

DOCKET NO. 173

NUMBER	TERM	YEAR
--------	------	------

<u>438</u>	<u>November</u>	<u>1960</u>
------------	-----------------	-------------

James T. Barnes

VERSUS

Wilson Bakeries

Affidavit of Service

James T. Barnes

vs.

Wilson Bakeries

No. 438 November Term, 1960

Complaint In Trespass

Returnable within _____ days
from date of service hereof.

NOW January 21, 1961 at 3:40 o'clock P.M.

served the within Complaint In Trespass

on Wilson Bakeries

at place of business, 148 W Long Ave, DuBois, Pa.

by handing to Ruth Schmidt, Bookkeeper

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 Atty Lee)

FILED

Sworn to before me this 25th

day of January A. D. 1961

W.M.T. HAGERTY
CHARLES G. AMMERMAN Prothonotary
Sheriff

John T. Jaggy Prothonotary

So answers,

W.M.T. HAGERTY
CHARLES G. AMMERMAN Prothonotary
Sheriff

JAMES T. BARNES, et al. | IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA.

VERSUS

WILSON BAKERIES

No. 438 Term November 1960

To William T. Hagerty,

Prothonotary.

Sir: Enter our appearance for Wilson Bakeries, the Defendant,

in above case.

BELL, SILBERBLATT & SWOPE
BY: *John J. Bell*
Attorney for Defendant

No. _____ Term _____ 19 _____

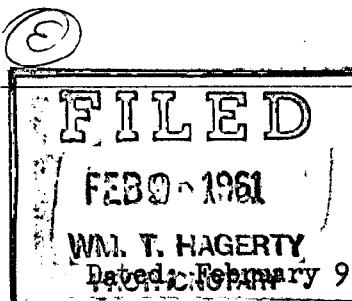
JAMES T. BARNES, et al

vs.

WILSON BAKERIES

APPEARANCE

For Defendant, Wilson Bakeries



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

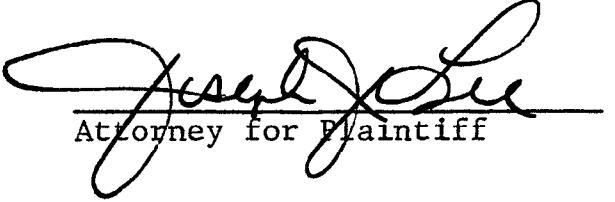
JAMES T. BARNES :
VS : No. 438 November Term, 1960
: WILSON BAKERIES : Trespass

PRAECIPE FOR DISCONTINUANCE

TO: WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

Mark the records in the above case settled and discontinued
on payment of costs by the defendant.



Attorney for Plaintiff

Dated: March 11, 1961

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES T. BARNES :
VS : No. 438 *Nov.* November Term, 1960
WILSON BAKERIES : Trespass

C O M P L A I N T

COMES NOW, the plaintiff, and by his attorney, Joseph J. Lee, brings this action in trespass against the above named defendant upon a cause whereof the following is a statement:

(1). The plaintiff, James T. Barnes, is an individual and resides at 523 Maple Avenue, DuBois, Clearfield County, Pennsylvania.

(2). The defendant, Wilson Bakeries, is a Pennsylvania corporation with its place of business in DuBois, Clearfield County, Pennsylvania.

(3). On or about November 1, 1958, at approximately 8:00 A.M., the plaintiff owned a 1954 Model Packard Sedan which he was driving in a westerly direction on East Park Avenue near the intersection of said street and North Brady Street, DuBois, Pa.

(4). At the time and place aforesaid the defendant owned a delivery truck which was being operated by Joseph Dush on West Park Avenue near the intersection of said street with North Brady Street. The said Joseph Dush was the agent or employee, or both, of the defendant and was at the time and place aforesaid operating the said truck within the scope of his employment and with the knowledge and consent of the defendant.

(5). At the time and place aforesaid the plaintiff, at the aforesaid intersection of North Brady Street and East Park Avenue, attempted to make a left turn onto North Brady Street; at the same time the said Joseph Dush while crossing North Brady

Street did so negligently operate the said truck as to cause it to collide with plaintiff's automobile, doing extensive damage thereto as more fully set out hereinafter.

(6). The defendant, through its employee, was negligent in that:

(a). The said Joseph Dush was driving as an excessive rate of speed under the circumstances.

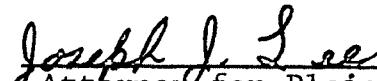
(b). He failed to operate the said truck in the proper lane of traffic, but instead crossed over into plaintiff's lane.

(c). He failed to observe the provisions of the Motor Vehicle Code.

(7). As a result of the aforesaid negligence the defendant's truck struck the front end of plaintiff's car causing damages thereto to the total amount of \$236.35, as set out in the schedule attached hereto and made a part hereof and marked Exhibit "A".

(8). The amount in controversy is less than \$2000.00.

WHEREFORE, the plaintiff demands of the defendant the sum of \$236.36, with damages for delay.



Attorney for Plaintiff

STATE OF PENNSYLVANIA :
:SS
COUNTY OF CLEARFIELD :

JAMES T. BARNES, being duly sworn according to law, de-
poses and says that the facts set forth in the within Complaint
are true and correct to the best of his knowledge, information
and belief.

X James T Barnes
(James T. Barnes)

Subscribed and sworn to before
me this 18 day of January , 1961.

Herrett I. Edner
HERRETT I. EDNER, Notary Public
DU BOIS, CLEARFIELD CO., PA.
My Commission expires Jan. 16, 1963

BOB'S BODY SHOP
MEMORANDUM OF REPAIR COSTS

NOV. 5, 1958

JAMES & ROSE M. BARNES
523 Maple Ave.

PARTS NECESSARY AND LABOR REQUIRED

1 - Grill Frame	\$47.50
1 - Parking lamp	14.00
1 - Grill ext.	6.50
1 - Grill extension plate	6.25
1 - Left front fender	60.00
1 - Left front fender moulding	7.00
1 - Head lamp assembly	23.00
1 - Bumper face bar	43.00
Repair of the bumper back bars	3.50
Repair of gravel deflector	7.00
Alignment of front end	2.50
Paint and metal	9.50
Sales tax	6.60
Total	<u>\$236.36</u>

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 3 November Term, 1960
In Trespass

JAMES T. BARNES

VS

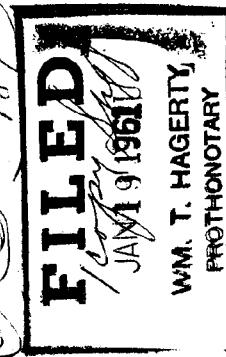
WILSON BAKERIES

C O M P L A I N T

TO THE WITHIN NAMED DEFENDANT:

You are hereby notified to
answer to the within Complaint
within 20 days of service
hereof.

Joseph J. Lee
e 187
Attorney for Plaintiff



JOSEPH J. LEE
ATTORNEY-AT-LAW
CLEARFIELD, PA.

4-50