

DOCKET NO. 173

NUMBER	TERM	YEAR
286	November	1960

David Reid and

Mae Reid, his wife

VERSUS

Dorothea MacMinn

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

DAVID REID and :
MAE REID, his wife :
vs. : No. 286 November Term, 1960
DOROTHEA MacMINN : In Trespass

PRAECIPE

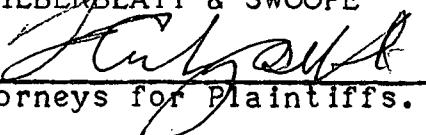
To William T. Hagerty, Prothonotary:

Sir:

Mark the judgment in the above case, settled and discontinued
upon the payment of costs.

Oct 9, 1961

BELL, SILBERBLATT & SWOOP

by 
Attorneys for Plaintiffs.

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

NO. 286 November Term, 1960

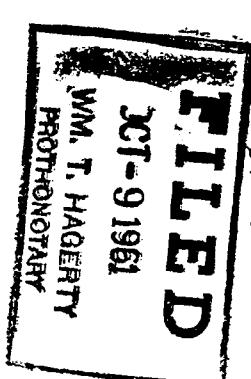
DAVID REID and
MAE REID, his wife

VS.

DOROTHEA MacMINN

PRAECIPE

C.R./J.R.



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

Affidavit of Service

David Reid et al

vs.

Dorothea MacMinn

No. 286 November Term 19 60

Complaint In Trespass

Returnable within _____ days
from date of service hereof.

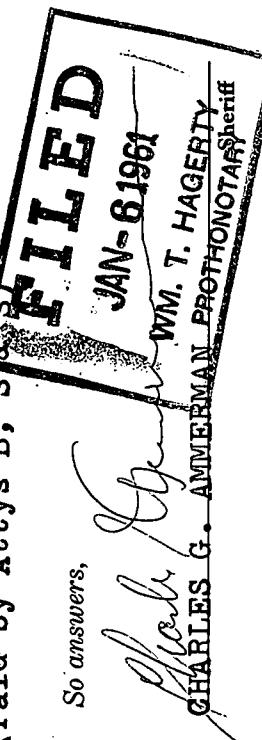
NOW January 4, 1960 at 2:20 o'clock P.M.
served the within Complaint In Trespass
on Dorothea MacMinn

at place of employment, 12 E. Long Avenue, DuBois, Pennsylvania

by handing to her personally

Complaint In Trespass
a true and attested copy of the original
known to her the contents thereof.
Costs, Sheriff Ammerman \$11.60
(Paid by Atty's B., S. C. & C.)
and made

Sworn to before me this 5th
day of January A. D. 19 61
Wm. T. Hager
Wm. T. Hager
CHARLES G. AMMERMAN Prothonotary
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID REID and MAE REID,
His Wife,

vs.

DOROTHEA MacMINN

} NO. 286 NOVEMBER TERM, 1960

} IN TRESPASS

POINTS FOR CHARGE

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF THE SAID COURT:

It is respectfully requested that the Jury be charged as follows:

refused 1. Under all the law and evidence in this case, the verdict must be for the Defendant.

2. If the Jury believes that the sidewalk in question was in a condition of reasonable safety, then your verdict must be for the Defendant. (Rogers vs. South Philadelphia National Bank, et al, 160 Pa. Super. 154, 50 A.2d 697.)

3. If the Plaintiff had knowledge of the elevation existing in the sidewalk prior to the time of her fall, then your verdict must be for the Defendant. (Smith vs. Shamokin Borough, 268 Pa. 170, 110 A. 640.)

4. If the Plaintiff in crossing the sidewalk could have seen the elevation, then your verdict must be for the Defendant. (Cox vs. Scarazzo, 353 Pa. 15, 44 A.2d 295.)

5. When an accident occurs in broad daylight in consequence of an open and exposed defect in a sidewalk, the burden rests upon the Plaintiff to show conditions outside of herself which prevented her from seeing the defect. (Smith vs. Sheraden Bank, 178 Pa. Super 621, 116 A.2d 346.)

