

LILLY S. GRUBER,
Complainant,
VS.

DR. H. C. JORDAN, Ind.,
and d/b/a JORDAN'S CLINIC,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NO. 4447

DEMURRER

Now comes the defendant and demurs to the petition for workmen's compensation heretofore filed in this cause, and as grounds of such demurrer assigns, separately and severally, the following:

1. It does not state a cause of action.
2. It does not allege when the petitioner was injured.

Filed
2/2/44

J. B. Blachman
Attorney for Defendant

DEMURRER

LILLY S. GRUBER,

Plaintiff,

VS.

DR. H. C. JORDAN, Ind., and
d/b/a JORDAN'S CLINIC,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

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FILED

FEB 21 1961

ALICE J. DUCK, CLERK
REGISTER

LILLY S. GRUBER
Complainant

VS

DR. H. C. JORDAN, Ind.,
and d/b/a JORDAN'S CLINIC
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

PETITION FOR WORKMAN'S COMPENSATION

Comes now MRS. LILLY S. GRUBER and petitions the Court for Workman's Compensation benefits as required by the Workman's compensation Laws by the State of Alabama, and shows unto the court that the Plaintiff was employed by the Defendant as a nurses aide, on to-wit, the 11th day of October, 1959, in Fairhope, Baldwin County, Alabama.

The Plaintiff further alleges that she was injured by slipping on a step or ramp during the tenure of her employment and that said injury arose out of and was in the course of her employment.

The Defendant was subjected to the Workman's Compensation Laws of the State of Alabama at the time of the accident mentioned, in that he employed regularly more than eight (8) persons.

The Plaintiff received an injury to her neck and back, and received a weekly salary of SIXTY FIVE and 82/100 (\$65.82) DOLLARS at the time of her accident.

Wherefore, Plaintiff prays this court to ascertain the amount that she is entitled to as a result of her disability growing out of said accident.

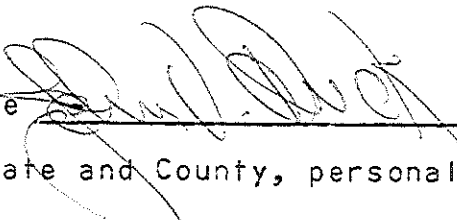
Lilly S. Gruber
Mrs. Lilly S. Gruber

Comes now, Hubert Hall, Judge of the Circuit Court of Baldwin County, Alabama, and appoints John V. Duck as Attorney for the Complainant.

Hubert Hall

STATE OF ALABAMA

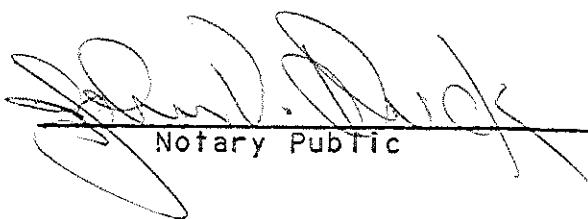
BALDWIN COUNTY

Before me , a Notary Public,
in and for said state and County, personally appeared Lilly S.
Gruber, who is known to me and who being first duly sworn, deposes
on oath and says:

That she has read the foregoing petition and the state-
ment made therein are true and correct and that she known of her
own knowledge that they are correct.


Lilly S. Gruber

Sworn to and subscribed before me on this the 10th day
of October, 1960.


Notary Public

Filed
Oct. 11, 1960

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. _____

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Dr. H. C. Jordan, Ind., and d/b/a
Jordan's Clinic

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 Dr. H. C. Jordan

_____, Defendant____

by Mrs. Lilly S. Gruber

_____, Plaintiff____

Witness my hand this 11 day of Oct 1960

Alice J. Luck, Clerk

No. 4447

Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

Mrs. Lilly S. Gruber

Plaintiffs

vs.

Dr. H. C. Jordan, Ind., and

d/b/a Jordan's Clinic

Defendants

Summons and Complaint

Filed

FILED

19

Clerk

OCT 11 1960

ALICE J. DUCK, CLERK
REGISTER

John V. Duck

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Fairhope, Alabama

Received In Office

Oct 11 1960

_____, Sheriff

I have executed this summons

this 17 Oct 1960

by leaving a copy with

Dr. H. C. Jordan

Sheriff claims 20 miles at

Ten Cents per mile Total \$ 2.00

BY Taylor Wilkins Sheriff
DEPUTY SHERIFF

Taylor Wilkins Sheriff

W. C. Garner Deputy Sheriff

F. Hope

LILLY S. GRUBER,

VS.

