

W. R. JACKSON, * IN THE CIRCUIT COURT OF
Plaintiff, * BALDWIN COUNTY, ALABAMA
-vs- * AT LAW
BELL CONSTRUCTION COMPANY, * NO. 4041
Defendant. *

FINDINGS OF FACT

From the testimony in this case the Court finds the facts to be as follows:

On or about the 2nd day of January, 1959, the Plaintiff, W. R. Jackson, suffered an accidental injury while performing his duties as an employee of the Defendant, Bell Construction Company, in Baldwin County, Alabama; that the Defendant has caused medical care and attention to be furnished to the Plaintiff as required by the Workmen's Compensation Law of Alabama; that, from medical testimony presented to the Court, the Court finds that as a result of said accidental injury the Plaintiff suffered a herniation of the nucleus pulposus of the lumbar spine, which was removed, which resulted in the Plaintiff suffering a permanent partial disability of the function of his whole body to the extent of 5 per cent; the Plaintiff received an identical injury to the one herein complained about on or about May, 1956 and September, 1957; that the Defendant has paid the Plaintiff the sum of \$226.72 in compensation payments for a 9 week period which the Court finds during which period the Plaintiff was totally and permanently disabled; that Plaintiff is entitled to be paid compensation at the rate of 5 per cent of \$31.00 a week for 291 weeks, in addition to the amount of compensation payments previously made, which compensation now due him amounts to the sum of \$404.98 on a lump sum basis which has been commuted to present day values at 4 per cent per annum.

JUDGMENT

THE PREMISES CONSIDERED, it is hereby ordered, adjudged and decreed by the Court that the Plaintiff is entitled to have paid by the Defendant the sum of \$404.98 as settlement in full for all com-

pensation due him for injuries received in said accident, and that the Plaintiff shall have and recover of the Defendant said sum of \$404.98 together with the costs of this cause, for which let execution issue.

Done in Bay Minette, Alabama this 6th day of November, 1959,

Hubert M. Hall
Judge

FILED
Nov 8 1959
ALICE L. DUCK CLERK

W. R. JACKSON	*	IN THE CIRCUIT COURT OF
Plaintiff	*	BALDWIN COUNTY, ALABAMA
-vs-	*	AT LAW
BELL CONSTRUCTION COMPANY	*	NO. <u>4041</u>
Defendant	*	

1. The plaintiff alleges that he is a resident of the County of Baldwin, State of Alabama, residing at Bay Minette, Alabama; that the defendant is a resident of the County of Baldwin, State of Alabama, with its principal place of business at Bay Minette, Alabama; that the defendant is engaged in general construction business in Baldwin County, Alabama, and in and about the operation of its said business the defendant constructs and maintains improvements on real estate; that while employed by the defendant as a carpenter on, to-wit, January 2, 1959, at the Agerton construction job, Bay Minette, Alabama, the plaintiff received an injury to his back when he picked up a bucket of paint; that the plaintiff was injured by that accident arising out of and in the course of his said employment; and that at the time of the occurrence of the said accident he and the defendant were subject to the Alabama Workmen's Compensation Law.

2. The plaintiff further alleges that as a result of said accident he had a herniation of the nucleus pulposus of the lumbar spine which was removed by surgery.

3. Plaintiff avers that his average weekly wage for the fifty-two weeks next immediately preceding the date of said accident and injuries was \$90.00; that he is married and has a dependent wife; that he has no dependent minor children; that the said defendant had due notice of said accident and injuries and has provided plaintiff with medical treatment and attention as required by said Alabama Workmen's Compensation Law, but that the defendant has paid to the plaintiff compensation payment arising out the aforesaid accident only to the extent of \$226.72.

4. The plaintiff further avers that he is entitled to compensation in addition to compensation heretofore paid to the plaintiff by the defendant in order to fully compensate him

for the permanent disability of the lumbar spine.

WHEREFORE the plaintiff brings suit for the recovery of such compensation as may be due him under the laws of Alabama, and asks that such compensation be awarded in a lump sum payment.

W. R. Jackson
W. R. Jackson

STATE OF ALABAMA:

COUNTY OF BALDWIN:

Personally appeared before me, a Notary Public in and for the State of Alabama, At Large, W. R. Jackson, who is known to me and who being by me first duly sworn, deposes and says that he has read the foregoing complaint and has signed his name thereto voluntarily and that the allegations of the foregoing complaint are true.

W. R. Jackson
W. R. Jackson

Subscribed and sworn to before me
this 6th day of November, 1959.

W. R. Jackson
Notary Public, State of Alabama, At Large

FILED
NOV 6 1959
ALICE J. DUCK, Clerk

W. R. JACKSON,	*	IN THE CIRCUIT COURT OF
Plaintiff,	*	BALDWIN COUNTY, ALABAMA
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BELL CONSTRUCTION COMPANY,	*	NO. <u>4041</u>
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Comes now the Defendant in the above styled cause and for answer to the Plaintiff's complaint, pleads and says as follows:

The Defendant admits each and every allegation of the complaint with the exception of the Plaintiff's allegation that his injuries resulted in permanent disability of the lumbar spine.

For further answer to Plaintiff's complaint, the Defendant says that he stands ready, able and willing to pay such compensation as may be rightfully due Plaintiff and consents that such compensation may be awarded in a lump sum amount.

FOREMAN & BROWN

BY *Alton R. Brown, Jr.*
 Alton R. Brown, Jr., Attorney
 for the Aetna Insurance Company,
 as compensation insurance
 carrier for the Defendant.

STATE OF ALABAMA:
 COUNTY OF BALDWIN:

Personally appeared before me the undersigned authority, Alton R. Brown, Jr., who is known to me and who being by me first duly sworn, deposes and says that he is informed and believes and on such information and belief avers that the statements of fact contained in the foregoing answer are true and correct.

Alton R. Brown, Jr.

Subscribed and sworn to before me
 this 6th day of November, 1959.

Dennis B. Howard, Jr.
 Notary Public, Alabama State At Large.

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ALICE J. DUCK, Clerk