

DOCKET NO. 174

NUMBER	TERM	YEAR
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280	May	1961
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Charles Shanta

VERSUS

Yvonne Hugney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

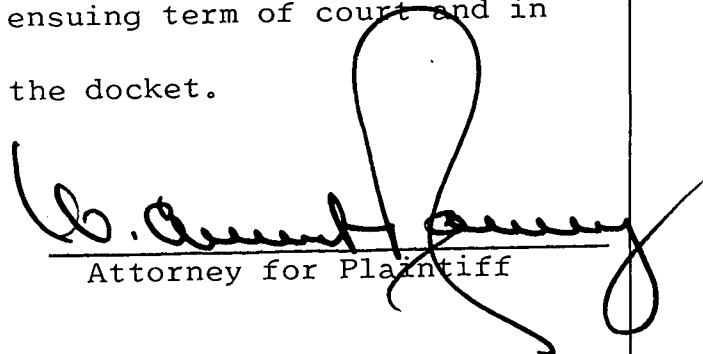
CHARLES SHANTA : No. 280 May Term, 1961
vs : IN TRESPASS
YVONNE HUGHNEY :

PRAECIPE

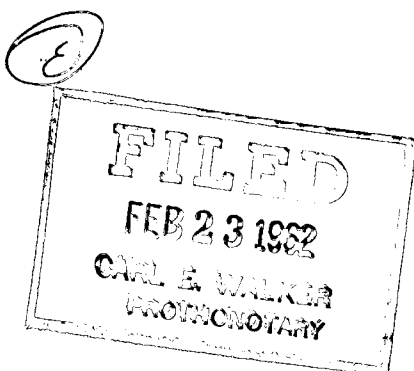
To: William T. Hagerty, Prothonotary

Sir:

Prothonotary is directed to place the above styled case
on the trial list for the next ensuing term of court and in
the order of its appearance on the docket.


Attorney for Plaintiff

Feb 23, 1962
~~December 21, 1961~~



Charles Shanta

VERSUS

Gwonne Hugney

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

No. 280 Term May 19 1961

To Carl E. Walker

Prothonotary.

Sir: Enter

appearance for

Mark the
above case settled and
discontinued upon payment
of cost

in above case.

Gleason Cherry & Cherry

Attorney for by Edward V. Cherry

W. Hunt
Attorney for intervenors

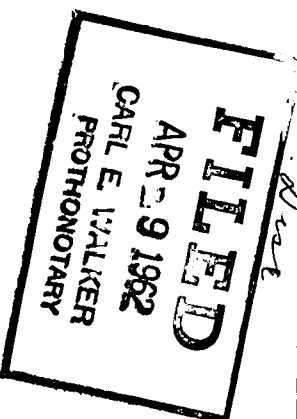
No. _____ Term _____ 19__

vs.

APPEARANCE

For _____

C/E Jare



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHARLES SHANTA, Plaintiff :
 : No. 280 May Term, 1961
vs :
 : IN TRESPASS
YVONNE HUGNEY, Defendant :

PETITION TO INTERVENE

To: The Honorable John J. Pentz, President Judge of said Court:

American Automobile Insurance Company and Resolute Insurance Company, by their joint attorney, W. Albert Ramey, Esq., respectfully petition your Honorable Court for a Rule on the Plaintiff, Charles Shanta, to show cause why American Automobile Insurance Company and Resolute Insurance Company should not be permitted to intervene in this action for the following reasons:

1. American Automobile Insurance Company and Resolute Insurance Company are not parties to this action and wish to intervene as parties plaintiff because:

(a) The determination of such action may affect the legally enforceable interests of the petitioners.

(b) The petitioners were insurors, under contract of insurance between petitioners and Charles Shanta, plaintiff, against loss resulting to plaintiff's motor vehicle.

(c) The damages to plaintiff's automobile as a result of the collision as averred in Paragraph 10 of Plaintiff's Complaint, was \$636.59.

(d) Petitioners have paid said amount to Charles Shanta, Plaintiff, and/or to the party making repairs thereto,

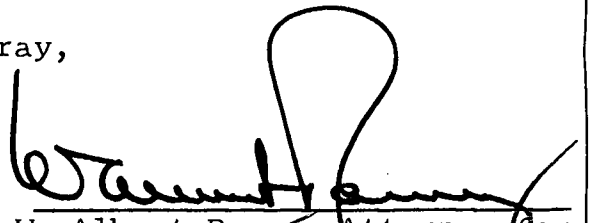
less deductible features of said policies.

