

DOTTIE W. HARRISON,

Plaintiff,

-vs-

GRAND HOTEL DEVELOPMENT
CORPORATION, a further
description is unknown to
the plaintiff herein but
which will be added hereto
by amendment when ascertained,

Defendant.

* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA
* CASE NO. 5133

*

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Comes now the defendant in the above styled cause
and demurs to the complaint heretofore filed in said cause
and as grounds for such demurrer assigns, jointly and severally,
the following joint and several grounds:

ONE

For that said complaint fails to set forth sufficient
facts which would entitle the plaintiff to recover under the
provisions of the Alabama Workmen's Compensation Law;

TWO

For that the extent of and the nature of the alleged
injuries sustained by the plaintiff are not set forth with
sufficient particularity;

THREE

For that the average weekly earnings of the plaintiff
are not set forth with sufficient particularity;

FOUR

For that it is not averred that the plaintiff gave
written notice to the defendant as required by law.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By

Charles B. Bailey, Jr.
Attorneys for Defendant

FILED

MAY 23 1962

ALICE L. DUCK, CLERK
REGISTER

DOTTIE W. HARRISON, : IN THE CIRCUIT COURT OF
 Plaintiff, : BALDWIN COUNTY, ALABAMA
 versus : AT LAW
 GRAND HOTEL DEVELOPMENT :
 CORPORATION, a further :
 description is unknown to :
 the plaintiff herein but :
 which will be added here- :
 to by amendment when :
 ascertained, : NO. 5133
 Defendant. :

PETITION UNDER THE WORKMEN'S COMPENSATION LAW

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT
 COURT OF BALDWIN COUNTY, ALABAMA:

Comes now Mrs. Dottie W. Harrison and files this
 petition under the Workmen's Compensation Laws of Ala-
 bama and shows unto Your Honor as follows:

1. Petitioner is over twenty-one years of age and
 married. At all times material hereto the relation of
 employer and employee existed between petitioner and
 the defendant, Grand Hotel Development Corporation.
 Defendant is engaged in the hotel business in Baldwin
 County, Alabama. At all times material hereto the
 defendant was subject to the provisions of the Workmen's
 Compensation Laws of Alabama. The plaintiff resided in
 Baldwin County, Alabama, at the time of the injury and
 is presently residing in Metairie, Louisiana. The de-
 fendant at the time of the accident complained of and
 at the present time maintains and runs a hotel at Point
 Clear in Baldwin County, Alabama.

2. On to-wit May 7, 1961, at a time when the relation of employer and employee existed between the petitioner and the defendant company, while your petitioner was acting within the line and scope of her employment with the company, she sustained an accident arriving out of and in the course of and in connection with her employment by the defendant company. Said accident happened in this manner:

Petitioner, acting within the line and scope of her employment as an agent, servant or employee of the defendant company was working at the Grand Hotel located at Point Clear, Alabama. Petitioner was working as a waitress and while she was carrying a tray she slipped and fell, stumbling over a tray stand and fell against another tray stand. As a direct and proximate result and consequence thereof petitioner suffered a broken coccyx and was caused to incur medical expenses in and about her care and treatment and was temporarily totally disabled for a period of time. At the time of the filing of this petition plaintiff is temporarily totally disabled and as a result is having to undergo an operation to have the broken coccyx removed and petitioner is informed and believes and upon such information and belief states that as a result of said accident she will suffer permanent partial disability---the exact degree thereof at the present time being unknown to the petitioner but which will be added hereto by amendment when ascertained.

3. Petitioner avers that she has been paid some \$45.00 compensation for such injury at the rate of \$11.00 per week in the period from approximately May 7, 1961

to, to-wit June 7, 1961.

4. The average weekly earnings of your petitioner at the time of said accident and injury complained of was approximately \$75.00 per week.

5. A dispute has arisen between petitioner and defendant concerning Workmen's Compensation benefits to which your petitioner is entitled as provided by law. Petitioner avers that the defendant has failed and refused and continues to fail and refuse to compensate your petitioner for her injury and to pay the necessary medical bills incurred in and about the care and treatment thereof, including but not limited to expenses of an operation and expenses of her physician in Metairie, Louisiana.

6. Plaintiff avers that the company was given notice of said accident and had actual notice thereof within the time prescribed by law and actually did pay some compensation benefits as averred above.

PRAYER FOR RELIEF

Petitioner prays that a day be set, that notice be issued as required by law and that on a hearing the plaintiff be awarded compensation on the basis of her disability.