Respectfully submitted,

BAIRD & McCAMLEY

By

David L. Baird
Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 286 NOVEMBER TERM, 1960

IN TRESPASS

DAVID REID and MAE REID, His
Wife,

VS.

DOROTHEA MacMINN

POINTS FOR CHARGE

BAIRD & McCAMLEY
ATTORNEYS AT LAW
PHILIPSBURG, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID REID and MAE REID, his wife : No. 286 2nd Term, 1960
VS. :
DOROTHEA MacMINN : IN TRESPASS

C O M P L A I N T

NOW COME: David Reid and Mae Reid, his wife, the above named Plaintiffs, and complain of the above named Defendant, upon a cause of action, the nature and character of which is as follows:-

(1). The Plaintiffs are husband and wife, residing at 207½ West DuBois, Avenue, DuBois, Pennsylvania.

(2). The Defendant is unmarried and resides at 201 East DuBois Avenue, DuBois, Pennsylvania.

(3). The Defendant is the owner of the property in which she resides.

(4). On the 21st day of August, 1959, the premises owned by the Defendant, at 201 East DuBois Avenue, were divided into apartments; one apartment being on the first floor and the other apartment being on the second floor.

(5). On the said 21st day of August, 1959, the first floor apartment was occupied by Mr. & Mrs. V. T. Smith, Jr.; and the second floor apartment was occupied by the owner, Miss Dorothea MacMinn.

(6). Mrs. Mae Reid, one of the Plaintiffs herein, was accustomed to working by the day in various homes in and about the City of DuBois.

(7). One of the homes at which Mrs. Reid worked was the home of Mr. & Mrs. V. T. Smith, Jr., at which place she was accustomed to working each Friday.

(8). The Plaintiff, Mrs. Mae Reid, began working for Mr. & Mrs. V. T. Smith, Jr., in March or early Spring of 1959 and continued to work for them one day each week until the 21st day of August, 1959.

(9). That access to and from the V. T. Smith, Jr. apartment on the first floor is gained from the side of the property, the front entrance being used for the second-floor apartment only.

(10). In order to enter or leave the V. T. Smith, Jr. apartment, it was necessary to go out the side door, descend three (3) concrete steps, and then travel over a concrete pavement to the sidewalk on Fourth Street.

(11). Between the steps and the sidewalk on Fourth Street, there existed on the 21st day of August, 1959, and for a long time prior thereto, a concrete walk, which was divided into separate blocks.

(12). On the 21st day of August, 1959, and for a long time prior thereto, the blocks of the concrete sidewalk, between the back porch steps and the sidewalk adjoining Fourth Street, had separated at a point approximately opposite the rear of the MacMinn home, to such an extent that the block of concrete adjoining Fourth Street was elevated on the Southern side of said sidewalk for a distance of two (2) or three (3) inches, which elevation decreased to the North, towards the corner of the house, to almost nothing.

(13). Said condition had existed for many months prior to the 21st day of August, 1959.

(14). The sidewalk is still in the same condition today as it was on the 21st day of August, 1959.

(15). On the said 21st day of August, 1959, at or about 3:00 p.m., the Plaintiff, Mrs. Mae Reid, left the apartment of Mr. & Mrs. V. T. Smith, Jr., and proceeded out the side door towards Fourth Street, where her husband waited for her in an automobile.

(16). At that time and place, it was daylight, the weather was clear and the sidewalk was dry.

(17). As Mrs. Reid proceeded towards her husband's car, she walked in a careful and prudent manner.

(18). The Plaintiff, Mrs. Mae Reid, had observed the difference in elevation in the blocks of the sidewalk previous to the 21st day of August, 1959.

(19). On previous occasions, the said Mrs. Mae Reid had either passed to the extreme right, or the house side of the sidewalk, at the point of elevation, or had stepped over the same.

