

GEORGE LONG	X	IN THE CIRCUIT COURT OF
PLAINTIFF	X	BALDWIN COUNTY, ALABAMA
VS	X	AT LAW
HUDSON OIL COMPANY, INCORPORATED, a non-resident corporation,	X	
DEFENDANT	X	CASE NO: 10,186

Plaintiff would respectfully show unto this Honorable Court as follows:

I.

The Plaintiff, George Long, claims of the Defendant, Hudson Oil Company, Incorporated, a corporation, workmen's compensation benefits in the amount of THIRTEEN THOUSAND FIVE HUNDRED (\$13,500.00) DOLLARS arising out of the following facts, to-wit:

The Plaintiff, George Long, was employed as manager of a service station located in Baldwin County, Alabama, on January 18, 1971, which service station was on said date and is now owned and operated by the Defendant, Hudson Oil Company, Incorporated, a non-resident corporation doing business in Baldwin County, Alabama.

II.

The Plaintiff, on January 18, 1971, while performing his duties as manager of said service station owned and operated by the Defendant, slipped and fell from a tractor-trailer vehicle while in the process of filling the gasoline tank on the tractor of said vehicle, thereby suffered an extremely comminuted fracture of the right knee cap as a result of the accident, requiring his hospitalization for a period of eleven (11) days in the Mobile Infirmary. On January 19, 1971, the Plaintiff underwent surgery for the removal of his right knee cap.

III.

The Plaintiff avers that he was temporary totally disabled for a period of several weeks and has suffered permanent/partial disability to his body as a whole, as a result of the aforesaid accident, and upon the date of the accident,

and for some time prior thereto, your Plaintiff was being paid an average weekly wage of ONE HUNDRED FIFTY (\$150.00) DOLLARS, which is of sufficient amount to entitle the Plaintiff to workmen's compensation benefits under the laws of the State of Alabama, and more specifically as follows:

The Plaintiff is a married man with one minor dependent, namely, Billy Ray Long, age thirteen (13) years, thereby entitling him to receive Sixty-five (65%) percent of the difference between the average weekly earnings of the Plaintiff at the time of his injury and the average weekly earnings he is able to earn in his partially disabled condition for a period of Three Hundred (300) weeks. The Plaintiff has been discharged from the care of his physician and is now able to earn FORTY-EIGHT (\$48.00) DOLLARS per week as his average weekly wages, presently being employed by the same employer, Hudson Oil Company, Incorporated. The Plaintiff is entitled to receive Sixty-five (65%) percent of the difference between the aforesaid wages for a period of Three Hundred (300) weeks, or an amount based on the percentage of permanent/partial disability to his body as a whole, as determined by this Honorable Court.

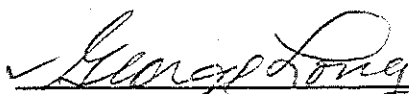
IV.

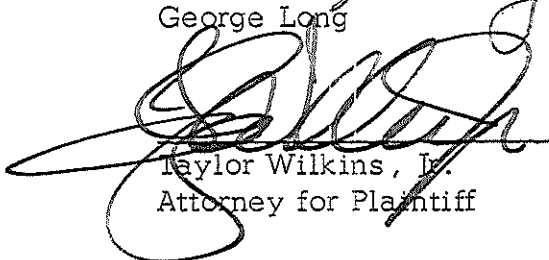
Plaintiff immediately gave notice to his employer of the accident and his employer had actual knowledge of the injury suffered by him, and on the aforesaid date of the accident, had and maintained in full force and effect a certain workmen's compensation insurance policy issued by the Gulf Insurance Company, Kansas City, Missouri, the terms of which the employees of Hudson Oil Company, Incorporated, were insured against injuries and death arising out of and within the scope of their employment.

V.

Plaintiff avers the Defendant, Hudson Oil Company, Incorporated, was on January 18, 1971, subject to the provisions of the workmen's compensation laws of the State of Alabama, and it's workmen's compensation insurance carrier has refused to pay him for workmen's compensation benefits and he therefore files

this complaint seeking to recover benefits due him from his injury, for the permanent/partial disability to his body as a whole, as provided under the workmen's compensation law, together with his medical expenses, including any medical expenses which have not been paid.