Dottie W. Harrison
Dottie W. Harrison

FILED

MAY 4 1962

AUGIE L. DUCK, CLERK
REGISTER

KILBORN, DARBY AND KILBORN

By Dan G. Kilborn
Attorneys for Plaintiff

STATE OF LOUISIANA

PARISH OF *Jefferson*

Before me, the undersigned Notary Public in and for said State and Parish, personally appeared Dottie W. Harrison, known to me, who being by me first duly sworn deposes and says that she has read the above and foregoing petition and has personal knowledge of the facts stated therein and the facts stated therein are true and correct.

Dottie W. Harrison
Dottie W. Harrison

Subscribed and sworn to before

me the 2nd day of May, 1962.

Patrick E. Carr
NOTARY PUBLIC, *Jefferson* PARISH, LOUISIANA

PATRICK E. CARR, Notary Public,
Parish of Jefferson, State of La.
My commission is issued for life.

FILED

MAY 4 1962

ALICE J. DUCK, CLERK
REGISTER

DOTTIE W. HARRISON, : IN THE CIRCUIT COURT OF
 Plaintiff, : BALDWIN COUNTY, ALABAMA
 versus : AT LAW
 GRAND HOTEL DEVELOPMENT :
 CORPORATION, a further :
 description is unknown to :
 the plaintiff herein but :
 which will be added here- :
 to by amendment when :
 ascertained, : NO. 5132
 Defendant. :

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT
 COURT OF BALDWIN COUNTY, ALABAMA:

Comes now the plaintiff in the above styled cause
 and shows unto Your Honor that she is an employee as
 defined by the Workmen's Compensation Laws of Alabama
 and that she was an employee of the defendant at the
 time she suffered the injury complained of. Petitioner
 avers that she suffered said injury while acting within
 the line and scope of her employment and that she has
 been unable to reach settlement with her employer.
 Petitioner prays for permission to secure the services
 of an attorney to represent her in said matter and she
 requests permission to secure the services of the firm
 of Kilborn, Darby and Kilborn, Attorneys at Law, Mobile,
 Alabama.

Dottie W. Harrison
 Dottie W. Harrison

ORDER

The foregoing having been submitted and the Court
 being of the opinion that said permission should be
 granted, the said Dottie W. Harrison is hereby permitted

and authorized to employ the law firm of Kilborn, Darby and Kilborn, Attorneys at Law, Mobile, Alabama, to represent her in the claim for injuries arriving out of an accident sustained in the line and scope of her employment while employed by the Grand Hotel Development Corporation, whose name is otherwise unknown to the plaintiff but whose name will be substituted when ascertained.

Dated this 4 day of May, 1962.

Hubert M. Stan
Judge

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 7144
5133

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Grand Hotel Development Corporation,

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

Grand Hotel Development Corporation, Defendant

by Dottie W. Harrison

Plaintiff

Witness my hand this 4th day of May 1962

Ed. 5-11-62

Alice J. Luck Clerk

No. 5133

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

DOTTIE W. HARRISON

vs.

Plaintiffs

GRAND HOTEL DEVELOPMENT CORP.

Defendants

1. SUMMONS and COMPLAINT

2. Order -

Filed May 4, 19 62

Alice J. Duck, Clerk

Kilborn, Darby & Kilborn

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at _____

RECEIVED IN OFFICE

54, 19 62

_____, Sheriff

I have executed this summons

this 5/10, 19 62

by leaving a copy with

~~Mr. J. W. Pope~~

~~Mr. J. W. Pope~~

~~Per Manager~~

J. W. Pope
Permanation Manager
point clear Hotel

Sheriff claims 80 miles at

(Ten Cents per mile Total \$ 8.00)

TAYLOR WILKINS, Sheriff

BY Taylor Wilkins
DEPUTY SHERIFF

Taylor Wilkins Sheriff

W. O. Sanner Deputy Sheriff

point clear

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY
ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING
HEMLOCK 3-5561 P. O. BOX 1070

MOBILE 6, ALABAMA

CESSNER T. MCCORVEY
BEN D. TURNER
C. A. L. JOHNSTONE, JR.
R. F. ADAMS
JAMES L. MAY, JR.
ALEX T. HOWARD, JR.
J. JEPHTHA HILL
CHARLES B. BAILEY, JR.
C. M. A. ROGERS, III

May 22, 1962

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

Re: Dottie W. Harrison vs.
Grand Hotel Development
Corporation
Case No. 5133

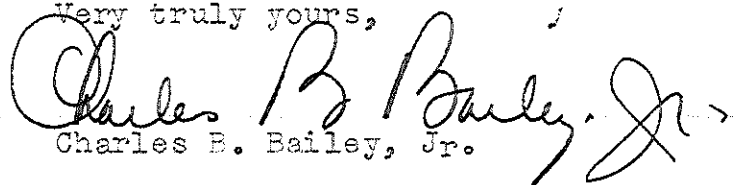
Dear Mrs. Duck:

We enclose herewith a demurrer to the complaint
which we would appreciate your causing to be filed in
the above styled cause.

