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Samuel M. Johnston (1890-1969)
William E. Johnston
Samuel M. Johnston, Jr.
Robert G. Kendall, III

Mailing Address
P. O. Box 550
Mobile, Alabama

January 28, 1971

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

Re: Jennie Resmondo, surviving mother
of Jimmy L. Silcox, deceased
vs.
B & B Construction Company, Inc.

Dear Mrs. Duck:

I enclose an answer in the above case which I
would thank you to file. Please notify me when you
receive the same.

With best regards, I am

Yours very truly,

JOHNSTON, JOHNSTON & KENDALL

BY


William E. Johnston

WEJ:dm

Encl.

JENNIE RESMONDO, surviving	:	IN THE CIRCUIT COURT OF
mother of Jimmy L. Silcox,	:	BALDWIN COUNTY, ALABAMA
deceased,	:	
Plaintiff,	:	AT LAW
vs.	:	
B & B CONSTRUCTION COMPANY,	:	CASE NO. 9583
INCORPORATED, a foreign	:	
corporation, domiciled in	:	
the State of Mississippi,	:	
Defendant.	:	

This cause coming on to be heard on April 29, 1971, the Court having taken the same under submission and before the Court had reached any conclusion as to the laws and the facts, it was made known to the Court by the attorneys that the parties had reached an agreement and settlement in this case for the lump sum of Five Thousand Five Hundred and no/100 (\$5,500.00) Dollars, the Defendant to pay the costs of the Court. The Court had heard the evidence and finds that the Plaintiff's son, Jimmy L. Silcox, and the B & B Construction Company, Incorporated, were both subject to the Workmen's Compensation laws of the State of Alabama on which was July 13, 1970, the date he was killed/ and that Jimmy L. Silcox was an employee of B & B Construction Company, Incorporated, at said time, and that the accident which resulted in his death grew out of and in the course of his employment; that the deceased employee had 'only worked for the defendant approximately one week at the time of his death so he had no history of earnings with this company, but a similar employee doing the work he was doing would have earned approximately \$110.00 per week.

Prior to the time that the deceased employee took the job with the Defendant, which was approximately one week prior to his death, he had been living in the home of his mother,

the Plaintiff, and according to her testimony paying her \$30.00 per week room and board. She had on a previous occasion made an affidavit that he was paying her \$25.00 per week room and board. The Plaintiff owned her own home. Her husband contributed approximately \$10.00 every two weeks to maintaining the household. She receives food of the approximate value of \$75.00 per month from the Little River commodities. She was drawing social security for her two children by a previous marriage in the sum of \$96.00 a month. The evidence further shows that when the deceased workman went to work for the Defendant that there was no understanding or agreement that he would continue to pay room and board or contribute to his mother's support. Plaintiff's deceased son had had several jobs prior to taking the one with the Defendant, and in each of his applications for employment he had stated that he had no dependents. This is true of the application with the Defendant, B & B Construction Company.

Since the parties through their attorneys have advised the Court that they have agreed to settle this case for the sum of Five Thousand Five Hundred and no/100 (\$5,500.00) Dollars in a lump sum, it appears to the Court that it is to the best interest of the parties that this case be settled on this basis, and is in substantially the amount she would be entitled to under the Workmen's Compensation laws of the State of Alabama, the Defendant already having paid the sum of Four Hundred and no/100 (\$400.00) toward the funeral expenses of the deceased employee; and it also appearing to the Court that Taylor Wilkins, Jr., who is the attorney for the Plaintiff, Jennie Resmondo, is entitled to attorney's fees of \$ 825.00 for representing the Plaintiff in this cause;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED
BY THE COURT that the agreement between the parties hereto-
fore mentioned and made known to the Court is hereby approved,
and when the said payment of \$5,500.00 shall have been made
along with the cost of these proceedings, the said Defendant,
B & B Construction Company, Incorporated, and General Acci-
dent Fire & Life Assurance Corporation, the Defendant's
Workmen's Compensation Insurance carrier, shall, without
further formality, be forever released and discharged from
any and all claims in anyway connected with the matter, for
all of which, together with the costs of Court, let execution
issue.

DONE at Bay Minette, Alabama, this 14th day of
July, 1971.

