A lien of fifteen (15%) per-cent attorney's fee, or the sum of \$259.65, in favor of Taylor Wilkins, Jr., attorney for Plaintiff, is hereby declared upon this judgment as his attorney's fee for professional services rendered in this cause.

The cost of the case is adjudged against the Defendants, for which an execution may issue.


Honorable Joseph M. Hocklander
Circuit Judge
Mobile County, Alabama

FILED

NOV 18 1970

ALICE J. DECK CLERK
REGISTER

BERTHA MOORE, resident) IN THE CIRCUIT COURT OF
 of Baldwin County,)
 Alabama,) BALDWIN COUNTY, ALABAMA

 Plaintiff,) IN EQUITY

 vs.)

 COAST PROPERTIES,)
 INCORPORATED, a Cor-)
 poration, Domiciled in)
 The State of Alabama,)

 Defendant.) CASE NO. 9501

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

A N S W E R

I.

Defendant denies that it is indebted to the plaintiff in the sum of ONE THOUSAND SEVEN HUNDRED AND THIRTY-ONE (\$1,731.00) DOLLARS as Workman's Compensation benefits. Defendant admits that plaintiff was employed as the manager of the Sea Gate Motel, Baldwin County, Alabama, on December 15, 1969, and that the Sea Gate Motel was owned and operated by Coast Properties, Incorporated, a corporation, domiciled in the State of Alabama. Defendant denies the remaining allegations of Paragraph I of plaintiff's complaint.

II.

Defendant admits that it is a corporation engaged in the business of operating a motel in Baldwin County, Alabama, and was, on the 15th day of December, 1969, subject to the provisions of the Workman's Com-

pensation Law of the State of Alabama.

III.

Defendant admits the allegations of Paragraph III of plaintiff's complaint.

IV.

Defendant admits that on the occasion complained of it was operating the Sea Gate Motel, located in Baldwin County, Alabama, and that the plaintiff was a regular employee. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph IV., and therefore, denies the same.

V.

Defendant admits that it had knowledge of the injury to the plaintiff, and that it received notice of the injury from the plaintiff.

VI.

Defendant denies the allegations of Paragraph VI. of plaintiff's complaint.

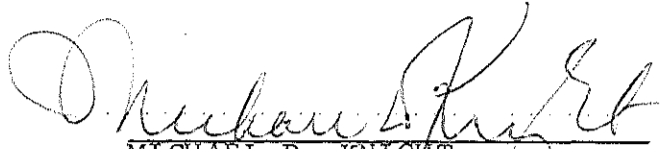
VII.

Defendant denies the allegations of Paragraph VII of plaintiff's complaint.

VIII.

Defendant specifically denies all allegations

of plaintiff's complaint not heretofore admitted or
denies.

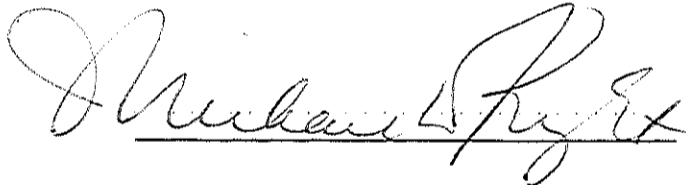

MICHAEL D. KNIGHT
Attorney for the Defendant

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and
correct copy of the foregoing "Answer" to Taylor D.
Wilkins, Jr., Esq., Attorney for the Plaintiff, by
depositing a copy in the United States mail, postage
prepaid, addressed to said attorney at his office in
Bay Minette, Alabama, on this the 13 day of
November, 1970.



