

DOCKET NO. 174

NUMBER	TERM	YEAR
<u>146</u>	<u>September</u>	<u>1961</u>

Christiana Mae Brown

Paul Brown

VERSUS

Donald Bloom

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTIANA MAE BROWN, and

PAUL BROWN, her husband

VS.

DONALD BLOOM

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:
:
:

:No. 146, September Term, 1961

C O M P L A I N T

First Count - CHRISTIANA MAE BROWN VS DONALD BLOOM

Now to wit this 6 day of December, 1961 comes the Plaintiff and by their attorney, Edward T. Kelley brings this action of trespass against the Defendant to recover damages justly due and payable upon a cause of action whereof the following is a statement:

1. The plaintiff's are husband and wife residing in Pike Township, Clearfield County, Pennsylvania, their residence being on Highway Route 453, one half mile South of Curwensville, Pennsylvania.

2. The defendant is an individual residing at New Millport, Pennsylvania and on the 23rd day of June, 1961, was driving a Chevrolet Sedan down hill from Bloomington towards Curwensville on Route 453.

3. On the said day and time, the Plaintiff, Christiana Mae Brown in the exercise of due and proper care, came down from her residence to the road, and stood at the edge of the road preparing to walk across the road.

4. The defendant did then and there, at the said time and place so negligently and carelessly drive and run his Chevrolet automobile which was then and there under the control of and being operated by the defendant, that it ran into and knocked the plaintiff, Christiana Mae Brown, down while she was standing at the side of the road, causing injuries hereinafter set forth.

5. The said negligence and carelessness of the Defendant acting as aforesaid consisted inter alia:

(a) The defendant did operate his auto at a high and excessive rate of speed under the circumstances.

(b) He did fail to have said automobile under proper and adequate control at the time.

(c) He did fail to give proper and sufficient warning of the approach of said automobile.

(d) He did operate said automobile without due regard for the rights, safety, and position of Christiana Mae Brown, at the point aforesaid.

(e) With the plaintiff in full view, the defendant operated said car so negligently and carelessly that it was brought into forcible and violent contact with the plaintiff.

(f) With the plaintiff in full view at the edge of the road and the whole road to pass, the defendant so maneuvered his car that his rear fender side swiped the plaintiff where she was standing at the edge of the road causing the injuries hereinafter set forth.

(g) The defendants braking system was defective when used in connection with a smooth rear tire, and when the brakes were applied it caused a swerving responsible for the accident.

6. By reason of the aforesaid, the said Christiana Mae Brown suffered:

(a) A laceration of the right forehead and a fracture of the skull into the right temporal bone.

(b) A loss of sight in the right eye caused by the lens of the right eye being dislocated into the vitreous.

(c) (Left leg) - Severely comminuted fractures of the midtibia and fibula shafts, and incomplete fracture of the fibular head as well as a complete oblique fracture of the distal fibula at the ankle;

also necessitating an open reduction of the left leg when the fracture of the tibia was reduced, and fixed with five metallic screws and incased in a cast.

(d) (Right leg) - Severely comminuted fractures of the proximal tibia and fibula and fracture of the lateral tibial plateau. Fibula shows incomplete fracture of the lateral malleolus (ankle) causing limitation of motion and a stiff right knee.

(e) Ecchymosis of the lower abdominal region and the right hip area.

(f) Severe shock to her entire nervous system, and confusion of her mental process.

7. By reason of the aforesaid, Christiana Mae Brown was confined in the Clearfield Hospital from the 23rd day of June, 1961 to the 21 day of October, 1961 when she was removed to her home.

8. As a result of the unhealed condition of her leg, it was necessary on the 27th day of October, 1961 to return the plaintiff, Christiana Mae Brown, to the Clearfield Hospital, because she had developed osteomyelitis at the fracture site of the wound in the left leg. She was re-operated on November 1, 1961, and the old wound of the left leg was opened up, and the three bone screws removed and the fragments of bone were removed, and the wound was packed. The wound is large, and discharges pus, and it will take an indefinite period to heal.

9. The right leg at the time of the 2nd operation was still in the cast, and while it showed some healing, it is not sufficiently healed to remove from the cast.

10. After the healing period, which is indefinite, there will be a long period of rehabilitation for both legs involving physio therapy for both of the lower extremities to strengthen the muscles and to loosen the joints that have become stiff as a result of the treatment necessary to cure the wounds of the accident.