Jeffrey A. Maddern
Circuit Judge

FILED

JUL 16 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

*This settlement has been paid by
the defendant, B & B Construction Co. Inc.*

*William J. [Signature]
Att'y for Plaintiff*

[illegible]

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Book 12
Page 114-15

JENNIE RESMONDO, surviving mother
of Jimmy L. Silcox, deceased

PLAINTIFF

VS

B & B CONSTRUCTION COMPANY,
INCORPORATED, a foreign corporation,
domiciled in the State of Mississippi

DEFENDANT

X IN THE CIRCUIT COURT OF
X BALDWIN COUNTY, ALABAMA

X AT LAW

X

X CASE NO: 9583

X

X

ORDER

The above cause coming on to be heard on Wednesday, April 28, 1971,
upon the evidence presented in Court, and the Court withholding a decree pend-
ing the filing of briefs by the parties within twenty (20) days from said date, now
on motion of the Plaintiff, with consent of the Defendant, the time for filing
briefs in this matter is extended for a period of twenty (20) days from the date
the briefs were originally due to be submitted.

DONE and ordered this the 18th day of May, 1971.

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

FILED

MAY 21 1971

EUNICE B. BLACKMON CIRCUIT CLERK

~~FILED~~
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~~...~~

Book 12
Page 444

IN THE CIRCUIT COURT OF
SALIDA COUNTY, ALABAMA

AT LAW

PLAINTIFF

VS

DEFENDANT

THE STATE OF ALABAMA

COMPLAINT

ORDER

The above cases coming on to be heard on Wednesday, April 28, 1971,
upon the evidence presented in Court, and the Court withholding a decree pend-
ing the filing of habeas corpus within twenty (20) days from said date, now
on motion of the Plaintiff, who consent of the Defendant, the time for filing
habeas corpus in this matter is extended for a period of twenty (20) days from the date
the habeas were originally due to be admitted.
DONE and ORDERED this 13th day of May, 1971.

William G. [Signature]
Circuit Judge
Salida County, Alabama

FILED

MAY 22 1971

CLERK OF COURT

[Handwritten signature]

100-24-83

JENNIE RESMONDO, surviving mother : IN THE CIRCUIT COURT OF
of Jimmy L. Silcox, deceased, :
PLAINTIFF, : BALDWIN COUNTY, ALABAMA
VS : ~~IN EQUITY~~
: ~~AT LAW~~
:
B & B CONSTRUCTION COMPANY, :
INCORPORATED, a foreign corporation, : CASE NO.
domiciled in the State of Mississippi, :
DEFENDANT. :

ORDER SETTING DATE OF HEARING

The complaint filed herewith in the above styled cause is hereby
set for hearing on the 29th day of December, 1970.

Done this the 1st day of December, 1970. 9:00 AM

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

DEC 1 1970

ALICE J. DUCK CLERK
REGISTER

CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

JENNIE RESMONDO, surviving mother
of Jimmy L. Silcox, deceased,

PLAINTIFF,

VS

B & B CONSTRUCTION COMPANY,
INCORPORATED, a foreign corporation,
domiciled in the State of Mississippi,

DEFENDANT.

Please serve:
Fred S. Ball or Richard A. Ball
Attorneys at Law
200 South Lawrence Street
Montgomery, Alabama
Registered Agents for B & B
Construction Company, Inc.

Book 12
Page 474

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

JENNIE RESMONDO, surviving mother : IN THE CIRCUIT COURT OF
of Jimmy L. Silcox, deceased, :
PLAINTIFF, : BALDWIN COUNTY, ALABAMA

VS

B & B CONSTRUCTION COMPANY,
INCORPORATED, a foreign corporation, : CASE NO. 95-83
domiciled in the State of Mississippi, :
DEFENDANT. :

Plaintiff would respectfully show to this Court:

The Plaintiff, Jennie Resmondo, claims of the Defendant, B & B
Construction Company, Incorporated, a corporation, workmen's compensation
benefits in the amount of FIFTEEN THOUSAND FOUR HUNDRED AND NO/100
(\$15,400.00) DOLLARS, arising out of the following facts, to-wit:

I

That she is a citizen and resident of Baldwin County, Alabama.
That she is the lawful mother of Jimmy L. Silcox, deceased, and was totally
dependent upon said Jimmy L. Silcox, deceased, for her maintenance and
support at the time of his death. That she is the mother of Johnnie Silcox and
Ernest Silcox, each who receive the sum of FORTY-ONE AND 30/100 (\$41.30)
DOLLARS per month as Social Security benefit payments.

II

The Plaintiff's son, Jimmy L. Silcox, deceased, age nineteen (19)
at the time of his death, was employed by the Defendant, B & B Construction
Company, Incorporated, as a laborer, and while performing his duties as a
laborer an accident occurred arising out of and in the course of his employment,
thereby resulting in his death from electrocution at approximately, to-wit:
11:00 am on July 13, 1970, at or near Linden, Marengo County, Alabama.