2. If petitioners are permitted to intervene, they will demand payment in full of their subrogation rights out of any funds resulting from the collection of a judgment that may be rendered in favor of the plaintiff and/or out of any settlement that might be made between the Plaintiff and the Defendant.

3. If petitioners are permitted to intervene, they will adopt the pleadings presently filed by Charles Shanta, Plaintiff.

WHEREFORE, your petitioners pray for the issuance of a Rule on Charles Shanta, Plaintiff, to show cause why petitioners should not be permitted to intervene in this action and for a stay of all proceedings until final disposition of the petition of petitioners herein.

And they will ever pray,



W. Albert Ramey, Attorney for
American Automobile Insurance
Company and Resolute Insurance
Company

STATE OF PENNSYLVANIA:

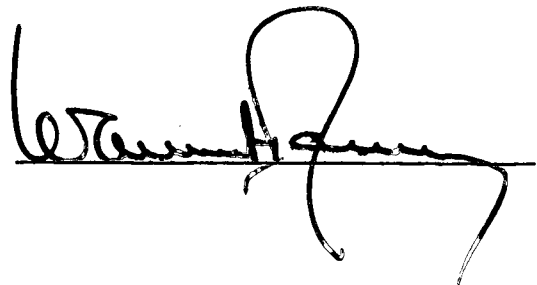
: SS:

COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared W. ALBERT RAMEY, who, being duly sworn according to law, deposes and says that he is Attorney for American Automobile Insurance Company and Resolute Insurance Company, and that he has authority to make this Affidavit, and that the facts set forth in the within Petition to Intervene are true and correct to the best of his knowledge, information and belief.

Sworn to and subscribed before :

me this 12th day of June, 1961 :



Wm. L. Slagter :

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

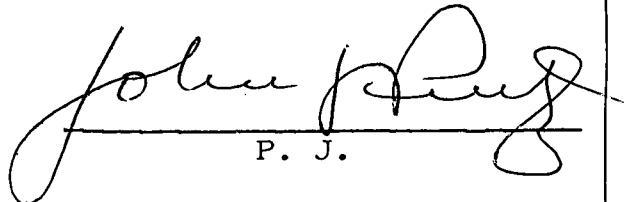
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHARLES SHANTA, Plaintiff	:	
	:	No. 280 May Term, 1961
vs	:	
	:	IN TRESPASS
YVONNE HUGNEY, Defendant	:	

ORDER OF COURT

AND NOW, June 12 1961, all proceedings are stayed until final disposition of the petition of American Automobile Insurance Company and Resolute Insurance Company to intervene in this action, and a Rule is granted to show cause why American Automobile Insurance Company and Resolute Insurance Company should not be permitted to intervene in this action. Rule returnable to June 16th, 1961, at 10 o'clock.

By the Court,


P. J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. No. 280 May Term, 1961	
CHARLES SHANTA, Plaintiff vs YVONNE HUGNEY, Defendant	
PETITION TO INTERVENE	
<div>FILED JUN 12 1961 WM. T. HAGERITY PROTHONOTARY</div> <div>W. ALBERT RAMEY ATTORNEY AT LAW CLEARFIELD, PENNA.</div>	

Service by copy accepted this
12th day of June, 1961.

Gleason Cherry Cherry
By John A. Cherry

6-9-61

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHARLES SHANTA,
Plaintiff

vs.

YVONNE HUGHNEY,
Defendant

No. 280 May 2, 1961

COMPLAINT IN TRESPASS

CHARLES SHANTA, Plaintiff, claims of YVONNE HUGHNEY, Defendant, the damages hereinafter demanded upon a cause of action whereof the following is a statement:

1. Plaintiff is a resident of the City of Philadelphia, Philadelphia County, Pennsylvania.

2. Defendant is a resident of Covington Township, Clearfield County, Pennsylvania.

3. Route 879 is a public thoroughfare in the Township of Covington, Clearfield County, Pennsylvania, running generally in an easterly and westerly direction.

4. On or about August 27, 1959, at about 7:40 a.m., plaintiff, Charles Shanta, was lawfully and carefully driving his automobile in an easterly direction along Pennsylvania Route 879, in the Township of Covington, Clearfield County, Pennsylvania, at or near the vicinity of Frenchville; said point being twenty (20) miles east of the City of Clearfield, Clearfield County, Pennsylvania.

5. At or about the same time, defendant, Yvonne Hughney, was operating a motor vehicle from and out of a certain gas station driveway; said gas station being situate on Pennsylvania Route 879.