(20). On the 21st day of August, 1959, as the Plaintiff, Mrs. Mae Reed, came out of the premises onto said sidewalk, she thought she was at such a place on the sidewalk that she could pass over the elevation with safety.

(21). As the said Mrs. Mae Reed proceeded towards her husband's car, she caught her toe on the raised portion of the concrete sidewalk, causing her to fall forward and causing her to sustain the injuries hereinafter complained of.

(22). That the Defendant, Dorothea MacMinn, is guilty of negligence in the following respects:-

a. In maintaining a concrete sidewalk, which is the only means of ingress and egress to and from the V. T. Smith, Jr. property, in an unsafe and dangerous condition.

b. In permitting the difference in elevation between the blocks on said sidewalk to continue for a long period of time.

c. In failing to have the sidewalk repaired, so as to maintain it in a safe condition.

(23). As a result of the carelessness and negligence of the Defendant, the injuries sustained by Mrs. Mae Reid were severe and consisted of a cut on the left hand; a fracture of phalanx, 3rd finger, right hand; a cut on the left side of the head; contusions of the right hand and left knee; a fracture of the nose; concussion of the brain and traumatic arthritis.

(24). Because of the fracture of the nose, on August 26, 1959, under general anesthesia at the DuBois Hospital, an attempt was made to straighten her nose, both to improve the air passages and the physical appearance.

(25). At the present time, she is unable to close her right hand, and has not been able to grip or close same since the date of the accident.

(26). As a result of the carelessness and negligence of the Defendant, the Plaintiff, Mrs. Mae Reid, has lost fifty (50%) per cent of the use of her right hand, was totally disabled until February 8, 1960 and has been partially disabled ever since.

(27). In addition thereto, the Plaintiff, David Reid, has become liable for expenses in treatment of his wife, of the following items:- Bill of Drs. Houck and Kline in the sum of \$174.00; bill of Dr. F. E. Murdock in the sum of \$30.00; bill of DuBois Hospital for x-rays, room and board in the sum of \$85.30; drugs from Widman & Teah in the sum of \$ 50.00 ; and drugs from Cowdrick's Drug Store in the sum of \$ 50.00 .

(28). In addition thereto, the Plaintiffs will be required to expend further sums in the future for medical treatment and drugs.

(29). The injuries to the right hand and the arthritic condition are permanent.

(30). When her husband, David Reid, was injured in a mining accident in 1944, Mrs. Reid began working and was regularly employed at housework, in 1959, in and about the City of DuBois, at various homes, working on the average of three (3) days a week at \$8.00 a day, or a total of \$24.00 a week, which earnings she has lost since said accident.

(31). The loss of earnings from the 21st day of August, 1959 to date, the 16th day of December, 1960, a period of seventy (70) weeks, is \$1680.00, for which sum the Plaintiffs ask that a Judgment be rendered in their favor and against the Defendant at the trial of this cause.

(32). In addition thereto, the Plaintiff, Mae Reid, is now crippled and disfigured, for which damage she asks that a Judgment be rendered in her favor and against the Defendant, in such amount as will adequately compensate her for her crippling and disfigurement.

(33). In August of 1959, Mrs. Mae Reid was fifty-four (54) years of age and would have a normal working period of twenty (20) more years, for which she asks that she be rendered a verdict in the amount of \$24,960.00 in her favor and against the Defendant.

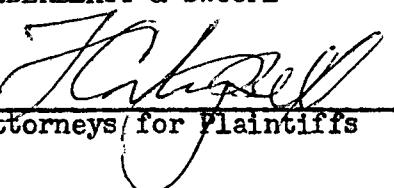
(34). In addition thereto, the Plaintiff, Mrs. Mae Reid, has suffered severe pain and will continue to suffer severe pain for the balance of her life, for which the Plaintiffs ask that a Judgment be rendered in their favor and against the Defendant for such sum as will adequately compensate her for the pain she has already suffered and the pain which she will suffer in the future.

