

DOCKET NO. 174

NUMBER TERM YEAR

115 September 1961

Patsy Carfley, Catherine Carfley,

Elizabeth Carfley, and Josph Carfley

VERSUS

River Valley Construction Co., Inc.

*John H. Haggerty
Attala & Haggerty
Attala & Haggerty & Haggerty
1961*

Lap-over Margin

John H. Haggerty
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

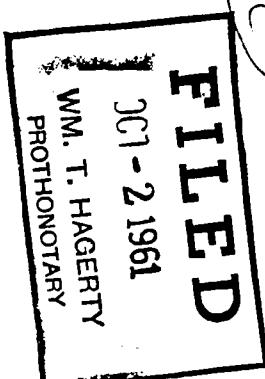
No. 115 Sept. Term, 1961
In Trespass

PATSY CAREY, ET AL

VS

RIVER VALLEY CONSTRUC-
TION COMPANY

ANSWER



SMITH, SMITH & WORK
ATTORNEYS-AT-LAW
CLEARFIELD, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PATSY CARFLEY, CATHERINE
CARFLEY, ELIZABETH CARFLEY
and JOSEPH CARFLEY

VS

No. 115 September Term, 1961

RIVER VALLEY CONSTRUCTION
COMPANY, a corporation

IN TRESPASS

A N S W E R

- (1). The averments of Paragraph 1 are admitted.
- (2). The averments of Paragraph 2 are admitted.
- (3). The averments of Paragraph 3 are neither admitted nor denied as the Defendant is without sufficient knowledge to answer the same, and strict proof is demanded thereof at the trial of the cause.
- (4). It is admitted the Defendant was constructing a sewer line on November 11, 1958. It is further admitted, however, that the Plaintiffs attempted to obstruct the said sewer line and forced the Curwensville Municipal Authority to condemn their property.
- (5). It is admitted the Defendant in the construction of said sewer line used a very small quantity of dynamite.
- (6). The averments of Paragraph 6 are denied. It is averred that if there is any damage to Plaintiff's home, which is also denied, that the same is the result of natural wear and tear and a failure to properly safeguard said home from damages of water preezing, etc. It is further averred that no damage was done to Plaintiff's property by any blasting done by the Defendant at any time. The averments as to great expense to the Plaintiffs are neither admitted nor denied as the Defendant is without sufficient knowledge to answer the same, and strict proof thereof is demanded.

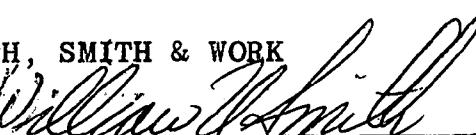
(7). The averments of Paragraph 7 are denied and strict proof is demanded thereof.

(8). The averments of Paragraph 8 are denied, and in further answer thereto it is averred that the quantities of dynamite or explosives used were in very small quantities and they did not throw debris beyond the limits of the sewer line, but were properly safeguarded with mats, etc. It is further averred that said explosives were in reasonable quantities and did not cause any damage to Plaintiffs' dwelling and if there is any damage to Plaintiffs' dwelling, which is denied, the same is the result of natural wear and tear.

WHEREFORE, Defendant denies it is indebted to Plaintiffs in any sum.

SMITH, SMITH & WORK

BY



Attys. for Defendant

STATE OF PENNSYLVANIA:

SS

COUNTY OF CLEARFIELD :

Benson H. Lingle

, being duly sworn according to law, deposes and says he is the President of RIVER VALLEY CONSTRUCTION COMPANY, a corporation, and as such President is authorized to make this Affidavit; further, that the facts set forth in the foregoing Answer are true and correct to the best of his knowledge, information and belief.

Benson H. Lingle

Sworn and subscribed to

before me this 2 day

of October, 1961

William S. Gilliland

WILLIAM S. GILLILAND, ROTARY PEELE
CLEARFIELD BOROUGH, CLEARFIELD COUNTY
MY COMMISSION EXPIRES JANUARY 7, 1963

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PATSY CARFLEY, CATHERINE
CARFLEY, ELIZABETH CARFLEY
and JOSEPH CARFLEY

VS

RIVER VALLEY CONSTRUCTION
COMPANY, a corporation

No. 115 September Term, 1961

IN TRESPASS

PRAECIPE FOR APPEARANCE

TO WILLIAM T. HAGERTY, PROTHONOTARY

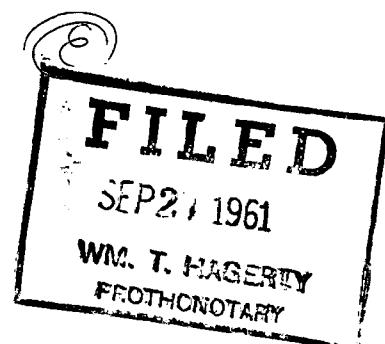
SIR:

Please enter our appearance in the above entitled
matter on behalf of the Defendant.

SMITH, SMITH & WORK

BY 
Atty's. for Defendant

Dated: September 27, 1961



IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 413 ~~414~~ May Term, 1961
IN TRESPASS

PATSY CARFLEY ET AL

VS.

RIVER VALLEY CONSTRUCTION
COMPANY, a corporation

C O M P L A I N T

To the within named
Defendant:

You are required to
plead to the within com-
plaint within twenty days
from the service of same
upon you.