FILED

NOV 14 1970

ALICE J. DUCK CLERK
REGISTER

BERTHA MOORE, Resident of
Baldwin County, Alabama

PLAINTIFF

VS

COAST PROPERTIES, INCORPORATED
A Corporation, Domiciled in the
State of Alabama

DEFENDANT

: IN THE CIRCUIT COURT OF
: BALDWIN COUNTY, ALABAMA

: IN EQUITY

: CASE NUMBER 9501

:

:

ORDER APPROVING EMPLOYMENT OF ATTORNEY

The Plaintiff and Taylor D. Wilkins, Jr., her attorney, having heretofore presented to this court a written instrument in which petitioner states that she has employed Taylor D. Wilkins, Jr., an attorney, to represent her in this cause, which instrument prays that the court ratify and approve the employment of such attorney, upon consideration of the said instrument, the Plaintiff is hereby authorized to employ Taylor D. Wilkins, Jr., an Attorney at Law, to represent her in a claim for injuries arising out of an accident allegedly sustained in the line and scope of her employment while employed by the Defendant, Coast Properties, Incorporated, a corporation.

Done on this the 25th day of September, 1970.

J. H. J. Wadsworth
Circuit Judge

FILED

SEP 25 1970

ALICE J. DUCK CLERK
REGISTER

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

BERTHA MOORE, resident of
Baldwin County, Alabama

PLAINTIFF

VS

COAST PROPERTIES, INCORPORATED,
a Corporation, Domiciled in
The State of Alabama

DEFENDANT

: IN THE CIRCUIT COURT OF

: BALDWIN COUNTY, ALABAMA

: IN EQUITY

: CASE NUMBER 9501

:

:

Plaintiff would respectfully show to the Court:

I

The Plaintiff, Bertha Moore, claims of the Defendant, Coast Properties, Incorporated, a Corporation, workmen's compensation benefits in the amount of, to-wit, ONE THOUSAND SEVEN HUNDRED AND THIRTY-ONE (\$1,731.00) DOLLARS, arising out of the following facts, to-wit:

The Plaintiff, Bertha Moore, was employed as manager of the Sea Gate Motel, Baldwin County, Alabama, on December 15, 1969. The Sea Gate Motel is owned and operated by Coast Properties, Incorporated, a Corporation, domiciled in the State of Alabama. On, to-wit, December 15, 1969, the Plaintiff, while performing her duties as manager of the Sea Gate Motel, slipped and fell while in the process of cleaning up one of the motel apartments. She suffered a fracture to her left wrist.

II

The Defendant, Coast Properties, Incorporated, is a corporation engaged in the business of operating a motel in Baldwin County, Alabama, and was on the 15th day of December, 1969, subject to the provisions of the Workmen's Compensation Law of the State of Alabama.

III

That the Defendant, Coast Properties, Incorporated, on the aforesaid date had and maintained in full force and effect a certain workmen's compensation insurance policy issued by the American Fire and Casualty Company, through the terms of which the employees of Coast Properties, Incorporated, were insured against injuries and death arising out of and within the scope of their employment.

IV

The Plaintiff, Bertha Moore, is by trade a motel and hotel manager, and that upon the aforesaid date was a regular employee of Coast Properties, Incorporated, which said company was in the process of operating the Sea Gate Motel, located in Baldwin County, Alabama.

V

Plaintiff immediately gave notice to her employer of the accident and her employer had actual knowledge of the injury suffered by the Plaintiff.

VI

Upon the date of the aforesaid accident, and for some time prior thereto, your Plaintiff was being paid an average weekly wage of SEVENTY-FIVE (\$75.00) DOLLARS, which is of sufficient amount to entitle Plaintiff to workmen's compensation benefits under the laws of the State of Alabama, and more specifically as follows:

The Plaintiff is entitled to fifty-five (55%) percent of her average weekly earnings for a period of forty-two and one half ($42\frac{1}{2}$) weeks, which is twenty-five (25%) percent of one hundred and seventy (170) weeks. This is based on a permanent disability of twenty-five (25%) percent to her left hand.

VII

Plaintiff avers that the Defendant's workmen's compensation insurance carrier, American Fire and Casualty Company, has refused to pay her, and she therefore files this complaint seeking

to recover the benefits due her for the twenty-five (25%) percent permanent disability to her left hand as provided under the Workmen's Compensation Law, together with her medical expenses, if any, which have not been paid. The Defendant has actual notice of Plaintiff's injury, and Plaintiff is therefore excused from giving further notice thereof.