11. As a result of the accident, Christiana Mae Brown has suffered and will continue in the future to suffer great pain

and agony and she has been and will in the future be hindered and prevented from attending to her daily duties, to her great damage and loss, for which suffering, pain and disability she asks damages in excess of \$5,000.00.

SECOND COUNT

PAUL BROWN VS DONALD BLOOM

12. The plaintiff, Paul Brown, incorporates by reference the allegation contained in Paragraphs 1 to 11 inclusive, as fully as though the same were here set forth at length.

13. Solely because of the negligence of the defendant hereinbefore alleged Paul Brown, as husband of Christiana Mae Brown has been, and will in the future be obliged to expend large and various sums of money for medical, hospital, and nursing attention in and about curing his wife of her injuries.

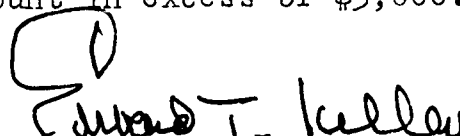
14. That up to date, the bills have been as follows:

Clearfield Hospital - To October 25, 1961	\$1867.85
" " Dressings -	12.50
" " X Rays -	75.00
" " Physio Therapy -	
Dr. Waterworth -	25.00
Dr. Bacharach -	10.00
Ambulance -	
Medicine -	
Dr. Pease - To October 25, 1961	655.00

15. That it will be necessary to transport Christiana Mae Brown in an ambulance two to four times per week for dressing and medication at considerable extra expense, together with additional hospital, doctor, and medical and nursing bills to an indefinite period in the future.

16. By reason of the aforesaid Paul Brown has been, and will in the future be deprived of the assistance and society of his said wife, all of which has been and will in the future be to his great financial damage and loss.

WHEREFORE, each of the Plaintiff's claims damages from the defendant in amounts in each count in excess of \$5,000.00.



Attorney for the Plaintiff

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF CLEARFIELD : SS.
:

CHRISTIANA MAE BROWN, and PAUL BROWN, her husband, being
duly sworn according to law deposes and says, that the facts set
forth in the foregoing Complaint are true and correct, according
to the best of their knowledge, information and belief.

Christiana Mae Brown
CHRISTIANA MAE BROWN

Paul Brown
PAUL BROWN

Sworn and subscribed to
before me this 6th day of
December, 1961

Claude J. Bloom
Notary Public Justice of the Peace

My comm. expires: _____
Notary Public, Commission Expires 1962

True Substant

COMPLAINT

146 Sept 1961

CHRISTIANA MAE BROWN, and
PAUL BROWN, her husband

VS

DONALD BLOOM

IN THE COURT OF COMMON PLEAS
OF CLARKEFIELD COUNTY, PENNA.
NO. 146, September Term, 1961

TO THE WRITEN *Defendant*
YOU ARE REQUIRED TO FILE

an answer

TO *this Complaint*

WITHIN *10* DAYS FROM

RECEIPT OF *Edward T. Kelley*

ATTORNEY FOR *for per*

FILED

EDWARD T. KELLEY
ATTORNEY AT LAW
CLARKEFIELD, PENNA.
PROthonotary

Dec. 6, 1961
James accepted
Boof Substant
By Paul Substant
Atty for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHRISTIANA MAE BROWN, and
PAUL BROWN, her husband

VS

DONALD BLOOM

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: No. 146 September Term, 1961
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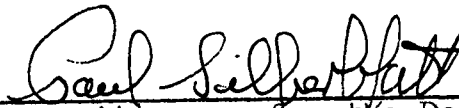
STIPULATION OF COUNSEL

It is hereby stipulated and agreed between counsel for
the plaintiff and counsel for the defense as follows:

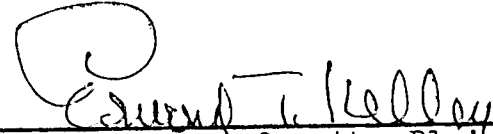
1. That paragraph 6 (f) be eliminated, and the following
substituted therefore:

6 (f) Confusion of her mental processes at cer-
tain times of the day as to her location and iden-
tity of her friends.

2. That the defendant, Donald Bloom, is a minor,
and will not be 21 until May, 1962, and it is
hereby stipulated and agreed that the mother of
Donald Bloom, namely, ^{GERALDINE} ~~GERALDINE~~ Bloom, shall be
named as his guardian in the proceedings without
further petition or filing of papers.



Attorney for the Defendant



Attorney for the Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSA.
No. 146 September Term, 1961

CHRISTIANA MAE BROWN, and
PAUL BROWN, her husband

VS

DONALD BLOOM

STIPULATION OF COUNSEL

EDWARD T. KELLEY
ATTORNEY AT LAW
CLEARFIELD, PA.

