FILE NAME: Norfolk & Southern - WC Case - Ancel Wheeler (NS)

DATE: 1952

DOC#: NS035

DOCUMENT DESCRIPTION: Legal - Entry of Dismissal & Releases

IN THE UNITED STATES DISTRICT COURT

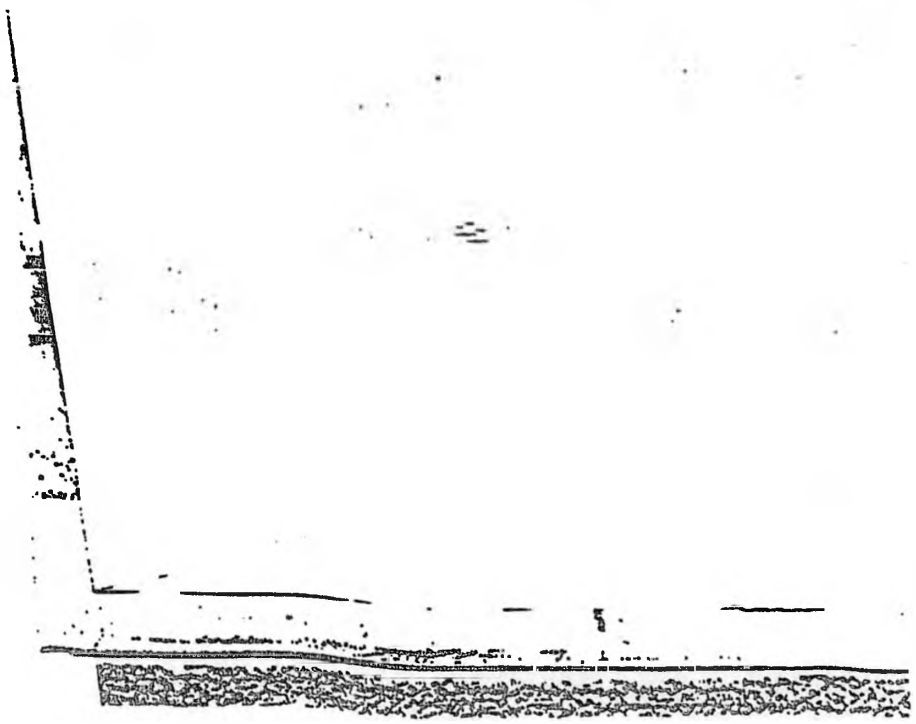
FOR THE SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

ANCEL WHEELER,	:	
Plaintiff,	:	
vs.	:	No. 2740
NORFOLK & WESTERN RAILWAY CO., a Corporation,	:	ENTRY OF DISMISSAL
Defendant.	:	

The above entitled cause having been fully compromised and settled, the same may be dismissed with prejudice and without record at the cost of the defendant herein.

Docket fee is waived.



R E L E A S E

KNOW ALL MEN BY THESE PRESENTS:

THAT, I, ANCEL WHEELER, of Scioto County, Ohio, for and in consideration of the sum of Twenty Thousand Dollars ($20,000.00), Nineteen Thousand and Ninety Dollars ($19,090.00) to me in hand paid by NORFOLK AND WESTERN RAILWAY COMPANY, a corporation under the laws of Virginia, the receipt whereof is hereby acknowledged, and Nine Hundred Ten Dollars ($910.00) paid by said NORFOLK AND WESTERN RAILWAY COMPANY to the Railroad Retirement Board in satisfaction of its lien against said settlement, do hereby release and forever discharge the said NORFOLK AND WESTERN RAILWAY COMPANY, together with its successors forever, from any and all claim or claims of any kind or nature, including wage claims which I now have or may hereafter have against the said NORFOLK AND WESTERN RAILWAY COMPANY, including all those claims arising out of injuries and illness claimed to have been sustained by me due to the breathing of air laden with asbestos dust while employed as a laborer by said NORFOLK AND WESTERN RAILWAY COMPANY at Portsmouth, Ohio.

I also agree to dismiss with prejudice an action pending in the United States District Court for the Southern District of Ohio, Western Division, entitled Ancel Wheeler vs. Norfolk and Western Railway Company, No. 2740.

IN WITNESS WHEREOF, I have hereunto set my hand at Cincinnati, Ohio, this ____ day of April, 1952.

Signed in the presence of:

_____

Ancel Wheeler

_____

_____

RELEASE

KNOW ALL MEN BY THESE PRESENTS:

THAT, I, ANCEL WHEELER, of Scioto County, Ohio, for and in consideration of the sum of Twenty Thousand Dollars ($20,000.00), Nineteen Thousand and Ninety Dollars ($19,090.00) to me in hand paid by NORFOLK AND WESTERN RAILWAY COMPANY, a corporation under the laws of Virginia, the receipt whereof is hereby acknowledged, and Nine Hundred Ten Dollars ($910.00) paid by said NORFOLK AND WESTERN RAILWAY COMPANY to the Railroad Retirement Board in satisfaction of its lien against said settlement, do hereby release and forever discharge the said NORFOLK AND WESTERN RAILWAY COMPANY, together with its successors forever, from any and all claim or claims of any kind or nature, including wage claims which I now have or may hereafter have against the said NORFOLK AND WESTERN RAILWAY COMPANY, including all those claims arising out of injuries and illness claimed to have been sustained by me due to the breathing of air laden with asbestos dust while employed as a laborer by said NORFOLK AND WESTERN RAILWAY COMPANY at Portsmouth, Ohio.

I also agree to dismiss with prejudice an action pending in the United States District Court for the Southern District of Ohio, Western Division, entitled Ancel Wheeler vs. Norfolk and Western Railway Company, No. 2740.

IN WITNESS WHEREOF, I have hereunto set my hand at Cincinnati, Ohio, this ____ day of April, 1952.

Signed in the presence of:

_____

Ancel Wheeler

_____

_____

Cincinnati, Ohio

April , 1952

TO: Norfolk and Western Railway Company
Roanoke, Virginia

Under the terms of the settlement this day made by me of my claim and cause of action against Norfolk and Western Railway Company arising out of injuries received by me on or about January 9, 1951, and prior thereto while employed by said Company at Portsmouth, Scioto County, Ohio, as a laborer, no part or portion of the sum this day paid in settlement and mentioned in the Release executed by me is or shall be apportioned to time lost from employment.

Ancel Wheeler

Cincinnati, Ohio

April , 1952

Norfolk and Western Railway Company
Roanoke
Virginia

Gentlemen:

I hereby resign from the employ of the Norfolk and Western Railway Company effective the above date, and I agree that the said Norfolk and Western Railway Company is under no obligation to take or retain me in employment in any capacity.

Yours very truly,

Ancel Wheeler

April 15, 1952 - Amount advanced to pay, settle, satisfy, and discharge full all claims in re Ann Wheeler v. Norfolk and Western Railway Co., an action for physical disability suffered by the plaintiff, a laborer who allegedly contracted asbestosis in the course of his work in the shops at Portsmouth, Ohio, since June 6, 1944.

Settlement	$20,000.00
Less amount paid Treasurer of the United States representing sickness benefits received under Railroad Unemployment Insurance Act	910.00
	$19,090.00

NINETEEN THOUSAND NINETY DOLLARS AND NO CENTS