

DOCKET NO. 173

NUMBER	TERM	YEAR
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220	November	1960
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Edward Olson

Mary Alyce Olson

VERSUS

Theresa C. Rajavich

Affidavit of Service

Edward Olson et al

vs.

Theresa C. Rajavich

No. 220 November Term, 19 60

Complaint In Trespass

Returnable within _____ days
from date of service hereof.

NOW December 14, 19 60 at 11:20 o'clock A. M.

served the within Complaint In Trespass

on Theresa C. Rajavich

at place of residence, RD #3, DuBois, Pennsylvania

by handing to Helen Rajavich an adult member of the family being the
mother of Theresa C. Rajavich
a true and attested copy of the original Complaint In Trespass _____ and made

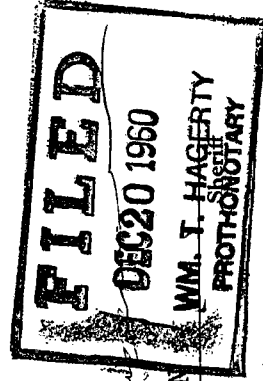
known to her the contents thereof. Costs. Sheriff Ammerman \$11.60
(Paid)

Sworn to before me this 15th
day of December A. D. 19 60

Wm. T. Hagerthy
Prothonotary

So answers,

Charles G. Ammerman
CHARLES G. AMMERMAN
SHERIFF



EDWARD OLSON, MARY ALYCE
OLSON

VERSUS

THERESA C. RAJAVICH

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA.

No. 220 Term NOVEMBER 1960

To WILLIAM T. HAGERTY

Prothonotary.

Sir: ~~XXXXXXXXXXXXXXXXXXXX~~ appearance for

Place the above on the trial list for September Term.

in above case.

AMMERMAN & BLAKLEY



Attorney for Plaintiffs

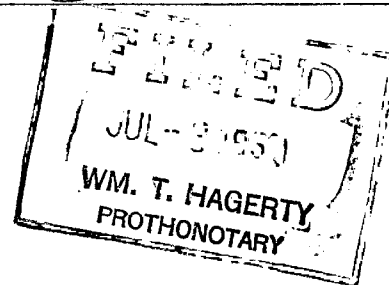
No. 220 Term Nov. 1960

vs.

APPEARANCE

For _____

ⓔ



EDWARD OLSON, MARY ALYCE OLSON

VERSUS

THERESA C. RAJAVICH

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA.

No. 220 Term November 19 60

To William T. Hagerty

Prothonotary.

Sir: Enter our appearance for the Defendant

in above case.

BELL, SILVERBLATT & SWOOPE

by *Carol Silverblatt*

Attorney for Defendant

No. 220 Term November 1960

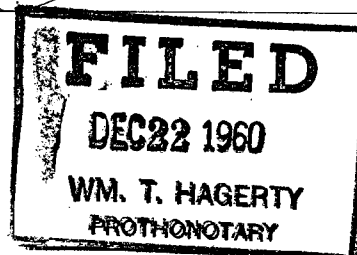
EDWARD OLSON, MARY ALYCE OLSON

vs.

THERESA C. RAJAVICH

APPEARANCE

For Defendant



Edward Sloan
Mary Alice Sloan
VERSUS
Theresa C. Rajanich

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA.

No. 224 Term November 1960

To Wm T. Hagerthy Prothonotary.

Sir: Enter appearance for _____
Please the above case on the Trial list
for the February Term.

in above case.

Amey Sloan & Blakely
Attorney for Plaintiffs

No. 220 Term November 1960

Edward Olson

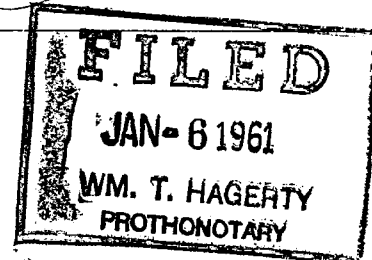
Mary Alys Olson

vs.

Theresa E. Rajanich

Procipe
APPEARANCE.

For



TERESA C. RAJAVICH

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA.

No. 220 Term November 1960

To Wm. T. Hagerty

Prothonotary.

Sir: Enter appearance for

Mark the above settled, discontinued and ended upon payment of costs only.

in above case.