Please also notify us when we may expect this
demurrer to be set down for hearing.

With kindest regards,

Very truly yours,


Charles B. Bailey, Jr.

CBBjr/nmt

KILBORN, DARBY AND KILBORN

LAWYERS

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

TELEPHONE HEMLOCK 2-2635

CABLE ADDRESS:VEEKAY

VINCENT F. KILBORN
WILLIS C. DARBY, JR.
BENJAMIN H. KILBORN

May 3, 1962

Hon. Alice Duck
Clerk, Circuit Court of
Baldwin County
Court House
Bay Minette, Alabama

RE: DOTTIE W. HARRISON
VS: GRAND HOTEL DEVELOPMENT
CORPORATION
Our File No. 5585

Dear Mrs. Duck:

I enclose herewith Petition Under The Workmen's
Compensation Law and Request for Permission to Secure
Services of an Attorney in the above-styled cause.
Please file these for me and acknowledge receipt of
same.

Sincerely,


BENJAMIN H. KILBORN

BHK:sfh
Encl.

KILBORN, DARBY AND KILBORN

LAWYERS

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

VINCENT F. KILBORN
WILLIS C. DARBY, JR.
BENJAMIN H. KILBORN

TELEPHONE HEMLOCK 2-2635

CABLE ADDRESS: VEEKAY

November 26, 1962

Hon. Alice Duck
Clerk, Circuit Court
Baldwin County
Court House
Bay Minette, Alabama

RE: DOTTIE W. HARRISON
VS: GRAND HOTEL DEVELOPMENT
Case No. 5133
Our File No. 5585

Dear Mrs. Duck:

Please dismiss the above case with prejudice. As per agreement of the parties the costs are to be paid by Mr. Charles Bailey who represents the defendant, and I would appreciate it if you would forward the cost bill directly to him.

Thank you.

Sincerely,


BENJAMIN H. KILBORN

BHK:sfh

cc: Hon. Charles B. Bailey, Jr.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY
ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING
HEMLOCK 3-5561 P. O. BOX 1070
MOBILE 6, ALABAMA

GEORGE T. MCCORVEY
BEN D. TURNER
C. A. L. JOHNSTONE, JR.
R. F. ADAMS, SR.
JAMES L. MAY, JR.
ALEX T. HOWARD, JR.
J. JEPHTHA HILL
CHARLES B. BAILEY, JR.
C. M. A. ROGERS, III
BROCK D. GORDON

November 20, 1962

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

Re: Dottie W. Harrison vs.
Grand Hotel Development
Corporation
Case No. 5133

Dear Mrs. Duck:

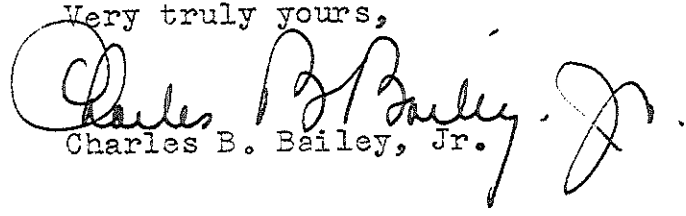
Court approval of a settlement of the above captioned workmen's compensation suit was obtained in the Mobile County Circuit Court on Monday, November 19, 1962. It is our understanding that the plaintiff's attorney will forthwith request a dismissal of the above action now pending in your court.

It would be appreciated if you would forward us a certified copy of the order of dismissal when same has been entered. You may, if you wish, forward us a statement of your charges therefor and we will remit promptly, or you may wait until you forward the order to us before sending such statement.

Please also forward us the cost bill upon dismissal of the above as our client has agreed to pay the court costs incurred in your court as a part of the settlement.

Your customary splendid cooperation is very much appreciated.

Very truly yours,


Charles B. Bailey, Jr.

CBBjr/nmt