

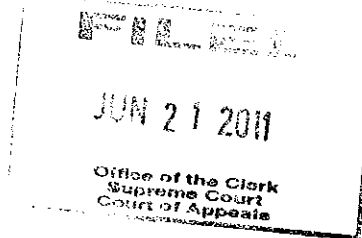
IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

COURT OF APPEALS OF THE STATE OF MISSISSIPPI

HUBERT JOHNSON

APPELLANT

V



CAUSE NO. 2011-CP00093

MISSISSIPPI EXPORT RAILROAD COMPANY

APPELLEES

APPEAL FROM JUDGEMENT OF THE CIRCUIT
COURT OF JACKSON COUNTY, MISSISSIPPI
DECEMBER 28, 2010

BRIEF OF THE APPELLANTS

ORAL ARGUMENT REQUESTED

Filed by:

Hubert Johnson

2206 McLeod Loop

McLain, MS 39456

Telephone [REDACTED] 0

Cell Phone [REDACTED]

Pro Se

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI
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APPELLEES

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ATTACHMENTS

1. Request Copy of Filed Documents
2. Clerk's Estimated Costs for Appeal
3. Copy of Receipt

The plaintiff have permanent injuries in hip Count IV

Circuit court record at page 3; Count I

Circuit court record at page 6; CountII

Circuit court record at page9; Count III

Circuit court record at page11; Count IV

STATEMENT OF THE ISSUE

Whether the Circuit Court abused its decision dismissed, with prejudice
Judgment of December 28, 2010.

STATEMENT OF CASE

The plaintiff work for Mississippi Export Railroad from Aug. 1978-Sep. 25, 2009. Worked as Laborer from 1978-1991; Formen from 1991-2009 . The plaintiff was required to perform many tasks as an employee at Mississippi Export Railroad Company including working with manually operative tools. The plaintiff was required to manually spike track, and wrench tracks. He was required to pull spikes with clawbars, align tracks with line-bars and pull ties off push cars by hand, he was required to clear there right of way using a bush blade, dress the track manually, load ties manually, and unload ballast manually.

The plaintiff worked for over 30 years with the Mississippi Export Railroad. While employed by the Mississippi Export Railroad, the plaintiff was required to operate machine that put him at an unsafe risk for developing the trauma he has sustained. The machine which plaintiff operated exposed him to heavy lifting, repetitive motions, vibration, and awkward positions. For unreasonably extended periods of time on a daily and continuous basis.

The plaintiff have permanent injuries in shoulders Count I

The plaintiff have permanent injuries in back and spine CountII

The plaintiff have permanent injuries in knees Count III

ARGUMENT

The plaintiff receive a letter from Circuit Court dated March 30, 2011 stated Appeal Record has been completed and is available for use by Appellant for 14 days, same to the Appellee for his use for 14 days. At that time, if no objection to the record has been filed with the Circuit Court, same will be mailed to the Supreme Court for filing. The number 58 pages and the cost of \$219.00 is not the true and correct costs for preparing Appeal transcript. Estimated cost for Appeal pursuant to section 11-51-61 of the Mississippi Code of 1972 Annotated, clerk of the Circuit Court of Jackson County, Mississippi hereby certify that the following is a true and correct. Estimate of cost for preparing the transcript of Appeal Hubert Johnson VS Mississippi Export Railroad Company Case No. 2010-00,128 140 pages @ \$2.00 per page \$280.00. Total estimate for preparing Appeal Transcript is \$383.00 witness sign by Circuit Clerk Feb. 15, 2011. Plaintiff request copy of filed document in the Circuit Court of Jackson County, Mississippi filed May 2, 2011.

A lawsuit was filed the parties must file a stipulation and order of Dismissal with Prejudice in the Circuit Court of Jackson County, Mississippi.

Circuit Court record at page 56 statement of Fees and Certificate.

Circuit Court record at page 58 Notice and Certificate of Completion.