(35). The Plaintiff, Mrs. Mae Reid, will in the future be required to undergo further medical treatment and to purchase medicines and drugs for her treatment, the amount of which is at the present time unknown; but the Plaintiffs request that they be awarded such sums as will indemnify them for the expense of such future medical treatment and drugs.

WHEREFORE, the Plaintiffs ask that a verdict be rendered in their favor and against the Defendant, in such sum as will compensate them for the medical, hospital and drug expenses as have already been incurred and for the probable future expense for the same; also for the loss of earnings, both past and future, and for the pain and suffering already undergone and for such pain and suffering which Mrs. Reid may be required to undergo in the future.

And they will ever pray.

BELL, SILBERBLATT & SWOOP

BY: 

Attorneys for Plaintiffs

STATE OF PENNSYLVANIA:
SS:
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared DAVID REID and MAE REID, his wife, who, being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

Mrs Mae Reid

MR David Reid

Sworn and subscribed to
before me this 29th day
of Nov , 1960.

Wm. L. Haperty
PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 274 November Term, 1960.

IN TRESPASS

DAVID REID and MAE REID,
his wife

vs.

DOROTHEA MACMINN

C O M P L A I N T

To the within named Defendant:-

You are hereby required to
make Answer to the within Com-
plaint within twenty (20) days
from the date of service hereof.

BELL, SIBERBLATT & SWOPE

BY: *John D. Bell*
Attorneys for Plaintiffs

FILED

W. M. T. HAGERTY
BELL, SIBERBLATT & SWOPE
ATTORNEYS FOR PLAINTIFFS
CLEARFIELD, PENNA.

CLEARFIELD TRUST COMPANY
CLEARFIELD, PENNA.

4.50 *By Atty*

COMMERCIAL PRINTING CO. CLEARFIELD, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
DAVID REID and MAE REID,
His Wife,
vs.
DOROTHEA Mac MINN
No. 286 November Term, 1960
In Trespass

PRELIMINARY OBJECTIONS

AND, NOW, comes Dorothea Mac Minn, by her attorneys, Baird & McCamley, and preliminarily objects to the Complaint filed in the above matter for the following reasons:

I. DEMURRER TO THE COMPLAINT

The Defendant demurs to the Complaint on the grounds that the Plaintiff, Mae Reid, was contributorily negligent as a matter of law.

WHEREFORE, the Defendant, by her attorneys, moves the Court to enter judgment in favor of the Defendant and against the Plaintiffs.

II. MOTION FOR MORE SPECIFIC
PLEADING

Paragraph 26 avers that the Plaintiff was totally disabled until February 8, 1960 and has been partially disabled since that time yet in Paragraph 33 Plaintiff asks for damages on the basis that the Plaintiff will be totally disabled the rest of her life. Said paragraphs taken together lack the specificness which is required in order to advise the Defendant of the issues she will be faced with at trial, and, in their present state, the allegations are so vague, indefinite and confused as to be incapable of answering or forming a defense thereto. Defendant is entitled to a more specific statement with reference to the allegations that the Plaintiff was disabled either partially or totally and the duration of same.

WHEREFORE, the Defendant, by her attorneys, requests your Honorable Court to order the Plaintiff to file more specific pleadings as above mentioned.

BAIRD & McCAMLEY
By John J. McCamley
Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 286 November Term, 1960

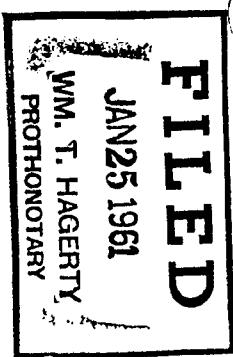
In Trespass

DAVID REID and MAE REID,
His Wife,

vs.

