

IDA MAE SALTER HOBBS, )  
 )  
 Petitioner, ) IN THE CIRCUIT COURT OF  
 )  
 vs. )  
 ) BALDWIN COUNTY, ALABAMA  
 MEADOW SPORTSWEAR, INC., a )  
 Corporation, a/k/a Bay )  
 Slacks, Inc., and AMERICAN )  
 MOTORIST INSURANCE COMPANY, ) 10, 333  
 )  
 Defendants. )  
 )

Now comes your Petitioner, IDA MAE SALTER HOBBS, and respectfully represents and shows unto this Honorable Court as follows:

1. That on the 25th day of June, 1970, your Petitioner was a citizen and resident of Baldwin County, Alabama, and a workman employed by Meadow Sportswear, Inc., which was from time to time, known as Bay Slacks, Inc., which is a corporation doing business in Bay Minette, Baldwin County, Alabama.

2. That on June 25, 1970, while working as a presser in the pants factory operated by Meadow Sportswear, Inc., located in Bay Minette, Baldwin County, Alabama, your Petitioner was hurt and injured and suffered an accident to her back, arising from her duties which required her to lift bundles of pants; that as a proximate result of said accident your Petitioner was totally, temporarily disabled and further, is permanently, partially disabled and a controversy has arisen as to benefits to be paid under the Workmen's Compensation Act under the Laws of the State of Alabama;

3. Your Petitioner further alleges that American Motorist Insurance Company, a member of Kemper Insurance Group, is the insurance carrier for the said Meadow Sportswear, Inc., which is sometimes known as Bay Slacks, Inc;

4. Petitioner further alleges that the Defendant, Meadow Sportswear, Inc., sometimes known as Bay Slacks, Inc., had prompt and immediate notice of the accident and that the said Meadow Sportswear, Inc., or its insurer, paid certain hospital bills and paid her certain benefits under the Workmen's Compensation Act for a period of approximately one and one-half years, at which

time the payments were stopped.

5. Petitioner further alleges that at the time of the injury she was receiving a salary of approximately \$60.00 per week and Petitioner, who can understand and read and write the English language, further alleges that she is permanently, partially disabled since the date of said accident and is entitled to receive compensation for said injury.

WHEREFORE, Petitioner claims of the Defendants such benefits as she is entitled to receive under the Workmen's Compensation Act under the laws of the State of Alabama, in addition to the benefits already received and prays that notice may be given the Defendants, all in accordance with the rules of this Honorable Court.


  
Ida Mae Salter Hobbs.

STATE OF ALABAMA     )  
                                  (  
BALDWIN COUNTY     )

Before me, the undersigned authority, within and for the said State and County, personally appeared Ida Mae Salter Hobbs, Petitioner in the foregoing cause, who is known to me, and who, being first duly sworn, deposes and says that she has read the foregoing petition and that the statements made therein are true and correct and that she knows that said statements are true and correct.

  
Ida Mae Salter Hobbs.

Sworn to and subscribed before  
me on this the 27th day of March,  
1972.

  
Notary Public, Baldwin County, Alabama.

FILED

APR 4 1972

EUNICE B. BLACKMON CIRCUIT CLERK

IDA MAE SALTER HOBBS, : IN THE CIRCUIT COURT OF  
Petitioner, : BALDWIN COUNTY,  
vs. : ALABAMA  
MEADOW SPORTSWEAR, INC., a :  
corporation, a/k/a Bay :  
Slacks, Inc., and AMERICAN :  
MOTORIST INSURANCE COMPANY,  
Defendants. :

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND JUDGMENT

The above-styled matter coming on for hearing before the Court and each party being represented by counsel of record, after a full disclosure of the testimony and exhibits having been presented to the Court, the Court, after due consideration, makes the following findings of facts and conclusions of law and enters the following judgment:

1. At the time and place alleged in the complaint, to-wit, June 25, 1970, petitioner was employed as alleged in the petition by defendant Bay Slacks, Inc. and both the employee and employer were subject to the Workmen's Compensation Act of the State of Alabama. That while so employed, and acting within the line and scope of her employment, petitioner suffered an injury which was compensable under said compensation act both as to Workmen's Compensation benefits and for medical payments as defined under the Act.

2. At the time and place of the accident which is the basis of petitioner's claim, American Motorist Insurance Company was the Workmen's Compensation insurer for the plaintiff's employer.