III

Plaintiff further avers that the Defendant is a foreign corporation, being domiciled in the State of Mississippi and having qualified to do business in the State of Alabama with the Secretary of State's Office on April 11, 1969, and that on July 13, 1970, the Defendant, B & B Construction Company, Incorporated, was engaged in the construction of a building near the city of Linden, in Marengo County, Alabama, and that the deceased employee, Jimmy L. Silcox, was engaged in unloading some steel or metal sheets along with other employees from a trailer with the assistance of a boom, which was being operated by another employee, and that said boom came into contact with an electrical voltage line which resulted in the death of the employee, Jimmy L. Silcox, by electrocution.

IV

The Defendant, B & B Construction Company, Incorporated, is a corporation engaged in the general business of construction and was on the 13th day of July, 1970, subject to the provisions of the Workmen's Compensation Laws of the State of Alabama. The Defendant, B & B Construction Company, Incorporated, on the aforesaid date, had and maintained in full force and effect a certain workmen's compensation insurance policy issued by the General Accident Group Insurance Company, through the terms of which the employees of B & B Construction Company, Incorporated, were insured against injuries and death arising out of and within the scope of their employment.

V

Plaintiff avers that on August 7, 1970, written notice was given to the employer of the deceased's death and said employer, furthermore had actual notice of the death of the employee.

VI

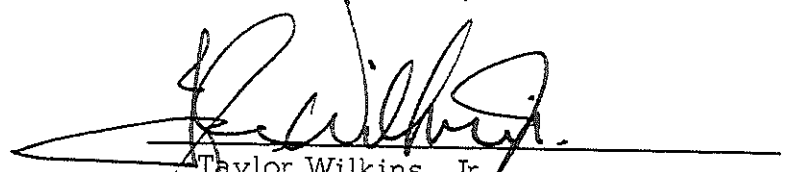
Plaintiff avers and would show unto this Honorable Court that her

deceased son, Jimmy L. Silcox, was earning an average wage of ONE HUNDRED TEN AND NO/100 (\$110.00) DOLLARS per week and that your Plaintiff was entirely dependent upon the deceased for her support. Plaintiff avers that under and by virtue of the Workmen's Compensation Laws of the State of Alabama, that she is entitled to receive benefits of THIRTY-FIVE (35%) PERCENT of the average weekly wage of her deceased son subject to the maximum fixed by statute for a period of FOUR HUNDRED (400) WEEKS dating from said accident for the use and benefit of your Plaintiff and she further avers that she is entitled to FOUR HUNDRED (\$400.00) DOLLARS as funeral expenses which have been paid by the Defendant's workmen's compensation insurer. Plaintiff further avers and humbly request this Honorable Court to grant her a lump sum settlement with the Defendant and it's workmen's compensation insurer.

VII

Plaintiff avers that the Defendant, through it's workmen's compensation insurance carrier, has refused to pay her, and she therefore files this complaint seeking to recover the benefits due her under the Workmen's Compensation Law, together with any legal expenses which have not been paid and to which she may be entitled.


Jennie Resmondo, Plaintiff


Taylor Wilkins, Jr.
Attorney for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Jennie Resmondo, 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 is true of her

own knowledge and belief except those made upon information and belief and these she verily believes to be true.

Jennie Resmondo
Jennie Resmondo

Sworn to and subscribed before me this the 7 day of November,
1970.

[Signature]
Notary Public
Baldwin County, Alabama

FILED

DEC 1 1970

ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA

COUNTY OF BALDWIN

APPLICATION FOR EMPLOYMENT OF ATTORNEY

Comes now, Jennie Resmondo, and shows unto Your Honor that she is a dependent as defined in the Workmen's Compensation Laws of Alabama, that her son, Jimmy L. Silcox, deceased, was an employee of the B & B Construction Company, Incorporated, a corporation, and that he suffered an injury resulting in his death while acting in the line and scope of his 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.

Jennie Resmondo
Jennie Resmondo

STATE OF ALABAMA

COUNTY OF BALDWIN

Personally appeared Jennie Resmondo, 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.

Jennie Resmondo
Jennie Resmondo

Sworn to and subscribed before me on this the 7 day of November, 1970.

[Signature]
Notary Public

FILED

DEC 1 1970

JENNIE RESMONDO, surviving mother : IN THE CIRCUIT COURT OF
of Jimmy L. Silcox, deceased, :
: BALDWIN COUNTY, ALABAMA
PLAINTIFF, :
: ~~IN EQUITY~~
VS : ~~AT LAW~~
:
B & B CONSTRUCTION COMPANY, :
INCORPORATED, a foreign corporation, : CASE NO.
domiciled in the State of Mississippi, :
:
DEFENDANT. :
:

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 as a dependent for injuries resulting in the death of her son, Jimmy L. Silcox, deceased, sustained by him in the line and scope of his employment while engaged by the Defendant, B & B Construction Company, Incorporated, a corporation.

Done this the 3rd day of November, 1970.