John H. Boggs
John H. Boggs
Clerk of Court
485

FILED

SEP 29 1961

W. JOHN H. BOGGS
ATTORNEY AT LAW
CLEARFIELD, PA

500 Alley

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PATSY CARFLEY, :
CATHERINE CARFLEY, :
ELIZABETH CARFLEY, and :
JOSEPH CARFLEY :
VS :
RIVER VALLEY CONSTRUCTION :
COMPANY, a corporation :
: SEPT
No. 115 ~~Max~~ Term, 1961
: IN TRESPASS

C O M P L A I N T

The Plaintiffs complain of the Defendant as follows:

1. The Plaintiffs, Patsy Carfley, Catherine Carfley, Elizabeth Carfley and Joseph Carfley are residents of the Borough of Curwensville, Clearfield County, Pennsylvania.

2. The Defendant, River Valley Construction Company, is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, having its principal place of business in the Borough of Clearfield, County of Clearfield, Pennsylvania.

3. At all times material to this cause of action, the Plaintiffs were the owners of the following described parcel of real estate situated in the Borough of Clearfield, County of Clearfield, Pennsylvania:

BEGINNING at a post, corner of lot now or formerly of James Cassidy lot, on the North

Side of Grampian Road; thence by said road westward fifty (50) feet to a post at corner of lot now or formerly of Mrs. S. P. Smith; thence Northward by same one hundred and sixty-nine (169) feet to a post at a twenty foot alley; thence Eastward, by said alley, fifty (50) feet to a post at corner of said Cassidy lot; thence by same, Southward, one hundred and seventy-five (175) feet to post and place of beginning.

4. On or about November 11, 1958, the Defendant was excavating and constructing a sewer line in the rear of the premises owned by the Plaintiffs, and which right-of-way for said sewer line had heretofore been condemned by the Curwensville Municipal Authority in pursuance of the Acts of Assembly of the Commonwealth of Pennsylvania.

5. When the Defendant was excavating for said sewer line at the time and place aforesaid, it employed the use of dynamite for the purpose of blasting and making an excavation for the said sewer line.

6. As a result of the blasting with dynamite by the Defendant in the excavation of the trench for a pipe line, the southwest portion of the cellar wall of the plaintiffs' home was cracked and damaged by the said explosion; the plaster in the dining room, living room and kitchens of the Plaintiffs' home was also cracked and destroyed and blown from the walls of the said room; the baseboard and wooden trim in the said rooms were also torn from their position by the said blasting; the floor and subflooring

in the rooms referred to above, settled from its original position; a four-inch terra cotta sewer line for surface water was cracked and destroyed as a result of the said explosion; the repairs and replacing of the said items necessitated great expense to the Plaintiffs.

7. The Plaintiffs sustained the following loss from the said explosion:

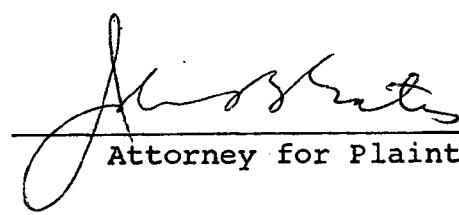
a. Plastering	\$225.00
b. Paint	46.00
c. Labor	
Painting 10 hours	20.00
d. Carpenter work	
4 hours	8.00
e. 18 joints of 4" tile	15.30
f. Labor - digging ditch	
replacing tile	
6 hours	12.00
g. Repairing Masonary wall, including concrete footers	300.00
h. Cleaning up debris and restoring landscape	<u>54.00</u>
	\$680.30

8. The Defendant was negligent in the following respects:

- a. In using dynamite and explosives in excessive quantities so as to throw debris beyond the limits of the sewer line.
- b. In using dynamite and explosives in excessive quantities so as to damage the foundation, walls, woodwork and plaster in the Plaintiffs' dwelling

WHEREFORE, the Plaintiffs request damages of the

Defendant as hereinbefore listed with interest from the date
of damage.



Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :
: SS :
COUNTY OF CLEARFIELD :
:

Joseph Carfley, being duly sworn according to law, deposes and states that the facts stated in the foregoing complaint are true and correct to the best of his knowledge, information and belief.



Sworn to and subscribed before me
this 10th day of July, 1961.



PROTHONOTARY
My Commission Expires
1st Monday Jan. 1982

Affidavit of Service

Patsy Carfley et al

vs.

River Valley Const, Co

}

No. 115 Sept 61 Term, 19 61

Complaint In Trespass

Returnable within _____ days
from date of service hereof.

NOW Sept 21, 19 61 at 11:15 o'clock A.M.

served the within Complaint In Trespass

on River Valley Const Co.

at place of business 313½ Spruce Street, Clearfield, Pa.

by handing to Mrs Gilliland Office Secretary for River Valley Const, Co
a true and attested copy of the original Complaint In Trespass and made
known to her the contents thereof.

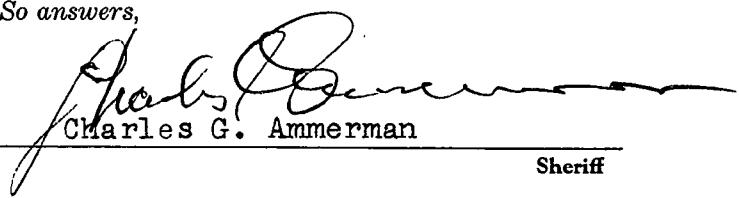
Costs. Sheriff Ammerman \$8.50
(Paid by Atty Gates)

Sworn to before me this 21st

day of Sept A. D. 19 61

M. M. G. Wagner
Prothonotary

So answers,


Charles G. Ammerman
Sheriff