3. At the time of the accident in which the petitioner was injured, petitioner's average weekly earnings were approximately \$60.00 per week and she was paid a temporary total compensation benefits by the employer's insurance carrier for a period of seventy-seven weeks.

4. Plaintiff's compensation rate is at 55% as she had no dependents at the time of the accident.

5. Subsequent to the accident plaintiff had a surgical procedure performed upon her in which a herniated nucleus pulposus on the lumbar spine was removed. Subsequently, she suffered kidney complications and thereafter other illnesses which were not directly related to the industrial accident which is the basis of this claim.

6. A dispute has arisen between the plaintiff employee and her employer as to the amount of compensation to which she is entitled as a result of her permanent partial disability which did proximately result from the accident which is the basis of her claim.

7. The Court finds, after investigating such dispute as presented by counsel for both parties, that it is in the best interest of the plaintiff to settle her claim on an approximately 65% permanent partial disability basis. Assuming, as is shown by the evidence presented, that the plaintiff's average weekly earnings were \$60.18, with a compensation rate of 55% applied the compensation payment rate would be \$33.10 per week. At the permanent partial disability rating of 65%, when applied to the \$33.10 per week compensation rate, the plaintiff would be entitled to receive \$21.52 per week for 223 weeks, commuted at 4% equals \$4,268.29 as the present value of such payments. There exists a dispute between the plaintiff employee and the defendant employer as to \$503.20 in temporary total benefits which the employer claims were overpaid. There also exists a dispute as to certain outstanding medical and doctor expenses.

8. In order to settle all differences between the parties, they have agreed upon a compromise settlement herein in the amount of \$4,000.00, which is to include all compensation payments which are due or shall under any circumstances hereafter become due and any existing or future medical, hospital or other expenses which could be claimed against the employer, any defendant herein, or its insurance carrier as non-compensation medical and hospital expenses under the provisions of the compensation act.

9. The Court finds that this settlement agreement is in the best interest of the employee and specifically approves same.

#### CONCLUSIONS OF LAW

1. The petitioner employee and the defendants employer are subject to the Workmen's Compensation Act of the State of Alabama and were so subject on the date claimed in the petition.

2. All compensation and medical payments made by the defendant employer and its insurance carrier are in keeping with the Workmen's Compensation Act of the State of Alabama. Upon the satisfaction of the judgment entered in this cause, the defendant employer and its insurance carrier will be forever discharged from all liabilities under the Workmen's Compensation Act of the State of Alabama to the petitioner Ida Mae Salter Hobbs.

3. When the Court finds it in the best interest of an employee, a workmen's compensation claim may be compromised as long as it is generally in keeping with the schedule of benefits as provided by the Workmen's Compensation Act.

4. The defendant employer is entitled to commute at the rate of 4% all benefits due to the plaintiff for permanent partial disability. Permanent partial disability benefits in this particular case are to be paid to the plaintiff for a number of weeks not to exceed 300.

JUDGMENT

1. Based upon the foregoing findings of fact and conclusions of law, the Court is of the opinion that the plaintiff should recover from her defendant employer Workmen's Compensation benefits at the rate of \$21.52 per week for a period of 223 weeks, commuted at the rate of 4% for a lump sum of \$4,268.29, to be adjusted by compromise between the parties to a lump sum figure of \$4,000.00

It is therefore ORDERED, ADJUDGED AND DECREED, that the plaintiff have and recover of the defendants the sum of \$4,000.00 as Workmen's Compensation benefits, and the cost of this proceeding, for all of which let execution issue.

Petitioner's counsel J. Connor Owens, Esq., is allowed an attorney's fee in the amount of 15% of the foregoing \$4,000.00, or \$600.00.

It is further ORDERED, ADJUDGED AND DECREED, that the defendants are henceforth and forever discharged from any and all liability to the plaintiff by virtue of any and all provisions of the Workmen's Compensation Act of the State of Alabama, specifically including all medical, hospital, drug and other supportive charges as provided in said Workmen's Compensation Act and all claims for further compensation benefits.

FILED

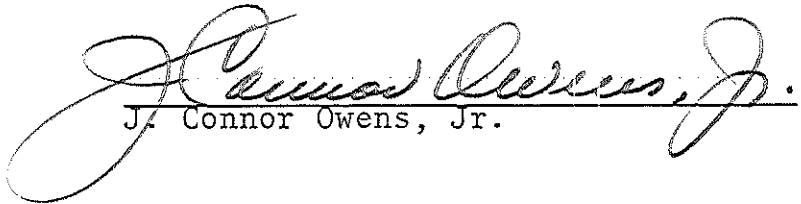
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EUNICE B. BLACKMON  
CIRCUIT CLERK

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

SATISFACTION OF JUDGMENT

On the 4 day of April, 1972, the foregoing judgment is marked cancelled, satisfied and paid in full by J. Connor Owens, Jr., Esq., attorney for the Plaintiff Ida Mae Salter Hobbs.