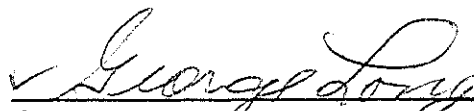
  
George Long

  
Taylor Wilkins, Jr.  
Attorney for Plaintiff

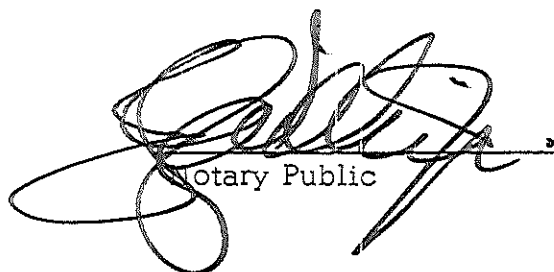
STATE OF ALABAMA

BALDWIN COUNTY

George Long, the Plaintiff herein, makes oath in the form of law that he has read and understands his foregoing complaint and that he is familiar with the allegations therein contained and the same are true of his own knowledge and belief.

  
George Long

SWORN to and subscribed before me on this the 7 day of January, 1972.

  
Notary Public

**FILED**

JAN 7 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

878-  
VOL  
1972  
371  
69

SUMMONS AND COMPLAINT

MOORE PRINTING CO. BAY MINETTE ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 10,186

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon HUDSON OIL COMPANY, INC.

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.....

HUDSON OIL COMPANY, INC.

....., Defendant.....

by GEORGE LONG

....., Plaintiff.....

witness my hand this..... day of..... 1922

*James B. Blackman*  
Clerk

VOL



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No. 10,186

Page.....

STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

GEORGE LONG

Plaintiffs

018X <sup>VS.</sup> R.C. Bryant, Jr., Agent  
HUDSON OIL COMPANY, INC.

Defendants

SUMMONS AND COMPLAINT

**FILED**

Filed ..... 19.....

JAN 7 1972

Clerk

EUNICE B. BLACKMON <sup>CIRCUIT</sup>  
CLERK

JAN 10 1972

TAYLOR WILKINS  
SHERIFF

Taylor Wilkins, Jr.

Plaintiff's Attorney

Defendant's Attorney

Agent to be served:

R. C. Bryant, Supervisor  
Hudson Oil Company

70 Palm Street

Greenville, Alabama

*Crichton*

Received In Office

19.....

Sheriff

I have executed this summons

this

by leaving a copy with

19.....

Received  
and on  
I served a copy of this summons  
on  
by service on  
RAY D. BRIDGES, SHERIFF

Sheriff

Deputy Sheriff

GEORGE LONG, : IN THE CIRCUIT COURT  
Plaintiff, : OF BALDWIN COUNTY,  
VS. : ALABAMA  
HUDSON OIL COMPANY, : AT LAW  
INCORPORATED, A non- :  
resident corporation, :  
Defendant. : CASE NO: 10,186

DEMURRER

Comes now the Defendant in the above entitled cause and demurs to the plaintiff's petition and as grounds therefor sets down and assigns, separately and severally, the following:

1. For aught that appears the disability complained of did not arise out of an accident.
2. Petition shows on its face that the disability complained of did not arise out of an accident, within the meaning of the Compensation Act.
3. For aught that appears the disability of the Plaintiff did not arise out of an accident to the Plaintiff received in the course of his employment for the Defendant.
4. The Petition shows on its face that the Plaintiff's disability is not the proximate result of an accident arising out of and in the course of the Plaintiff's employment.
5. The Petition shows on its face that the alleged injury did not arise out of the Plaintiff's employment.
6. For aught that appears the disability complained of did not occur during the course of employment of the Plaintiff.
7. The Petition shows on its face that the disability complained of did not occur during the course of the employment of the Plaintiff.
8. The Petition fails to allege an accident to the Plaintiff.

