

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon International Paper Company, a corporation, to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding the same, then and there to answer the complaint of Eubie Brooks,

WITNESS my hand this 18 day of Aug, 1971.

Eunice B. Blackman
Clerk

EUBIE BROOKS,)	
Plaintiff,)	IN THE CIRCUIT COURT OF
VS.)	BALDWIN COUNTY, ALABAMA
INTERNATIONAL PAPER COMPANY,)	AT LAW
A Corporation,)	CASE NO. <u>9992</u>
Defendant.)	

The Plaintiff claims of the Defendant Workmen's Compensation benefits in the amount of ONE THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$1,350.00), arising out of the following facts, to-wit:

1.

The Plaintiff is a resident citizen of Bay Minette, Baldwin County, Alabama, and was on the occasion complained of. He is over the age of 21 years.

2.

The Defendant, International Paper Company, a corporation, at all times material hereto, owned and operated a box factory in the City of Bay Minette, Alabama, and had in its regular employ more than seven persons and was operating under and according to the provisions of the Workmen's Compensation Laws of the State of Alabama.

3.

The Plaintiff shows unto the Court that, prior to February 2, 1970, he was able bodied and gainfully employed as a laborer and

worked for the Defendant at a salary of approximately ONE HUNDRED TWO DOLLARS (\$102.00) per week. That on this date, while in the employment of the Defendant, he lifted a 55 gallon drum and injured his back. The Plaintiff avers that he continued working for the Defendant spasmodically thereafter and worked for them until, to-wit: the 15th day of December, 1970. That he was paid Workmen's Compensation benefits by the Defendant until, to-wit: February 17, 1971.

The Plaintiff avers that he is permanently and totally unable to do the type work he was doing prior to the time he was injured. Plaintiff avers that the agents, employees and officials of the Defendant, International Paper Company, a corporation, or some of them, had actual notice of said accident very soon after it happened.

4.

The Plaintiff avers that, under and by virtue of the Workmen's Compensation Laws of the State of Alabama, he is entitled to receive benefits at the rate of FIFTY DOLLARS (\$50.00) per week subject to the maximum fixed by the Statute, for a period of Five Hundred Fifty (550) weeks dating from the date of said accident, less the Workmen's Compensation benefits already received by the Plaintiff, the amount of which is FIVE HUNDRED SIXTY SEVEN DOLLARS (\$567.00).

Eubie K Brooks
Eubie Brooks

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Eubie Brooks, who is known to me, and who being by me first duly sworn, deposes and says: That he has read the foregoing complaint and that the matters contained therein are true and correct.

Eubie K Brooks
Eubie Brooks

Sworn to and subscribed before me on this the 17th day of August, 1971.

Ann L Watts
Notary Public

FILED

AUG 18 1971

EUNICE B. BLACKMON CIRCUIT CLERK

VOL

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Aug 24 - 1971

CASE NO. 9992

EUBIE BROOKS

VS:

INTERNATIONAL PAPER COMPANY A CORP.

FILED

AUG 18 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

Walters, & Brantley

AUG 19 1971

Received 19 day of Aug 19 71
and on 24 day of Aug 19 71
I served a copy of the within Subpoena
on International Paper Co

Sheriff claims 1 miles
Ten Cents per mile Total \$ 1
TAYLOR WILKINS, Sheriff
DEPUTY SHERIFF

By service on Tony Thompson

TAYLOR WILKINS Sheriff
E. B. Blackmon S.

EUBIE BROOKS,)	IN THE CIRCUIT COURT OF
)	
Plaintiff,)	BALDWIN COUNTY, ALABAMA
)	
-vs-)	AT LAW
)	
INTERNATIONAL PAPER COMPANY,)	CASE NO. 9992
a corporation,)	
)	
Defendant.)	

FINDINGS OF FACT

From the pleadings and testimony in this case, the court finds the facts to be as follows:

On, to-wit, December 16, 1971, the Plaintiff, Eubie Brooks, suffered a back injury in Bay Minette, Alabama, while in the employ of the Defendant, International Paper Company, in an accident arising out of and in the course of his employment, said injury resulting in a permanent disability to the body as a whole; that Defendant has furnished Plaintiff medical care and attention as required by law. There is a dispute between the Plaintiff and the Defendant as to the nature and extent of the Plaintiff's permanent disability, and the Defendant is willing to pay, and the Plaintiff is willing to accept the sum of \$4,500.00 in a lump sum in compromise of the Plaintiff's claim, subject to the approval of this court. The court finds that it is to the best interest of the Plaintiff that the Plaintiff's claim be compromised by the Defendant paying to the Plaintiff the sum of \$4,500.00 as payment in full of all compensation due him for injuries sustained in said accident.

JUDGMENT

The premises considered, it is ORDERED, ADJUDGED AND DECREED by the court that the Plaintiff is entitled to have paid by the Defendant the sum of \$4,500.00 as payment in full of all compensation due him for injuries sustained in said accident of, to-wit, December 16, 1970.

It is further ORDERED, ADJUDGED AND DECREED by this court that the Plaintiff shall have and recover of the Defendant the sum of \$4,500.00 as compensation for said injuries, together

with the costs of this cause, for which let execution issue.
The Plaintiff's attorney, Tolbert M. Brantley, is entitled to
a reasonable attorney's fee of 675⁰⁰, from said sum.

Telfair J. Marksburn
JUDGE

FILED

NOV 3 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

I Tolbert M Brantley, Attorney for
the Plaintiff, hereby acknowledge
receipt of the sum of \$4,500 =
a satisfaction of all payment in
full of the above said judgment.
This the 3rd Day of Nov 1971.