DOROTHEA Mac MINN

PRELIMINARY OBJECTIONS



BAIRD & McCAMLEY
ATTORNEYS AT LAW
PHILIPSBURG, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID REID and MAE REID,
Plaintiffs }
Vs. } NO. 286 NOVEMBER TERM, 1960
DORTHEA Mac MINN,
Defendant }
}

TO THE PROTHONOTARY OF THE SAID COURT:

AND NOW, THIS Eleventh day of January, 1961, enter our appearance in and for the Defendant in the above matter.

BAIRD & McCAMLEY

By David B. 1

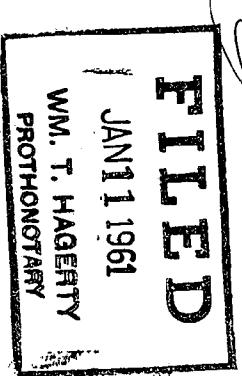
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
NO. 286 NOVEMBER TERM, 1960

DAVID REID and MAE REID,
Plaintiffs

VS.

DORTHEA MacMINN

P R A E C I P E



BAIRD & McCAMLEY
ATTORNEYS AT LAW
PHILIPSBURG, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID REID and MAE REID,
Plaintiffs

Vs.

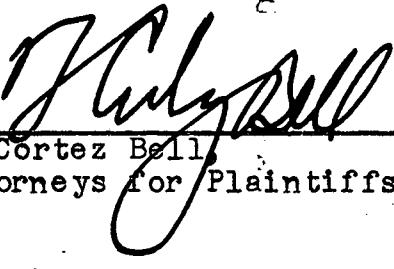
: No. 286 November Term, 1960

DORTHEA MacMINN,
Defendant

To William T. Hagerty, Prothonotary

Sir: Please put the above entitled case on the next
argument list.

BELL, SILBERBLATT & SWOOPE
By

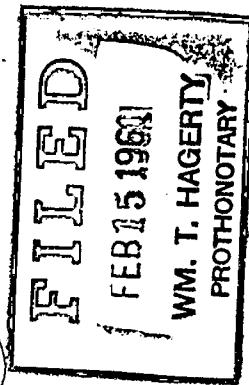

F. Cortez Bell
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYL-
VANIA, No. 286 November Term,
1960

DAVID REID and MAE REID,
Plaintiffs

Vs.
DORTHEA MacMINN,
Defendant

PRAECLYPE



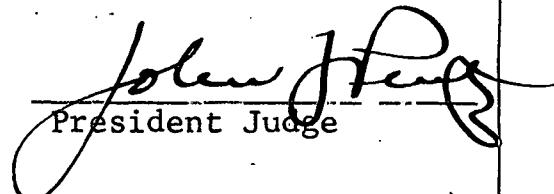
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

DAVID REID and :
MAE REID :
VS : No. 286 November Term 1960
DOROTHEA MacMINN :
:

O R D E R

NOW, April 5, 1961, Preliminary Objections overruled. Defendant to file such Answer as desired, within thirty days from date.

BY THE COURT


John H. Hause
President Judge

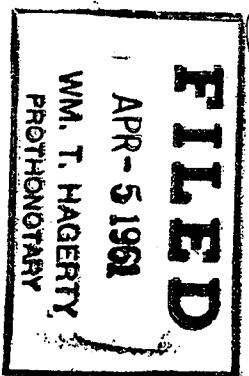
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 286 November Term 1960

DAVID REID and
MAE REID

VS

DOROTHEA MacMINN

ORDER



JOHN J. PENTZ
PRESIDENT JUDGE
CLEARFIELD, PENNSYLVANIA

DATE

Sept 19 1961

NO. 286

TERM

Nov

YEAR

1961

PLAINTIFF

David Reid

vs.

DEFENDANT

Dorothy MacMinn

JURY CALLED AND SWORN: 9:30 A.M.