AMMERMAN & BLAKLEY

BY

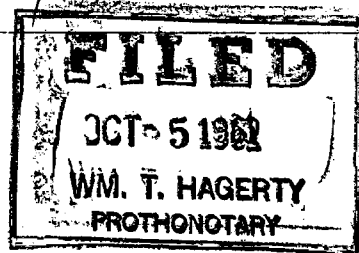
Attorney for Plaintiffs

No. _____ Term _____ 19 _____

vs.

APPEARANCE

For _____



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD OLSON,
MARY ALYCE OLSON,
440 Thurston Road,
Rochester, New York

VS.

THERESA C. RAJAVICH
R.D. #1, Box 376
DuBois, Pennsylvania

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the owner of a 1959 model Dodge coupe, of which he was the operator, and in which plaintiff wife, Mary Alyce Olson, was a passenger.

6. At said time, defendant, Theresa C. Rajavich, was the operator of a 1950 model Chevrolet sedan.

7. At said time the defendant was operating her vehicle behind and in the same direction as that of the plaintiff Edward Olson. She operated it with force and violence into the rear of the plaintiff's car, causing the plaintiffs to be thrown violently into and against interior parts of the car. As a result of which the plaintiff husband, Edward Olson and the plaintiff wife, Mary Alyce Olson, sustained severe injuries. Said injuries are hereinafter set forth, together with the damages resulting therefrom.

8. The injuries and damages hereinafter set forth were caused by, and were the direct and proximate result of, the negligence of the defendant, generally, and in the following particulars:

- (a). In operating her vehicle into and against the rear of plaintiff's Dodge coupe.
- (b). In failing to sound a horn, signal, or other warning device.
- (c). In operating said vehicle at a rate of speed which was excessive under the circumstances.
- (d). In operating a vehicle which was not equipped with proper or adequate brakes.
- (e). In failing to stop said vehicle before striking plaintiff's automobile, when defendant knew or should have known that her vehicle would strike said automobile if it proceeded.
- (f). In operating her vehicle in a manner which was in violation of the laws of the Commonwealth of Pennsylvania.

- (g). In failing to maintain a proper lookout.
- (h). In failing to have her vehicle under proper control.
- (i). In violating the provisions of Article X, section 1010, part A of the Pennsylvania Motor Vehicle Code, Act of May 1, 1929, P.L. 905 as amended, related to following another vehicle more closely than is reasonable and prudent.
- (j). In otherwise failing to exercise that regard and care for the rights and safety of the plaintiffs, required of the defendants under the law.

9. That as a consequence of said collision, plaintiff Mary Alyce Olson's head and neck were whiplashed resulting in nausea, dizziness, injury to ligaments and muscle attachments, extreme soreness of the larynx and trachea and all of the pain and suffering incident to such an injury. That said plaintiff was required to undergo the pain, discomfort and inconvenience of having traction applied by a head halter and other devices.

10. That as a result of such injuries plaintiff was subjected to severe pain and suffering, and continues to so suffer. That the nervous system of the plaintiff is so unstable that she has difficulty in concentrating on her work and duties and she now is, and at all times since the date of the accident has been, very nervous, irritable, emotionally unsteady and insecure. That all of such disabilities and the resulting pain, suffering and discomfort resulting wholly and entirely from such injuries.

11. That, as plaintiff believes, she will in the future suffer intense pain and agony as a result of her said injuries.

12. That as a result of said injuries, the earning power of the plaintiff has been reduced and permanently impaired.

13. That the plaintiff, Mary Alyce Olson, was at the time of the events described above employed by Harshe-Rutman at 42 East Avenue, Rochester, New York. That due to such injuries she was unable to work at her employment for a period of one week following the said accident. That as a consequence she suffered a loss of wages in the amount of \$47.50. That due to economic necessity, the plaintiff was forced to return to her employment in spite of the pain and suffering caused by the collision.

WHEREFORE, plaintiff Mary Alyce Olson, claims damages of the defendant, in excess of \$5000.00.

SECOND COUNT

Edward Olson, plaintiff, husband of
Mary Alyce Olson vs. Theresa C. Rajavich

14. Plaintiff husband, Edward Olson, is an individual residing at 440 Thurston Road, Rochester, New York.

15. Plaintiff, Edward Olson, was on October 31, 1959 and is the husband of Mary Alyce Olson.

16. Plaintiff husband, Edward Olson, incorporates by references the allegations contained in Paragraphs 1 to 9 inclusive, as fully as though the same were set forth here at length.

