

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.

DOROTHEA MacMINN

:
:
:
:
:
:

No. 286 November Term, 1960

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 & SWOOPE

by

[Signature]
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

G/R/lt.
FILED
JCT-9 1961
WM. T. HAGERTY
PROTHONOTARY

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

a true and attested copy of the original Complaint In Trespass and made

known to her the contents thereof.

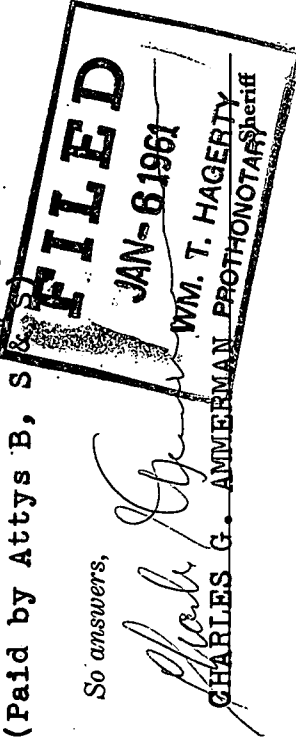
Costs. Sheriff Ammerman \$11.60
(Paid by Attys B, S & B)

Sworn to before me this 5th

day of January A. D. 19 61

So answers,

Charles G. Ammerman
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 ex-
isting 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 conse-
quence 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 :
VS. : No. 286 40d. Term, 1960
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 207 $\frac{1}{2}$ 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.

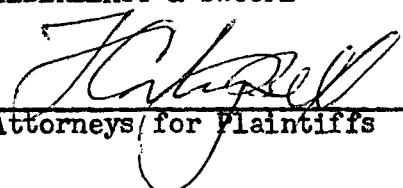
(35). The Plaintiff, Mrs. Mae Reid, will in the future be required to undergo further medical treatment and to purchase medicines and drugs for her treatment, the amount of which is at the present time unknown; but the Plaintiffs request that they be awarded such sums as will indemnify them for the expense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

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. Hagerty

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. *288* November Term, 1960.
IN TRESPASS

DAVID REID and MAE REID,
his wife

vs.

DOROTHEA MACINN

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, SILBERBLATT & SMOOPE

BY: *[Signature]*

Attorneys for Plaintiffs

FILED
10 days after
DEC 20 1960

WM. T. HAGERITY
BELL, SILBERBLATT & SMOOPE
ATTORNEYS AT LAW
CLEARFIELD TRUST COMPANY
CLEARFIELD, PENNA.

450 By City
COMMERCIAL PRINTING CO., CLEARFIELD, PA.

DAVID REID and MAE REID,
His Wife,

VS.

No. 286 November Term, 1960

In Trespass

PRELIMINARY OBJECTIONS

Baird & McCamley, and preliminarily objects to the Complaint filed in the above matter for the following reasons:

I. DEMURRER TO THE COMPLAINT

that the Plaintiff, Mae Reid, was contributorily negligent as a matter of law.

Court to enter judgment in favor of the Defendant and against the Plaintiffs.

II. MOTION FOR MORE SPECIFIC PLEADING

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 specifickness 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.

your Honorable Court to order the Plaintiff to file more specific pleadings as above mentioned.

BAIRD & McCAMLEY,
By John J. McCamley
Attorneys for Defendant

3rd
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

(3)

FILED
JAN 25 1961
WM. T. HAGERTY
PROTHONOTARY

BAIRD & MCCAMLEY
ATTORNEYS AT LAW
PHILIPSBURG, PENNSYLVANIA

New January 25-1961
David Reid and Mae Reid
vs. Dorothea Mac Minn
By [Signature]

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID REID and MAE REID,
Plaintiffs

Vs.

DORTHEA Mac MINN,
Defendant

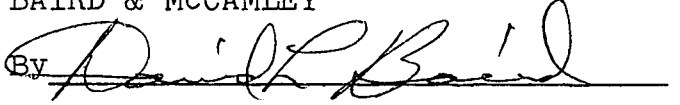
)
(
)
(
)
(
)

NO. 286 NOVEMBER TERM, 1960

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 

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

FILED
JAN 11 1961
WM. T. HAGERTY
PROTHONOTARY

BAIRD & MCCAMLEY
ATTORNEYS AT LAW
PHILIPSBURG, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID REID and MAE REID,
Plaintiffs

Vs.

DORTHEA MacMINN,
Defendant

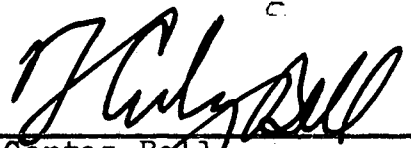
:
:
:
:
:
:

No. 286 November Term, 1960

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

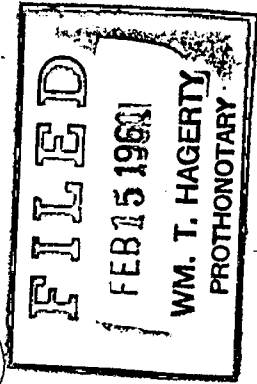
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA,
No. 286 November Term,
1960