BROWN, HUDGENS, FULFORD,  
SINTZ & RICHARDSON  
Attorneys for Defendant

BY:

  
JOHN D. RICHARDSON, III

CERTIFICATE OF SERVICE

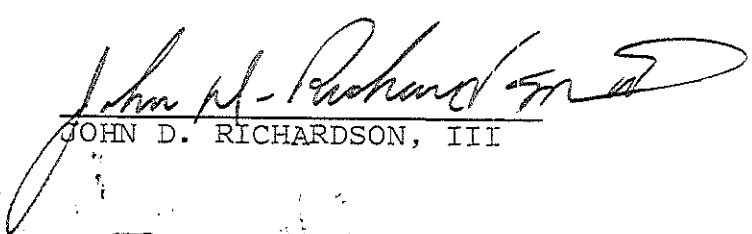
I do hereby certify that I have on this 18 day of February 1972, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed and first class postage prepaid.

FILED

FEB 21 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

VOL

  
JOHN D. RICHARDSON, III  
65-374  
69

GEORGE LONG, : IN THE CIRCUIT COURT  
Plaintiff, : OF BALDWIN COUNTY,  
VS. : ALABAMA  
HUDSON OIL COMPANY, : AT LAW  
INCORPORATED, A non- : WORKMEN'S COMPENSATION  
resident corporation, :  
Defendant. : CASE NO: 10,186

ORDER, DETERMINATION AND JUDGMENT

This cause having been duly called for trial on August 22, 1972, issue having been joined between the parties, the Court having observed the demeanor of the witnesses and having heard their testimony, the evidence in this cause having been produced in open Court without a jury, and same having been considered and understood by the Court, the Court states its conclusions of fact and law and its judgment to be as follows:

STATEMENT OF FACTS AND LAW

That this is a proceeding under the Workmen's Compensation Act of Alabama, brought by the Plaintiff, George Long, against the Defendant, Hudson Oil Company, Incorporated, wherein Plaintiff claims compensation for a total and permanent disability resulting from a personal injury received by him on January 18, 1971; that on said date the relationship of employer and employee existed between Plaintiff and Defendant; that on said date the Plaintiff was a workman regularly employed and working for the Defendant; that on said date the Plaintiff and the Defendant were subject to the Workmen's Compensation Law of the State of Alabama; that while so employed or engaged on January 18, 1971 at the Defendant's place of business at 701 Battleship Parkway, Baldwin County, Alabama, the Plaintiff suffered a personal injury and damage which was the proximate result of an accident arising out of and in the course of his employment by the Defendant, as aforesaid, which accident occurred in Baldwin County, Alabama; that the Plaintiff while employed by the Defendant and while

working in the service station tripped and fell on his right knee and broke his knee cap which had to be removed; that the Defendant had prompt and actual notice of said accident as required by the Workmen's Compensation Law of the State of Alabama; that the Plaintiff suffered a permanent partial disability to his right leg of 25%.

The Court further finds that the Plaintiff prior to the accident was able to earn \$150.00 per week and was married with two dependent children.

The Court further finds that all of the medical expenses of the Plaintiff for the treatment of the injuries received in said accident have been paid.

#### CONCLUSIONS OF LAW AND FACTS

The Court states its conclusions to be as follows:

That the provisions of Title 26, Section 279(C)1 are applicable to this case; that as a proximate result of his injury as aforesaid the Plaintiff was temporarily totally disabled for sixty (60) weeks after the accident; that the Plaintiff is entitled to compensation for 60 weeks; that he has not been to date paid any compensation; that Plaintiff is entitled to a lump sum from the Defendant in the amount of \$3,000.00 representing accrued compensation at the rate of \$50.00 per week for a period of 60 weeks commencing January 19, 1971, uncommuted; that the Plaintiff is not entitled to receive additional weekly compensation payments or any other medical expenses.

#### JUDGMENT

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover of the Defendant the sum of \$3,000.00, representing compensation for sixty (60) weeks.

