

2725

SUMMONS AND COMPLAINT

STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA. GREETINGS.

You are hereby commanded to summons W. N. Stuckey, doing business as W. N. Stuckey Lumber Company, to appear before the Circuit Court of Baldwin County, Alabama, at the place or holding the same and plead, answer, or demur within thirty days from service hereof to the complaint of Perry Williams.

Witness my hand this 15 day of Sept, 1955.

Arice J. Stuck
CLERK

PERRY WILLIAMS,

PLAINTIFF

VS.

W. N. STUCKEY,

DOING BUSINESS AS

W. N. STUCKEY LUMBER COMPANY.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

LAW SIDE. NO. _____.

Your Petitioner files this his complaint under the Workmen's Compensation Statutes of the State of Alabama, against W. N. Stuckey, doing business as W.

N. Stuckey Lumber Company and respectfully shows unto the Court as follows:

1. Your Petitioner shows unto the Court that he is 35 years of age, a resident of Atmore, Escambia County, Alabama, and that the Derendant is W. N. Stuckey, doing business as W. N. Stuckey Lumber Company in the State of Alabama and was doing business at Bay Minette, Alabama on to-wit; April 15, 1955.

2. That on to-wit; the 15th day of April, 1955 the Plaintiff was employed by said Derendant at Bay Minette, Alabama, and that while employed by said Derendant your Petitioner suffered an accident which arose out of and in the course of his said employment and resulted in the permanent partial loss of the second finger on the right hand, and as a further consequence of said injury blood poison set up after your Petitioner had returned to his employment causing your Petitioner further pain, suffering and loss of time, plus added medical and Doctor bills for the treatment of his injury.

3. That at the time of said accident your Petitioner and his said employer were subject to the provisions of the Workmen's Compensation Act of Alabama.

4. Your Petitioner further avers that the Defendant had actual knowledge of the accident at the time of the occurrence.

5. Your Petitioner further avers that at the time of the accident he was unmarried and that his average wages at the time of his injury was at the rate of \$30.00 per week.

6. A controversy has now arisen between your Petitioner and the Defendant as to the extent of his disability and the number of weeks of Compensation which should be paid thereon.

The premises considered, your Petitioner shows unto the Court that he is entitled to receive from the Defendant the Compensation provided by the Statutes of the State of Alabama covering such cases and he prays that W. N. Stuckey, doing business as W. N. Stuckey Lumber Company be made party Defendant to this his; complaint; that the Court will make an order fixing the time and place for the hearing of this complaint, and that the Defendant be required to sign a verified answer thereto setting up the facts, if any, upon which he relies in defense hereof; and the Petitioner prays that on the hearing of this petition and complaint a judgment or decree be entered granting to him such compensation as he may be entitled to receive.

Perry Williams
PETITIONER

STATE OF ALABAMA)

ESCAMBIA COUNTY

Before me, Douglas Smith, a Notary Public in and for said state and county, personally appeared Perry Williams who, being known to me, stated under oath, that the facts and things alleged in the foregoing Petition are true and correct according to his best information, knowledge and belief.

Perry Williams

Sworn to and subscribed before me, this 13TH day of SEPTEMBER, 1955.

Douglas Smith
NOTARY PUBLIC

Notary Public, Escambia County, Alabama.
My commission expires Oct. 8, 1955.
Bonded by The Employers Liability Assurance Corporation

2 mi. E. Bay Minette 4 mi.

W. 2725-

SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

LAW SIDE. NO. _____

PERRY WILLIAMS,
PLAINTIFF

VS.

W. N. STUCKEY,
DOING BUSINESS AS
W. N. STUCKEY LUMBER COMPANY,
DEFENDANT

* * * * *

FILED 9-12-55

Alfred Duck
CLERK

ROZELLE & TUCKER
ATTORNEYS AT LAW
ATMORE, ALABAMA

PERRY WILLIAMS,
PLAINTIFF

VS

W. N. STUCKEY, DOING BUSINESS
AS STUCKEY LUMBER COMPANY,
DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
LAW SIDE. NO 2725.