FRAP 10b

FRAP 10c

Mississippi Rule of Civil 60 Procedures

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing briefing has been served upon the following via United States Mail, First Class, postage prepaid:

Kathy Gillis, Clerk
Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Post Office Box 249
Jackson, MS 39205-2407

Patrick R. Buchanan, P.A.
Brown Buchanan
796 Vieux Marche, Suite I
Post Office Box 1377
Biloxi, MS 39533-1377
(228)374-2999 Phone
(228)435-7090 Facsimile

This the 21st day of June, 2011.



HUBERT JOHNSON

Hubert Johnson
2206 McLeod Loop
McLain, MS 39456
(601) [REDACTED]
(601) [REDACTED]
Pro Se

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

HERBERT JOHNSON

PLAINTIFF

VS.

MISSISSIPPI EXPORT
RAILROAD COMPANY

DEFENDANT

FILED
MAY 02 2011

By JOE W. MARTIN, JR. CLERK
D.C.

CIVIL ACTION NO.: 2010-00128(3)

REQUEST COPY OF FILED DOCUMENTS

Notice is hereby given that plaintiff, Hubert Johnson, has requested copy of following documents:

1. NOTICE OF SERVICE OF DISCOVERY 6/10/2010
2. SUMMONS RETURN 6/18/2010
3. NOTICE OF SERVICE PLEADINGS 8/20/2010
4. NOTICE OF SERVICE PLEADINGS 8/20/2010
5. NOTICE OF DEPOSITION HUBERT JOHNSON-TRANSCRIPT
9/21/2010
6. NOTICE OF DEPOSITION DR. RAYMOND WHITEHEAD-
TRANSCRIPT 9/29/2010
7. NOTICE OF SERVICE OF DISCOVERY 10/25/2010
8. RECEIPT OF ORIGINAL DEPOSITION 11/30/2010

Respectfully submitted,

HUBERT JOHNSON, PLAINTIFF

Hubert Johnson

cc: Patrick R. Buchanan, Esquire
Charles E. Sorey, Attorney

Susan P. Martinez, Court Reporter
Kathy Gills, Supreme Court Clerk

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

HUBERT JOHNSON

PLAINTIFF

VS.

NO. 2010-00,128

MISSISSIPPI EXPORT RAILROAD COMPANY

DEFENDANT

CLERK'S ESTIMATED COSTS FOR APPEAL

Pursuant to Section 11-51-61 of the Mississippi Code of 1972, Annotated, I, Joe W. Martin, Jr., Clerk of the Circuit Court of Jackson County, Mississippi, hereby certify that the following is a true and correct estimate of costs for preparing the transcript of appeal in the above styled and numbered cause:

Supreme Court Filing Fee \$ 100.00

Court Reporter \$ -0-

Joe W. Martin, Jr., Circuit Court Clerk
of Jackson County, 140 pages @ \$2.00 per page \$ 280.00

Binding fee \$ 3.00

TOTAL ESTIMATE FOR PREPARING APPEAL TRANSCRIPT: \$ 383.00

WITNESS my signature, this the 15 day of Feb, 2011.

Joe W. Martin Jr.
JOE W. MARTIN, JR., CIRCUIT CLERK

By: James C. Gilbertson D.C.

CIRCUIT - CIVIL
No 29589

HANDED ☐
MAILED ☐

Date January 25 20 11

Received Of Hubert Johnson

Cause No. 2010-00128

For: Clerk's Fees\$85.00
Steno Tax10.00
Jury Tax3.00
Law Library2.50
SCEF2.00
Court Adm. Fund2.00
CECSF10.00
CLAF5.00
SCCF50
RM FEE1.00
Copy of Summons Return
Other Advance Cost
TOTAL\$ 300.00

Total
Amount Paid \$ 300.00

Check No. 18575000910 money order

For costs of appeal

JOE W. MARTIN, JR.
CIRCUIT CLERK OF JACKSON COUNTY

By Linda Wiedemann
DEPUTY CIRCUIT CLERK

UNITED STATES
POSTAL SERVICE

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Pay to Supreme

Address

Memo Appeal

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Attachment III