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

FILED

DEC 1 1970

ALICE J. DUCK CLERK
REGISTER

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Page 474

SUMMONS AND COMPLAINT

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 9583

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon B & B Construction Company, Incorporated,
..... a foreign corporation, domiciled in the State of Mississippi.....
.....
.....

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.....

..... B & B Construction Company, Incorporated, a corporation..... Defendant.....

by Jennie Resmondo, surviving mother of Jimmy L. Silcox, deceased.....

..... Plaintiff.....

Witness my hand this..... 1..... day of..... Dec - 1970

Alice L. Luck, Clerk

No. 9583

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JENNIE RESMONDO, surviving
mother of JIMMY L. SILCOX,
deceased

Plaintiffs

vs.

B&B CONSTRUCTION COMPANY,
INC., a foreign corporation

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

M. S. Butler, Sheriff of Montgomery. Clerk
County, Alabama, Claim \$1.50 each* for
serving 1 process(es) and \$1.00
travel expense on each of _____
process(es) or a total of _____

Taylor Wilkins, Jr. Deputy Sheriff

Plaintiff's Attorney

Defendant's Attorney

2027

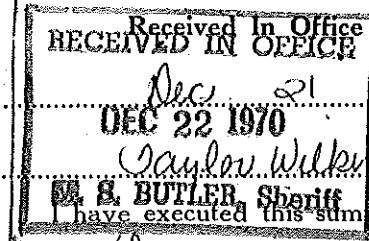
may be served:

Defendant ~~Kyles~~

BALL & BALL, as Agent

Attorneys at Law

Montgomery, Alabama



this 8 Jan 1971

by leaving a copy with

B & B Construction Co. by

service on Ball & Ball

Do not represent B & B Const. Inc.

but do represent parent
(company) the Geo Corporation

RECEIVED

DEC 21 1970

TAYLOR WILKINS
SHERIFF

RECEIVED

JAN 5 1971

Mc Math Sheriff

TAYLOR WILKINS
SHERIFF

Mc Math Deputy Sheriff

JENNIE RESMONDO, surviving mother of Jimmy L. Silcox, deceased,
Plaintiff,
VS.
B & B CONSTRUCTION COMPANY, INCORPORATED, a foreign corporation, domiciled in the State of Mississippi,
Defendant.

: IN THE CIRCUIT COURT OF
: BALDWIN COUNTY, ALABAMA
: AT LAW
:
: CASE NO. 9583
:
:

A N S W E R

Comes now the defendant and for answer to the complaint says as follows:

To the unnumbered paragraph the defendant denies that the plaintiff is entitled to the sum of Fifteen Thousand Four Hundred and no/100 (\$15,400.00) Dollars.

1. The defendant denies that the plaintiff, who is the mother of Jimmy L. Silcox, deceased, was totally dependent upon him for her maintenance and support at the time of his death.

2. The defendant admits the allegation of paragraph two.

3. Defendant admits the allegation of paragraph three.

4. Defendant admits the allegation of paragraph four.

5. Defendant admits the allegation of paragraph five.

6. Although the deceased had only been working for the defendant one week, it is impossible to ascertain what his average weekly earning would be for 52 weeks. The defendant admits that a man in a position working regularly would have earned approximately One Hundred Ten and no/100 (\$110.00) Dollars per week. The defendant denies that the plaintiff was dependent entirely upon the deceased for her support. The defendant denies the other allegations of paragraph six except the one where it is alleged that the defendant paid Four Hundred and no/100 (\$400.00) Dollars funeral expense.

7. Defendant denies that the plaintiff is entitled to recover anything from the defendant, either his compensation or legal expenses.

B & B CONSTRUCTION COMPANY,
INCORPORATED

BY William E. Johnston
ITS ATTORNEY

STATE OF ALABAMA:

COUNTY OF MOBILE:

Before me the undersigned authority in and for said State and County, personally appeared William E. Johnston, attorney for B & B Construction Company and who has authority to make this affidavit, states that he is informed and believes, and upon such information and belief, avers that the foregoing answer is true and correct.

William E. Johnston
WILLIAM E. JOHNSTON

Subscribed and sworn to
before me this 28th day of
January, 1971.

Charles J. Lyons
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

FILED

JAN 29 1971

My Commission Expires July 27, 1974

EUNICE B. BLACKMON ^{CIRCUIT} CLERK

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served counsel for
[redacted] in the foregoing matter with a copy of this
[redacted] by depositing in the United States Mail a copy of
[redacted] in a properly addressed envelope with adequate postage
thereon.

This 20th day of January, 1971

William E. Johnston
Attorney for Defendant

FILED

JAN 29 1971

EUNICE B. BLACKMON CIRCUIT
CLERK