17. Due to the aforesaid injuries to his wife, the plaintiff has paid the following amounts for doctor and hospital bills:

Dr. James M. Stewart, West Avenue Medical Center
344 West Avenue, Rochester 11, New York

Examination	10/2/59	\$	15.00
Office call and collar	11/2/59		7.00
Office call			<u>5.00</u>

TOTAL \$ 27.00

WHEREFORE, plaintiff husband, Edward Olson, claims damages of the defendant in the amount of \$27.00

THIRD COUNT

Edward Olson, Plaintiff, vs. Theresa Rajavich

18. Plaintiff, Edward Olson, is an individual residing at 440 Thurston Road, Rochester, New York.

19. Plaintiff, Edward Olson, incorporates by reference the allegations contained in paragraphs 2 to 8 inclusive as fully as though the same were set forth here at length.

20. That as a consequence of said collision, the plaintiff Edward Olson's head and neck were whiplashed resulting in nausea, dizziness, injury to ligaments and muscle attachments, and extreme soreness of the larynx and trachea. Said plaintiff was required to undergo the pain, discomfort and inconvenience of having traction applied by a head halter and other devices.

21. That as a result of such injuries, plaintiff was subjected to severe pain and suffering and will, as plaintiff believes, in the future continue to suffer pain and agony.

22. That as a result of said injuries, the earning power of the plaintiffs has been reduced and impaired.

23. That the plaintiff, Edward Olson, was, at the time of the events described above, employed by Eastman Kidak Company in Rochester, New York. That due to said injuries he was unable to work for a period of one week and thereby suffered a wage loss in the amount of \$110.92.

24. That as a consequence of said injuries the plaintiff was forced to expend the following amounts on hospital and doctor bills:

Dr. W. E. Grill DuBois, Penn.	10/31/59	\$ 5.00
Dr. James M. Stewart Rochester, New York	11/2/59	7.00
Dr. James M. Stewart Rochester, New York	11/24/59	<u>5.00</u>
TOTAL		\$ 17.00

25. Plaintiff further avers that he is the owner of the automobile which he was driving at the time of the collision. That said automobile was extensively damaged in and about the front and rear ends of the vehicle. That as a consequence of said damage the plaintiff was forced to expend the following sums of money:

Automobile repairs-- \$50.00 deductible	50.00
Towing charges from Brockway to DuBois	20.00
Bus and Taxi fares	29.79
Car rental 21 days at \$10.00	210.00
Telephone expenses	6.00
Meals	<u>1.10</u>
TOTAL	\$ 316.89
Plus depreciation on plaintiff's automobile	<u>100.00</u>
TOTAL	\$ 416.89

WHEREFORE, plaintiff, Edward Olson, claims damages of the defendant in excess of \$5,000.00

AMMERMAN & BLAKLEY

By

Walter S. Blakley
Attorneys for Plaintiffs

STATE OF NEW YORK

COUNTY OF Monroe

EDWARD OLSON and MARY ALYCE OLSON, being duly sworn according to law, depose and say that the facts set forth in the foregoing account are true and correct to the best of their knowledge, information and belief.

Edward Olson
Edward Olson

Mary Alice Olson
Mary Alyce Olson

Sworn and subscribed to before
me this 30th day of November, A. D., 1960

Stephen P. Morris

STEPHEN P. MORRIS
NOTARY PUBLIC, State of N. Y., Monroe County
My Commission Expires March 30, 1962

No. 226 / 1960, Term, 1960

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENN.

IN TRESPASS

EDWARD OLSON,
MARY ALYCE OLSON,
440 Thurston Road,
Rochester, New York

VS.

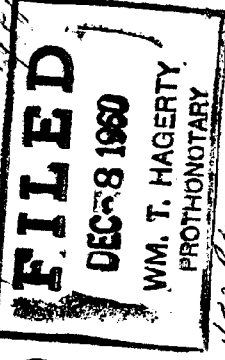
THERESA C. RAJAVICH
R.D. #1, Box 376
DuBois, Pennsylvania

COMPLAINT

TO THE WITHIN DEFENDANT:

You are hereby notified to
plead to the within
Complaint within twenty
(20) days of service
thereof.