CHRISTIANA MAE BROWN

PAUL BROWN

VERSUS

DONALD BLOOM

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

No. 146 Term September 1961

To William T. Hagerty

Prothonotary.

Sir: Enter our appearance for Donald Bloom, Defendant

in above case.

October 11, 1961

BELL, SILBERBLATT & SWOOPE
By Paul Silberblatt

Attorney for Defendant

No. 46 Term September 19 61

Christiana Mae Brown

Paul Brown

vs.

Donald Bloom

APPEARANCE

For Defense

FILED
JCT 11 1961
WM. T. HAGERTY
BELL, SILVERMASTER & COPE
Clearfield Trust Co. Bldg.
Clearfield, Penna.

Paul Brown

VERSUS

Donald Broom

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

No. 146 Term September 19 61

To Carl E. Walker

Prothonotary.

Sir: XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXX
Enter _____ appearance for _____ Upon Payment of costs,

kindly mark thw above matter settled and discontinued.

UNSUBVEXGABE.

Edward T. Kelley

Attorney for Plaintiffs

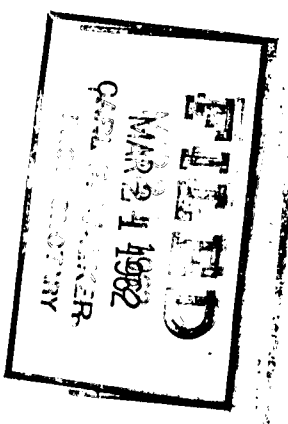
No. 146 Term Days 19 61

vs.

APPEARANCE

For _____

Q/R/Alone



Affidavit of Service

Cristiana Mae Brown
Paul Brown
vs.

Donald Bloom

No. 146 Sept Term, 19 61

Summons

Returnable within _____ days
from date of service hereof.

NOW October 3, 19 61 at 7:10 o'clock P.M.

served the within Summons

on Donald Bloom

at Place of residence, RD, Millport, Pa.

by handing to Geraldine Bloom. an adult member of the family being the
mother of Donald Bloom

a true and attested copy of the original Summons and made

known to her the contents thereof.

Costs. Sheriff Ammerman \$10.50
(Paid by atty Kelley)

Sworn to before me this 5th

day of October A. D. 19 61

Wm T. Nagarty
Prothonotary

So answers,

Charles G. Ammerman
Charles G. Ammerman

Sheriff

SUMMONS

Commonwealth of Pennsylvania
County of Clearfield

To Donald Bloom

You are notified that Christiana Mae Brown and Paul Brown

the plaintiffs, have commenced an action in Summons in Trespass
against you which you are
required to defend:

Date September 27, 1961

John T. Hagerty
Prothonotary.

No. 146 Sept. Term 19 61

Christiana Mae Brown

Paul Brown

versus

Donald Bloom

SUMMONS

Edward T. Kelley

Attorney

FILED

OCT - 5 1961

WM. T. HAGERITY
PROTHONOTARY

CHRISTIANA MAE BROWN and PAUL
BROWN, her husband
VERSUS
DONALD BLOOM, Curwensville, Pa.

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

No. 146 Term Sept 19 61 /

To William T. Hagerty
Prothonotary.

Sir: Enter _____ appearance for Issue summons in Trespass in the
above case returnable sec lag.

27 Sept '61
in above case.

Edward T. Kelley

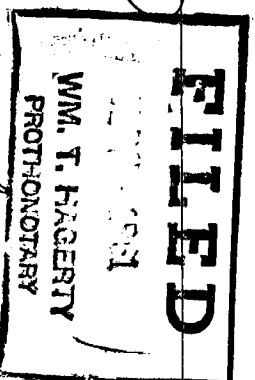
Attorney for CHRISTIANA MAE BROWN and PAUL BROWN

No. 46 Term Sept 19 41

VS.

APPEARANCE

For David.



450 pX
200 due >

Christiana Mae Brown

Paul Brown

VERSUS

Donald Bloom

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

No. 146 Term Sept 1961

To Wm T Hagerly
Prothonotary.

Sir: Enter appearance for

Place the above case on the next trial list.

in above case.

Steven T. Kolb

Attorney for DJJ.

No. 146 Term

Sept 1961

VS.

APPEARANCE

For

(3)

FILED
JAN 10 1962
CARL E. WALKER
PROTHONOTARY