DECREE

This cause coming on to be heard was submitted for a decree upon the stipulations and admissions of the parties in open Court, the Plaintiff being represented by Hugh Rozelle, Attorney, Atmore, Alabama, and there being present the Defendant.

There is a dispute between the parties hereto as to the extent of disability sustained by the Plaintiff in the accident hereto sued on. It appears to the Court that in view of said dispute and uncertainty as to the extent of the Plaintiff's disability, it is the best interest of the Plaintiff to accept as settlement of the controversy compensation for a period of 15 weeks at the rate of \$21.00 per week.

The Court finds that the Defendant has paid to the Plaintiff the sum of \$60.00 and which payment is a credit against the above award. The Court further finds that the Plaintiff has incurred medical expenses in the treatment of said injuries in the amount of \$216.95 and the Plaintiff acknowledges that he has received to date medical and surgical treatment and benefits in the amount of \$43.50. The Court further finds that it is to the best interest of the employee that the compensation remaining under the aforesaid be paid in a lump sum.

The Defendant is, therefore, ordered and authorized to pay to the Plaintiff in a lump sum the amount of \$428.45 which payment includes compensation due Plaintiff for injuries in the amount of \$255.00 and compensation due Plaintiff for medical expenses in the sum of \$173.45, and upon payment of such sum the Plaintiff shall have no further claim against the Defendant on account of the matters and things set out in the petition in this case, and the Defendant shall be forever released from further and additional

payments of compensation or benefits for the injuries received by the Plaintiff in the accident sued on.

The employment by the Plaintiff of Hugh Rozelle, as attorney, is hereby approved and the Court ascertains the sum of \$64²⁶ to be a reasonable attorney's fee in this case and the sum is hereby awarded to be paid out of the amount of compensation herein received by the Plaintiff.

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

Dated this 15 day of December, 1955.

Hubert M. Stace
CIRCUIT JUDGE

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify that the above is a true and correct copy of the original final Judgment of the above said cause and that same is on file and enrolled in my office.

Witness my hand and seal this _____ day of _____, 1955.

CLERK OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

HUGH ROZELLE
J. R. TUCKER

ROZELLE & TUCKER
ATTORNEYS-AT-LAW
BANK OF ATMORE BUILDING
ATMORE, ALABAMA

PHONES { OFFICE 495-W
RESIDENCE 287

September 14, 1900

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

Re: Perry Williams
Vs. W. N. Stuckey

Dear Mrs. Duck:

I am enclosing herewith an original and copy of the Summons and Complaint in connection with the above styled Workmen's Compensation cause which we desire filed.

Thanking you and with best personal regards, we are

Sincerely,

ROZELLE & TUCKER

HR/sw

By Hugh Rozelle

COLLINS, GALLOWAY & MURPHY
ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

FRED C. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY

NOVEMBER 28, 1955

HON. HUBERT HALL, JUDGE
CIRCUIT COURT OF BALDWIN COUNTY
BAY MINETTE, ALABAMA

RE: ANN JUANITA BOYCE
VS: ROY H. STEWART, ET AL
No: 2 7 2 5

DEAR JUDGE HALL:

WOULD YOU PLEASE DISMISS THE ABOVE STYLED
CASE AT THE REQUEST OF THE PLAINTIFF.

THE DEFENDANT HAS AGREED TO PAY THE COSTS
OF COURT IN THIS MATTER AND IF YOU HAVE A COPY
OF SAME FORWARDED TO ME I WILL FORWARD THE SAME
TO THEM FOR PAYMENT.

VERY TRULY YOURS,

COLLINS, GALLOWAY & MURPHY

By: Thomas M. Galloway
THOMAS M. GALLOWAY

TMG:MLG