Attorney for Plaintiffs



AMMERMAN & BLAKLEY
DUBOIS, PENNA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

EDWARD OLSON,
MARY ALYCE OLSON,
440 Thurston Road,
Rochester, New York

vs

THERESA C. RAJAVICH
R. D. #1, Box 376,
DuBois, Pennsylvania

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No. 220 November Term, 1960
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In Trespass
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CROSS INTERROGATORIES

To be exhibited to and answered by James M. Stewart, M. D.,
of 344 West Avenue, Rochester 11, New York, witness for the
Plaintiffs, to be produced, sworn, or affirmed, and examined on
the part of the Plaintiffs, by Stephen P. Morris, Commissioner.

1st Cross-Interrogatory - Did you ever examine the Plaintiff,
Mary Alyce Olson, prior to her alleged injury on October 31, 1959?

2nd Cross-Interrogatory - If your answer is Yes, state the
date or dates and the result of your examination?

3rd Cross-Interrogatory - How many times, between the dates
of November 2, 1959 and November 25, 1959, did you examine the
Plaintiff, Mary Alyce Olson, and state what treatment or treatments
you gave her or prescribed for her?

4th Cross-Interrogatory - Have you ever examined the Plaintiff,
Mary Alyce Olson, since November 25, 1959, and if so, give the
dates and the treatment you prescribed or gave to her?

5th Cross-Interrogatory - Did you believe, after your treatment of November 25, 1959, that the Plaintiff, Mary Alyce Olson, was fully recovered, and that no further treatment was necessary?

6th Cross-Interrogatory - Did you on November 2, 1959 advise the Plaintiff, Mary Alyce Olson, that she could resume part-time work?

7th Cross-Interrogatory - Did you, at anytime, advise the Plaintiff, Mary Alyce Olson, when she could resume full-time work, and if so, when was that date?

8th Cross-Interrogatory - State the number of times you treated the Plaintiff, Edward Olson, between November 2, 1959 and December 15, 1959.

9th Cross-Interrogatory - Did you, at anytime, prior to October 31, 1959, ever treat Edward Olson, and if so, for what?

10th Cross-Interrogatory - During the period from November 2, 1959 to December 15, 1959, how many times did you treat Edward Olson, and what did your treatments consist of?

11th Cross-Interrogatory - Have you, at anytime since December 15 1959, examined the Plaintiff, Edward Olson, and if so, did you

treat him, and what did your treatment consist of?

12th Cross-Interrogatory - After you treated the Plaintiff, Edward Olson, on December 15, 1959, did you feel that further treatment was necessary, and did you at that time, anticipate a complete recovery for the Plaintiff, Edward Olson?

13th Cross-Interrogatory - Did you examine any X-ray pictures taken of the Plaintiff's neck, and as a result of your examination of said pictures, did you observe that the findings of said pictures were normal?

14th Cross-Interrogatory - Did you, on November 9, 1959, advise the Plaintiff, that he could resume full-time work?

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 220 November Term, 1960

EDWARD OLSON,
MARY ALYCE OLSON,
440 Thurston Road,
Rochester, New York

VS
THERESA C. RAJAVICH
R. D. #1, Box 376,
DuBois, Pennsylvania

CROSS- INTERROGATORIES

BELL, SILBERBLATT & SWOOPE
ATTORNEYS AT LAW
CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PENNA.

EDWARD OLSON,
MARY ALYCE OLSON,
440 Thurston Road,
Rochester, New York

-VS-

No. 220 November Term, 1960

IN TRESPASS

AND NOW, September 5, 1961, the Plaintiffs enter a rule for commission to be issued to Stephen P. Morris, Esquire, Notary Public, of 1002 Genesee Valley Union Trust Building, Rochester 14, New York, to take the testimony of James M. Stewart, M.D., of 344 West Avenue, Rochester 11, New York, witness for the Plaintiffs, on the annexed interrogatories, to be read in evidence on behalf of the Plaintiffs on the trial of the above entitled case.

AMMERMAN & BLAKLEY

BY

Attorney for Plaintiffs

EDWARD OLSON,
MARY ALYCE OLSON,
440 Thurston Road,
Rochester, New York

THERESA C. RAJAVICH
R. D. #1, Box 376,
DuBois, Pennsylvania

* * * * * *
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 *

To be exhibited to and answered by James M. Stewart, M.D., of 344 West Avenue, Rochester 11, New York, witness for the Plaintiffs, to be produced, sworn, or affirmed, and examined on the part of the Plaintiffs, by Stephen P. Morris, Commissioner named in the foregoing Rule.