  
J. Connor Owens, Jr.

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EUNICE B. BLACKMON CIRCUIT  
CLERK

WM. J. NEELY, M.D., F.A.C.S.  
ORTHOPEDIC SURGERY  
1720 SPRINGHILL AVENUE, SUITE 206  
MOBILE, ALABAMA 36604

May 20, 1971

Mr. W.H. Fitzhugh  
Hume and Company  
P.O. Box 1706  
Mobile, Alabama 36601

Re: Ida Mae Salter

Dear Mr. Fitzhugh:

On November 30th, 1970, I wrote an interim report to you concerning this individual following her recent hospitalization and surgery. Subsequently, she has been followed as an out-patient at my office through December, January, and February, and it was felt that her condition was slowly improving. In March, she had a severe case of influenza which slowed her progress considerably, and on March 29th, it was felt that her back and leg were improved, but she stated that over the previous weekend she had experienced some severe pain in her left chest, shoulder, and arm. I was aware that she had had some difficulty with high blood pressure and had been checking it when she came into the office, and on March 29th, 1971, I referred her to Dr. Nick Nichols, who checked her over and had her admitted immediately to the cardiac unit of the Providence Hospital where she remained under his care until she was discharged from the hospital. She is still under his treatment, and will be primarily under his treatment for some months. Although, I have seen her during her hospitalization and on two occasions since, it is my feeling that recovery from her back condition has been considerably hindered by this sequence of events, and I do not believe that she will make sufficient recovery now to ever carry out the work which she was performing at the time of her injury. In no way do I mean to convey the impression that I think her heart attack was brought on by the injury, but I do feel that it will have serious affect on her full recovery due to the necessity for prolonged inactivity which has been present and will be in the future.



Mr. W.N. Fitzhugh  
Re: Ida Mae Salter

May 20, 1971

It is my feeling that she had approximately forty (40) percent permanent disability at the time of her heart attack, and I doubt that this will be substantially reduced in the future.

Yours very truly,

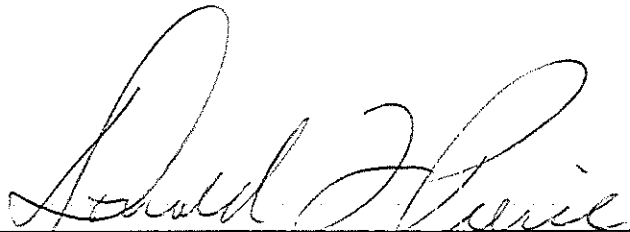
*Wm. J. Neely, M.D.*  
Wm. J. Neely, M.D.

WJN:mckm  
cc: Dr. Nick Nichols

IDA MAE SALTER HOBBS, : IN THE CIRCUIT COURT OF  
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 Defendants. :

Comes now each of the defendants in the above styled cause, Meadow Sportswear, Inc., a corporation, a/k/a Bay Slacks, Inc., and American Motorist Insurance Company, and for separate and several answer to the petition of Ida Mae Salter Hobbs filed herein says as follows:

"Each defendants admits the allegations of each paragraph of the complaint but denies specifically that it is further indebted to the plaintiff in any amount for compensation benefits or for medical benefits or for any other item under the Workmen's Compensation laws of the State of Alabama and demands strict proof thereof; and further denies, separately, the extent of injury which plaintiff claims in her petition and demands proof of same."

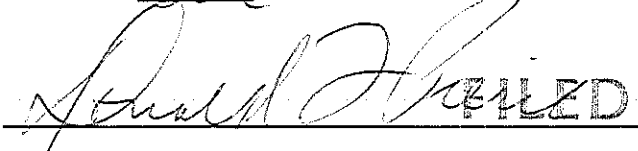
  
 Attorney for each said Defendant  
 3000 First National Bank Building  
 Mobile, Alabama 36601

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 to J. Connor Owens, Jr., Esq., Attorney for Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorney at his office in Bay Minette, Alabama on this 3rd day of April, 1972.

 FILED

 Accepted

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