JURORS:

1. Harold Danier
 2. Hazel Bacon
 3. Pauline Savell
 4. James P. McBrine
 5. Joseph B. Madera
 6. Stella J. Youngman

7. Arthur Eugene Peck
 8. Gladys Blankenship
 9. Carl Sollay
 10. Margaret Frases
 11. Joseph Hogen Taylor
 12. Mary E. Jones

PLAINTIFF WITNESSES:

Mrs. David Reid
 David Reid
 Dr. Murdoch
 Dr. E.C. Hawk

DEFENDANT WITNESSES:

Arthur Telnett
 Dorothy MacMinn
 Mrs. V.T. Smith
 V.T. Smith

PLAINTIFF'S ATTY.

Bill S

Deft. Atty. Baird McNamee

ADDRESS TO JURY:

2:00

ADDRESS TO JURY: 1:45

JUDGE: ADDRESS TO JURY:

2:14

JURY OUT 2:30 JURY RETURN: 3:32

VERDICT:

For Plaintiff David Reid / May Reid

737.

30

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

DAVID REID AND MAE REID :
vs. : No. 286 November Term, 1960
DOROTHEA MacMINN :
:

PRAECIPE

TO William T. Hagerty, Prothonotary:

Sir:

Please place the above case on the trial list.

BELL, SILBERBLATT & SWOOP

by D. B. Bell

Attorneys for Plaintiffs.

Dated:

June 7, 1960

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

No. 286 November Term, 1960

DAVID REID and MAE REID

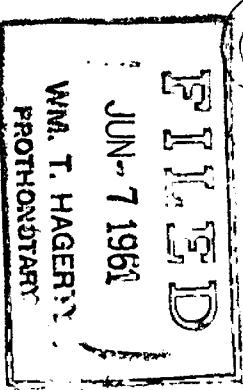
VS.

DOROTHEA MacMINN

ERICKSON
PRAECIPE

COURT REPORTER, 1960

certified copy enclosed



DAVID REID and
MAE REID

VERSUS
DOROTHEA MacMINN

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

No. 286 November Term, 1960

VERDICT

And now to wit: September 20, 1961, we, the Jurors
empanelled in the above entitled case, find A Verdict in Favor of David Reid, the plaintiff,
for the doctor bill, hospital bill and medication, in a total of
\$449.30, and in favor of Mae Reid, his wife, for loss of wages, in the
sum of \$288.00

Foreman

No. Term, 19

VERSUS

VERDICT

Filed..... 19.....

Prothonotary

David Reid MacPhee

VERSUS
Dorothy MacMinn

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

No. 286 Nov Term, 1960

VERDICT

And now to wit: September 20 1961, we, the Jurors

empanelled in the above entitled case, find A Verdict in Favor of

Miss Dorothy MacMinn

With the recommendation that the defendant be liable
for the bills of the Doctors (\$209.00); the hospitalization (\$85.30);
medication (\$155.00) and 12 weeks loss of work at \$24.00
per week (\$288.00) making a grand total of \$737.30

Joseph R. Hogentogler
Foreman

No. 286 M. Term, 196d

Reed

VERSUS

McNamee

VERDICT

Filed..... 19.....

Prothonotary

In the Court of Common Pleas of Clearfield County.
Daniel Reed Of Nov Term, 1960
Mar Reed No. 286 Plaintiff Bill of Costs
VERSUS At Sgt Term, 1961
Dorothy Mac Nam

CLEARFIELD COUNTY, SS:

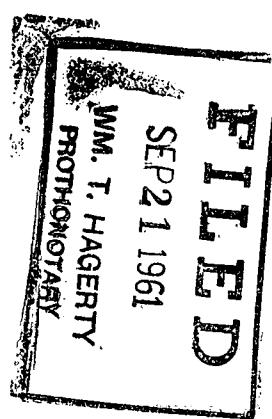
Personally appeared before me Mae Red, who being duly sworn, saith the above Bill of Costs is correct, that the witnesses named were subpoenaed, necessary, material, and in attendance as above stated, and that the mileage is correct as he believes.

Sworn to and subscribed before me this
21st day of Sept^{ember}, A. D. 1961 }
John D. Agrey, Prothonotary }
Mae Reid

James Baird

No. Term, 19.....

Versus



Attorney