With what institutions are you connected, and in what capacity ?

6th Interrogatory

From what schools did you graduate and what degrees have you received ?

7th Interrogatory

Have you examined the plaintiffs in this action, Edward Olson and Mary Alyce Olson ?

8th Interrogatory

When was the first time you examined the plaintiffs in this action ?

9th Interrogatory

What was the result of your examination of Mary Alyce Olson ?

What treatment, if any, did you prescribe at that time ?

10th Interrogatory

If you prescribed treatment, did you personally administer these treatments ?

11th Interrogatory

For how long was the Plaintiff under your care ?
When did you last examine the Plaintiff, Mary Alyce Olson ?

12th Interrogatory

What was her condition at that time ?

13th Interrogatory

Did you find the Plaintiff, Mary Alyce Olson, in pain upon your first examination ?

14th Interrogatory

Upon what signs or evidence do you base your opinion as to the existence of pain ?

Would you describe the location and area of the pain, if any, of the Plaintiff Mary Alyce Olson, as described to you by her ?

Do you have an opinion you could state with reasonable certainty as to whether this pain, if any, was real or simulated ?

Did you find anything in your examination of the Plaintiff Mary Alyce Olson that would cause you to disbelieve her complaints of pain ?

15th Interrogatory

Do you feel, Doctor, that the Plaintiff, Mary Alyce Olson's condition would render her incapable of properly performing her occupation and if so, for what period of time ?

Did the Plaintiff, Mary Alyce Olson, relate to you the history of her condition ?

16th Interrogatory

What was the result of your examination of Edward Olson ?

What treatment, if any, did you prescribe at that time ?

17th Interrogatory

If you prescribed treatment, did you personally administer these treatments ?

18th Interrogatory

For how long was the Plaintiff Edward Olson under your care ?

When did you last examine the Plaintiff, Edward Olson ?

19th Interrogatory

What was his condition at that time ?

20th Interrogatory

Did you find the Plaintiff, Edward Olson, in pain upon your first examination ?

21st Interrogatory

Upon what signs or evidence do you base your opinion as to the existence of pain ?

Would you describe the location and area of the pain, if any, of the Plaintiff Edward Olson, as described to you by him ?

Do you have an opinion you could state with reasonable certainty as to whether this pain, if any, was real or simulated ?

Did you find anything in your examination of the Plaintiff Edward Olson that would cause you to disbelieve his complaints of pain ?

22nd Interrogatory

Do you feel, Doctor, that the Plaintiff Edward Olson's condition would render him incapable of properly performing his occupation and if so, for what period of time ?

Did the Plaintiff, Edward Olson, relate to you the history of his condition ?

23rd Interrogatory

Do you know, or can you set forth any other matter, or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this your examination, or the matters in question in this cause ?

If Yes, set for the same fully and at large in your answer.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

EDWARD OLSON,
MARY ALYCE OLSON,
440 Thurston Road,
Rochester, New York

-vs-

THERESA C. RAJAVICH
R. D. #1, Box 376,
DuBois, Pennsylvania

No. 220 November Term, 1960
IN TRESPASS

*

NOTICE OF RULE

Beil, Silberblatt & Swape
TO: ~~PAUL SILBERBLATT~~, Esquires Attorneys for Defendant;

Please notice Rule this day entered for commission on behalf of the Plaintiffs, to the City of Rochester, State of New York, on fifteen (15) days notice to the Defendant, or her Attorney.

Very respectfully yours,

David E. Blakley
Attorney for Plaintiffs

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS

Personally appeared before me this 5th day of September, 1961, DAVID E. BLAKLEY, Attorney for the Plaintiffs above named, and deposes and says that he did serve the above written notice on *Beil, Silberblatt & Swape* ~~Paul Silberblatt~~, Esquires Attorneys for Defendant, by personal service on the 5th day of September, 1961.

Sworn to and subscribed
before me this 5th day of
September, 1961.

Am. C. Hagerty

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

No. 220 NOVEMBER TERM, 1960

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
IN TRESPASS

EDWARD OLSON,
MARY ALYCE OLSON

VS

THERESA C. RAJAVICH

RULE FOR DEPOSITION

FILED

SEP 5 1961

WM. T. HAGERTY
PROTHONOTARY

LAW OFFICES
AMMERMAN & BLAKLEY
DUBOIS, PENNA.