DAVID REID and MAE REID,
Plaintiffs

Vs

DOR THEA MACMINN,
Defendant

PRAECIPE



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

DAVID REID and
MAE REID

VS

DOROTHEA MacMINN

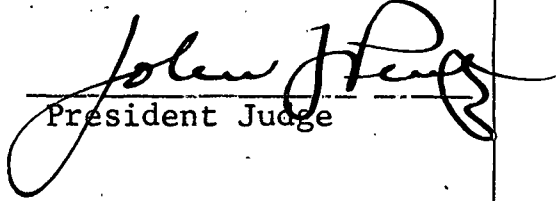
:
:
:
:
:
:

No. 286 November Term 1960

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


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

FILED

APR - 5 1961

WM. T. HAGERTY
PROTHONOTARY

JOHN J. PENTZ
PRESIDENT JUDGE
CLEARFIELD, PENNSYLVANIA

NO. 286 DATE Sept 19 1961
TERM Mo. YEAR 1961

PLAINTIFF David Reid

VS.
DEFENDANT Barth Mac Minn

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

JURORS:

- | | |
|-----------------------------|--------------------------------|
| 1. <u>Harold Warner</u> | 7. <u>Arthur Eugene Poligh</u> |
| 2. <u>Harold Bloom</u> | 8. <u>Blackburn</u> |
| 3. <u>Pauline Savell</u> | 9. <u>Carl Solley</u> |
| 4. <u>James R. McBrick</u> | 10. <u>Margaret Fresco</u> |
| 5. <u>Joseph B. Mader</u> | 11. <u>Joseph Hogentoghe</u> |
| 6. <u>Stella J. Naumyan</u> | 12. <u>Mary E. Jones</u> |

PLAINTIFF WITNESSES:

DEFENDANT WITNESSES:

Mrs. David Reid
David Reid
Dr. Murdoch
Dr. E. E. Hawch

Arthur Selmett
Barth Mac Minn
Mrs. V. I. Smith
V. I. Smith

PLAINTIFF'S ATTY. Bill S.

DEFT. ATTY. Barnd McEmery

ADDRESS TO JURY: 2:00

ADDRESS TO JURY: 1:46

JUDGE: ADDRESS TO JURY: 2:14

JURY OUT 2:30 JURY RETURN: 3:32

VERDICT:

Jd Off David Reid & Mary Reid # 937. 30

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

DAVID REID AND MAE REID

vs.

DOROTHEA MacMINN

:
:
:
:
:

No. 286 November Term, 1960

PRAECIPE

TO William T. Hagerty, Prothonotary:

Sir:

Please place the above case on the trial list. *Sept*

BELL, SILBERBLATT & SWOOPE

by

W. T. Bell

Attorneys for Plaintiffs.

Dated:

June 7. 1961

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

No. 286 November Term, 1960

DAVID REID and MAE REID

vs.

DOROTHEA MACMINN

PROTHONOTARY
PRAECIPE

FILED
JUN-7 1961
WM. T. HAGERTY
PROTHONOTARY

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

DAVID REID and MAE REID

No. 286 November Term, 1960

DAVID REID and

MAE REID

VERSUS

DOROTHEA MacMINN

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

No. 286 November Term, 19 60

VERDICT

And now to wit: September 20 19 61, we, the Jurors

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

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

VERSUS

Dorothea MacMinn

No. 286 N. S. Term, 19 60

VERDICT

And now to wit:

September 20

19 61, we, the Jurors

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

of

Miss Dorothea 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, 19. 6d

Recd.

VERSUS

M = M cm

VERDICT

Filed 19

Prothonotary

In the Court of

Plan 1

Clearfield County.

David Reed

Mar Ried

VERSUS

Brother Mac Mum

Of

Mark

Term, 1960

No.

286

Blank

Bill of Costs

At

Sgt

Term, 1967

dr E E Houch

P. O.

du Rose

Dr F E Muddock

P. O.

My Love.

1 Days in Court at \$5.00 per day
 30 per mile actually traveled
 7c 56 miles.

Days in Court at \$5.00 per day
 7c per mile actually traveled

Days in Court at \$5.00 per day
 \$3.00 per mile actually traveled

..... Days in Court at ~~\$3.00~~ ^{\$5.00} per day
 5c per mile actually traveled
 7c

.....Days in Court at \$5.00 per day
 5c per mile actually traveled
 7c

Days in Court at \$5.00 per day
 \$c per mile actually traveled

Days in Court at \$5.00 per day
 Xc per mile actually traveled
 7c

.....Days in Court at \$5.00 per day
 Xc per mile actually traveled
 7c

.....Days in Court at ~~\$300~~ \$5.00 per day
 Xc per mile actually traveled
 7c

Days in Court at \$5.00 per day
 7c

.....Days in Court at \$5.00 per day
~~1c~~ per mile actually traveled
 7c

Serving subpoenas Witness

Miles distance

Whole amount of Bill

1648

CLEARFIELD COUNTY, SS:

Personally appeared before me Mae Reed, 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

21 day of Sept, A. D. 1961

Prothonotary

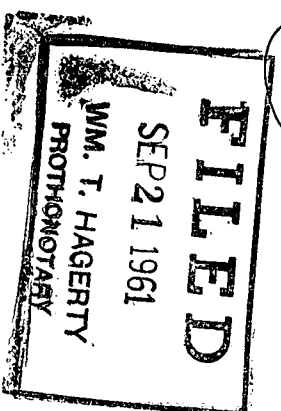
Mae Reid

Alonso Baid

No. Term, 19....

Versus

3



Attorney