Bertha Moore
Bertha Moore

STATE OF ALABAMA

COUNTY OF BALDWIN

Bertha Moore, the Plaintiff herein, makes oath in due form of law that she has read and understands her foregoing Complaint and that she is familiar with the allegations therein contained and that the same are true of her own knowledge and belief.

Bertha Moore
Bertha Moore

Sworn to and subscribed before me on this the 19th day of September, 1970.

W. F. Frazier Jr.
Notary Public
Baldwin County, Alabama
My Comm. expires 4/5/74

FILED

SEP 25 1970

ALICE J. DUCK CLERK
REGISTER

BERTHA MOORE, Resident of
Baldwin County, Alabama

PLAINTIFF

VS

COAST PROPERTIES, INCORPORATED
a Corporation, Domiciled in
The State of Alabama

DEFENDANT

: IN THE CIRCUIT COURT OF

: BALDWIN COUNTY, ALABAMA

: IN EQUITY

: CASE NUMBER _____

:

:

:

ORDER SETTING DATE OF HEARING

The complaint filed herewith in above styled cause is
hereby set for hearing on the 28th day of October,
1970, at 9:00 A.M.

Done this the 25th day of September, 1970.

Telfair J. Mashburn
Honorable Telfair J. Mashburn
Circuit Judge
Baldwin County, Alabama
In Equity

FILED

SEP 25 1970

ALICE J. DUCK CLERK
REGISTER

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA

BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9501

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon COAST PROPERTIES, INCORPORATED,
A CORPORATION

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.....

COAST PROPERTIES, INCORPORATED, A CORPORATION .., Defendant.....

by BERTHA MOORE

Plaintiff.....

Witness my hand this 25 day of Sept 1920

Alice J. Alcock Clerk

W. A. Pedia

No. 9501

Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

BERTHA MOORE

Plaintiffs

vs.

COAST PROPERTIES, INCORPORATED
Defendants

SUMMONS AND COMPLAINT

FILED

Filed 19.....

SEP 25 1970

Clerk

ALICE J. DUCK CLERK
REGISTER

Plaintiff's Attorney

.....**Taylor Wilkins, Jr.**.....
Defendant's Attorney

Reach

Defendant lives at
2705 Fourth Avenue, South
Birmingham, Alabama

Received in Office
Executed this the 24 day of Sept 1970
on Coast Properties, Inc. Sheriff

I have executed this summons
this 19.....
by leaving a copy with of within with

W. A. Pedia
of said co.
.....**MELVIN BAILEY**, Sheriff
Jefferson County, Alabama
By Reach, D.S.

Melvin Bailey, Sheriff of
Jefferson County, Alabama,
claims \$1.50 each for serving
..... 7 process(es) and \$1.00
travel expense on each of
..... 7 process(es) or a total of
\$ 2.50
Reach Deputy Sheriff

..... Sheriff
..... Deputy Sheriff

9501

STATE OF ALABAMA
COUNTY OF BALDWIN

APPLICATION FOR EMPLOYMENT OF ATTORNEY

Comes now Bertha Moore and shows unto your Honor that she is an employee as defined in the Workmen's Compensation Laws of Alabama, that her employer, as defined under the Workmen's Compensation Laws of Alabama, is Coast Properties, Incorporated, a Corporation, and that she has suffered an injury while acting in the line and scope of her employment and that she prays for permission to secure the services of an attorney to represent her in said matter. She request permission to secure the services of Taylor D. Wilkins, Jr., an Attorney at Law of Bay Minette, Alabama.

Bertha Moore
Bertha Moore

STATE OF ALABAMA
COUNTY OF BALDWIN

Personally appeared Bertha Moore, known to me, who first being duly sworn, on oath deposes and says, that she has read each and every allegation of the foregoing application and that the facts herein stated are true and correct.

Bertha Moore
Bertha Moore

Sworn to and subscribed before me on this the 19th day of September, 1970.

W. T. T. T. T.
Notary Public
my Com expires 4/5/74

FILED

SEP 25 1970

ALICE J. DUCK CLERK
REGISTER