Tolbert M Brantley
Attorney for Eulie Brantley

EUBIE BROOKS,

Plaintiff,

-vs-

INTERNATIONAL PAPER COMPANY,
a corporation,

Defendant.

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) AT LAW

) CASE NO. 9992

A N S W E R

Comes now the Defendant in the above styled cause and for answer to the complaint sets forth the following:

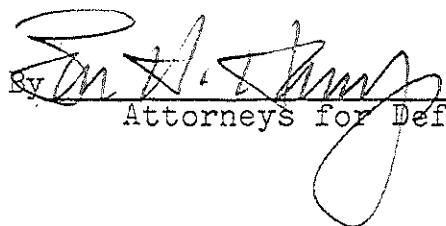
1. Defendant admits the allegations of Paragraph One of the complaint.

2. Defendant admits the allegations of Paragraph Two of the complaint.

3. Defendant admits that Plaintiff was injured in an accident arising out of and in the course of his employment with the Defendant on, to-wit, December 16, 1970. Defendant shows unto the court that there is a dispute between the Plaintiff and the Defendant as to the extent of the Plaintiff's permanent disability, and the Defendant is willing to compromise the claim by paying the Plaintiff \$4,500.00 as payment in full of all compensation due him for injuries sustained in said accident.

4. Defendant avers that it has furnished Plaintiff medical care and attention as required by law.

JOHNSTONE, ADAMS, MAY, HOWARD & HILL


Attorneys for Defendant

FILED

NOV 3 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

EUBIE BROOKS,

Plaintiff,

-vs-

INTERNATIONAL PAPER COMPANY,
a corporation,

Defendant.

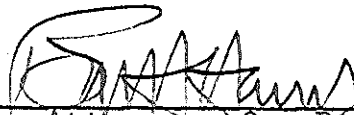
) IN THE CIRCUIT COURT OF
)
)
) BALDWIN COUNTY, ALABAMA
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)
) AT LAW
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) CASE NO. 9992
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NOTICE OF DEPOSITION

Please take notice that the Defendant in the above styled cause will take the testimony on oral examination of Dr. L. C. Fisher, Jr., Medical Center Clinic, 1750 North Palafox Street, Pensacola, Florida, at 3:00 P.M., Thursday, October 14, 1971, in Dr. Fisher's offices, in accordance with Section 474(1)-474(18) of Title 7, Code of Alabama, 1940, as amended, before Lucius B. Stearns, Official Court Reporter, or before some other officer authorized by law to administer oaths. Such oral examination shall continue from day to day until completed.

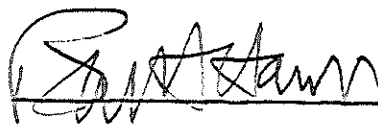
JOHNSTONE, ADAMS, MAY, HOWARD & HILL

By



Attorneys for Defendant

I do hereby certify that I have on this 30th day of September, 1971, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.



FILED

OCT 1 1971

EUNICE B. BLACKMON
CIRCUIT CLERK

EUBIE BROOKS,
Plaintiff,
-vs-
INTERNATIONAL PAPER COMPANY,
a corporation,
Defendant.


) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA
)
) AT LAW
)
) CASE NO. 9992
)
)

D E M U R R E R

Comes now the Defendant in the above styled cause and demurs to the complaint heretofore filed and for separate and several grounds of demurrer sets down and assigns the following:

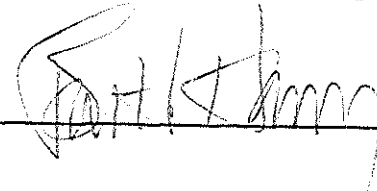
1. For that the complaint is vague, uncertain and indefinite as to the amount claimed.
2. For that a full description of the alleged injury, its nature and extent is not set forth.
3. For that the allegation that the plaintiff is permanently and totally unable to do the type work he was doing prior to the injury is not within the scope of the Alabama Workmen's Compensation Act.

JOHNSTONE, ADAMS, MAY, HOWARD & HILL

By 
Attorneys for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 17 day of Sept, 1971, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.



FILED

SEP 20 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

EUBIE BROOKS,)
 Plaintiff,) IN THE CIRCUIT COURT OF
 VS.) BALDWIN COUNTY, ALABAMA
 INTERNATIONAL PAPER COMPANY,) AT LAW
 A corporation,) CASE NO. 9992
 Defendant.)

APPLICATION FOR EMPLOYMENT OF ATTORNEY

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

Comes now Eubie Brooks and shows unto Your Honor that he was an
 employee as defined by the Workmen's Compensation Law of Alabama;
 that his employer, as defined under the Workmen's Compensation Law
 of Alabama, was International Paper Company, a corporation. That
 he was injured while acting within the line and scope of his employ-
 ment, and the Plaintiff now prays for permission to secure the ser-
 vices of an attorney to represent him in said matter. He request
 permission to secure the services of Tolbert M. Brantley, an Attorney
 at Law of Bay Minette, Alabama.

Eubie H. Brooks
 Eubie Brooks

ORDER

The foregoing having been submitted, and the Court being of the
 opinion that said permission should be granted, the said Plaintiff
 in the above styled cause is hereby permitted and authorized to
 employ Tolbert M. Brantley, an attorney at law, to represent him
 in the claim arising out of the injury allegedly sustained in the
 line and scope of his employment while employed by International
 Paper Company, a corporation.

Done this the 21st day of August, 1971.

Telfair J. Mashburn
 Circuit Judge

Filed
8.23.71

Ernice B. Blackman
clerk