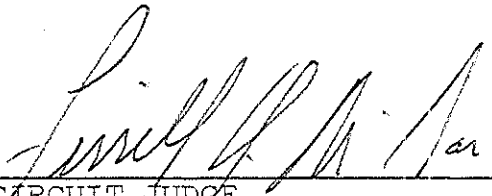
The Court further fixes the fee of the Plaintiff's attorneys at \$450.00, which sum is an amount equal to fifteen (15%) percent of the total amount of compensation due the Plaintiff, and the



Clerk of Circuit Court of Baldwin County, Alabama is hereby ordered to deduct such amount from the lump sum payment for accrued compensation herein ordered, and to pay the same directly to Plaintiff's attorney of record.

The costs of this cause are hereby taxed against the Defendant, for all of which let execution issue.

DONE this 23rd day of August, 1972.

  
\_\_\_\_\_  
CIRCUIT JUDGE

**FILED**

AUG 23 1972

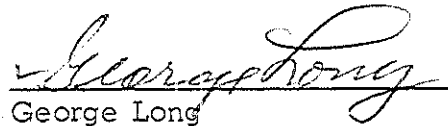
EUNICE B. BLACKMON CIRCUIT CLERK

STATE OF ALABAMA

BALDWIN COUNTY

APPLICATION FOR EMPLOYMENT OF ATTORNEY

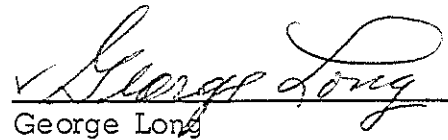
Comes now George Long and shows unto Your Honor that he is an employee as defined in the workmen's compensation laws of Alabama, that his employer, as defined under the workmen's compensation laws of Alabama, is Hudson Oil Company, Incorporated, a corporation, and that he has suffered an injury while acting in the line and scope of his employment and that he prays for permission to secure the services of an attorney to represent him in said matter. He request permission to secure the services of Taylor D. Wilkins, Jr., an Attorney at Law of Bay Minette, Alabama.

  
George Long

STATE OF ALABAMA

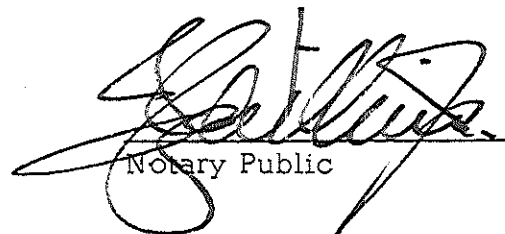
BALDWIN COUNTY

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

  
George Long

Sworn to and subscribed before me on this the 7 day of January,

1972.

  
Notary Public

**FILED**

JAN 7 1972

ELNICE B. BLACKMON CIRCUIT CLERK

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GEORGE LONG	X	IN THE CIRCUIT COURT OF
PLAINTIFF	X	BALDWIN COUNTY, ALABAMA
VS	X	<del>IN EQUITY</del>
HUDSON OIL COMPANY, INCORPORATED, a non-resident corporation	X	
DEFENDANT	X	CASE NO: 10,186

ORDER APPROVING EMPLOYMENT OF ATTORNEY

The Plaintiff and Taylor D. Wilkins, Jr., his attorney, having heretofore presented to this Court a written instrument in which Petitioner states that he has employed Taylor D. Wilkins, Jr., an attorney, to represent him 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 him in a claim for injuries arising out of an accident allegedly sustained in the line and scope of his employment while employed by the Defendant, Hudson Oil Company, Incorporated.

DONE this the 7<sup>th</sup> day of January, 1972.

**FILED**

JAN 7 1972

EUNICE B. BLACKMON CIRCUIT CLERK

*Telfair J. Mashburn*  
Telfair J. Mashburn  
Judge of the Circuit Court  
Baldwin County, Alabama

Bay Minette, Ala., Jan. 10 1922

To the Sheriff of Mobile County, Mobile, Alabama

I enclose herewith S & C to be served Hudson

Oil Company Inc. # 10, 186

R. C. Bryant Supervisor, Hudson Oil Co. 70 Palm Street

Crichton, Ala. Thanks

Please serve and return as early as possible.

Gayles Wilkins  
Sheriff, Baldwin County, Alabama

(If not found in your county, please advise promptly giving information as to present location if possible)