Plaintiff,

DR. H. C. JORDAN, INC.,
d/b/a JORDAN'S CLINIC,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4447

FINDINGS OF FACT AND OF LAW AND CONCLUSIONS

From the testimony in this case the Court finds as follows:

That on or about the 11th day of October, 1959, the plaintiff, Lilly S. Gruber, suffered injuries as the direct and proximate result of an accident which occurred while she was in the employ of the defendant, Dr. H. C. Jordan, Inc., d/b/a Jordan's Clinic; that said accident occurred at the defendant's place of business in Fairhope, Baldwin County, Alabama; that at the time and place of said accident the plaintiff was acting within the line and scope of and in the course of her said employment with the defendant; that at said time both the plaintiff and the defendant were subject to Article 2 of the Workmen's Compensation Law of Alabama; that said accident arose out of and in the course of said employment; that the plaintiff's average weekly wage for the fifty-two (52) weeks immediately preceding the occurrence of said accident was the sum of \$30.90; that at the time of the occurrence of said accident plaintiff had no dependents other than herself; that said accident occurred when the plaintiff slipped on a step or ramp, at which time plaintiff injured her neck and back; that the plaintiff suffered a lumbo-sacral strain as a direct and proximate result of said accident; that a dispute exists between the plaintiff and the defendant as to the occurrence of the accident complained of, the injury which plaintiff claims to have received, as to whether the defendant was given due notice of the said accident, as to the amount of plaintiff's average weekly wages for the fifty-two (52) weeks immediately preceding the said accident, and as to the degree of the plaintiff's loss of the earning capacity of her body as a

whole; but the defendant is willing to pay and the plaintiff is willing to accept compensation based upon a 15% permanent partial disability to the body as a whole or the sum of \$684.62 as all compensation due the plaintiff by the defendant for all injuries received by the plaintiff as a result of said accident, and payment of a \$4.00 medical bill which has not been previously paid by the defendant, making a total of \$688.62; that the Court is of the opinion that a settlement of all compensation to which the plaintiff is entitled as a result of said accident for said sum of \$684.62, and \$4.00 for unpaid medical expenses, or a total settlement of \$688.62, is for the best interest of the plaintiff, and the Court is further of the opinion that it is to the best interest of the plaintiff that said compensation and medical expense be paid to her in one lump sum.

JUDGMENT

THE PREMISES CONSIDERED, IT IS ORDERED AND ADJUDGED by the Court that the plaintiff shall have and recover of the defendant the said sum of \$684.62 as all compensation due the plaintiff by the defendant for all injuries received by the plaintiff as a result of said accident, and that the plaintiff is entitled to have the unpaid medical expense in the amount of \$4.00 incurred by her in and about the care and treatment of her said injuries paid by the defendant to the plaintiff.

It is further ORDERED AND ADJUDGED that the amount of this judgment shall be paid in a lump sum, and that John V. Duck, attorney of record for the plaintiff, is entitled to receive out of the sum of \$684.62 the sum of \$102.69 as his attorney's fee for representing the plaintiff in this cause, and that the plaintiff have and recover the costs of this proceeding, for which execution may issue.

ORDERED AND ADJUDGED on this the 19 day of April, 1961.

Hubert M. Steen
Judge

FILED

APR 19 1961

ALICE L. DUCK, CLERK
REGISTER

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FINDINGS OF FACT AND OF LAW AND
CONCLUSIONS

LILLY S. GRUBER,

Plaintiff,

VS.

DR. H. C. JORDAN, INC., d/b/a
JORDAN'S CLINIC,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NO. 4447

LILLY S. GRUBER,

VS.

Plaintiff,

DR. H. C. JORDAN, INC.,
d/b/a JORDAN'S CLINIC,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4447

ANSWER

Now comes the defendant in the above styled cause and for answer to the amended complaint says:

1. The defendant admits the allegations of Paragraph 1 of the amended complaint.
2. The defendant admits that the plaintiff was working for it at Fairhope, Alabama, on October 11, 1959, and that it and the plaintiff were at that time subject to all of the provisions of Article 2 of the Workmen's Compensation Law of the State of Alabama. The defendant denies each and all of the other allegations of the said Paragraph 2 of the said amended complaint.
3. The defendant denies the allegations of Paragraph 3 of the amended complaint.
4. The defendant admits the allegations of Paragraph 4 of the amended complaint.

WHEREFORE, defendant also prays that the Court will approve a settlement of all compensation due to the plaintiff by the defendant as a result of the said accident on the basis of the payment by the defendant to the plaintiff of compensation amounting to \$684.62 and medical expenses, amounting to \$4.00, making a total of \$688.62 for compensation and medical expenses, and the defendant also requests said payment of compensation and medical expenses to be made in one lump sum.

J. B. Blackburn
Attorney for Defendant

FILED

APR 19 1961

ALICE J. DUCK, CLERK
REGISTER

ANSWER

LILLY S. GRUBER,

Plaintiff,

VS.

DR. H. C. JORDAN, INC., d/b/a
JORDAN'S CLINIC,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NO. 4447

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says: That he is attorney for the defendant in the above entitled cause; that he is informed and believes and on such information and belief states that the facts in the foregoing answer are true.

J. B. Blackburn

Sworn to and subscribed before me on
this the 19th day of April, 1961.

Ernestine R. Sims

Notary Public, Baldwin County, Alabama

ANSWER

LILLY S. GRUBER,

Plaintiff,

VS.

DR. H. C. JORDAN, INC., d/b/a
JORDAN'S CLINIC,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NO. 4447

LILLY S. GRUBER,	)	
	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
DR. H. C. JORDAN, INC.,	)	AT LAW
d/b/a JORDAN'S CLINIC,	)	NO. 4447
	)	
Defendant.	)	

AMENDED COMPLAINT

Now comes the plaintiff and amends the complaint heretofore filed by her in this cause so that as amended it will read as follows:

The plaintiff, Lilly S. Gruber, who is over twenty-one years of age and a resident of Baldwin County, Alabama, respectfully shows unto the Court as follows:

1. That on, to-wit, October 11, 1959, she was a citizen and resident of Baldwin County, Alabama, and was employed by the defendant as a nurse's aide, at which time the defendant was doing business in Baldwin County, Alabama.

2. That on, to-wit, October 11, 1959, while working for the defendant at Fairhope in Baldwin County, Alabama, the plaintiff was injured by slipping on a step or ramp, the injury received being an injury to her neck and back. The plaintiff avers that the said injury arose out of and on account of her employment by the defendant, at which time the plaintiff and the defendant were subject to Article 2 of the Workmen's Compensation Law of Alabama.

3. At the time of the plaintiff's said injury on, to-wit, October 11, 1959, she had no dependents other than herself, and her average weekly wages at the time of her said injury were \$30.90 per week.

4. Plaintiff further alleges that a dispute exists between the plaintiff and the defendant as to the occurrence of the accident complained of, the injury which plaintiff claims to have received, as to whether the defendant was given due notice of the said accident, as to the amount of plaintiff's average weekly wages for the fifty-two (52) weeks immediately preceding the said accident, and as to the degree of the plaintiff's loss of the earning capacity of her

body as a whole; but the defendant is willing to pay and plaintiff is willing to accept compensation based upon fifteen percent (15%) permanent partial disability to the body as a whole, which amounts to \$684.62 and a \$4.00 medical bill which has not been previously paid by the defendant, making a total settlement of \$688.62.

WHEREFORE, plaintiff prays that the court will approve the settlement of all compensation due her as a result of the said accident on the basis of the payment by the defendant to her of the said sum of \$688.62 in one lump sum, and on the additional condition that the defendant pay the costs incurred in this proceeding.

Lilly S. Gruber
Lilly S. Gruber, Plaintiff

John D. Duck
Attorney for Plaintiff

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared Lilly S. Gruber, who, after being by me first duly and legally sworn, deposes and says: That she has read over the foregoing amended complaint and that the facts stated therein are true.

Lilly S. Gruber
Lilly S. Gruber

Sworn to and subscribed before me on
this the 18th day of April,
1961.

John D. Duck
Notary Public, Baldwin County, Alabama

FILED

APR 19 1961

ALICE L. DUCK, CLERK
REGISTER

AMENDED COMPLAINT

LILLY S. GRUBER,

Plaintiff,

VS.

DR. H. C. JORDAN, INC.,
d/b/a JORDAN'S CLINIC,

Defendant.

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AT LAW NO. 4447