6. As the plaintiff was proceeding as aforesaid, all of which was in a careful and diligent manner, defendant, without warning and without regard for the rights of plaintiff and others using the highway, drove her automobile out of the private driveway of the gas station and into the path of plaintiff's motor vehicle, all of which resulted in severe and serious injuries and damages as hereinafter set forth.

7. The injuries and damages hereinafter set forth were caused solely by and were the direct and proximate result of the negligence of the defendant in the following respects:

- (a) In operating the vehicle at a high, dangerous and reckless speed under the circumstances;
- (b) In failing to have the vehicle under proper control;
- (c) In continuing to operate the vehicle in a direction towards the plaintiff when its operator saw, or in the exercise of reasonable diligence, should have seen that further operation in that direction would result in a collision;
- (d) In that the driver was inattentive and failed to maintain a sharp lookout of the road and the condition of traffic surrounding her;
- (e) In failing to sound a horn or give other warning of the approach of the vehicle;
- (f) In failing to maintain the vehicle in a proper mechanical condition;
- (g) In failing to operate the brakes in such a manner so that the vehicle could be stopped before colliding with the plaintiff's vehicle;

(h) In failing to observe that care and caution required under the circumstances;

(i) In failing to properly inspect the vehicle to determine any mechanical defects;

(j) In violating the various statutes and municipal ordinances pertaining to the operation of motor vehicles on public thoroughfares under the circumstances;

(k) In driving on the wrong side of the highway;

(l) In failing to yield the right of way to the plaintiff.

8. Solely as the result of the negligence of the defendant as aforesaid, plaintiff sustained the following injuries all of which are or may be of a permanent nature: injuries to the bones, muscles, tissues and ligaments of his head and back, more specifically, post traumatic neurosis and lumbo sacral sprain, and internal injuries; shock and injury to the nerves and nervous system; and other severe and serious injuries.

9. As a result of the injuries as aforesaid, plaintiff has sustained the following damages:

(a) He has suffered and will suffer great pain, suffering, inconvenience, embarrassment and mental anguish;

(b) He has been and will be required to expend large sums of money for surgical and medical attention, hospitalization, medical supplies, surgical appliances, medicines and attendant services;

(c) He has been and will be deprived of his earnings;

(d) His earning capacity has been reduced and permanently impaired;

(e) His general health, strength and vitality have been impaired.

10. As a further result of the negligence of the defendant as aforesaid, the said automobile of the plaintiff was damaged in and around the body, frame, fender, doors and various other parts of the automobile. Plaintiff was obliged to have his automobile repaired, and the amount of said repairs was. \$636.59 as per Exhibit "A" attached. Plaintiff further was deprived of the use of his said automobile for some time and said automobile has depreciated in value.

WHEREFORE, plaintiff brings this suit to recover damages in excess of FIVE THOUSAND (\$5,000.00) DOLLARS.

GLEASON, CHERRY & CHERRY

By Anthony J. Guido

James A. Cherry
Attorneys for Plaintiff

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF ALLEGHENY)

ss.

Before me, the undersigned authority, personally appeared CHARLES SHANTA, who,,being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

Charles Shanta

Sworn to and subscribed before me

this 20th day of October, 1960.

Dorothy J. Parker
Notary Public

DOROTHY J. PARKER, Notary Public
Pittsburgh, Allegheny County, Pa.
My Commission Expires March 20, 1963

PAINT THAT STAYS ON
112 E. Market St.
CLEARFIELD, PA.

Z. 13

MATERIAL USED

ADAMS PAINT AND BODY SHOP

"PAINT THAT STAYS ON"
112 E. Market St.
CLEARFIELD, PA.

N^o 135

RO 534-U

NAME <i>Charles Shanta</i>		RECEIVED <i>8-28-59</i>		DATE <i>9-10-</i>	
ADDRESS <i>230 W Market St.</i>		PROMISED P.M.		CUSTOMER'S ORDER	
CITY <i>Clearfield Pa</i>		TERMS		ORDER WRITTEN	
MAKE <i>Ply</i>		TYPE OR MODEL <i>4 door</i>		YEAR <i>58</i>	
SER. NO.		MTR. NO.		LICENSE NO. <i>724-258</i>	
OPER. NO.		INSTRUCTIONS		SPEEDOMETER	
<i>Install Paint necessary</i> <i>Repair Frame</i> <i>2 F-door</i> <i>Align Front End</i> <i>Time Motor</i> <i>Bleed Brakes Hold Fluid</i> <i>undercoating</i>					
<i>Paid in full</i> <i>Sept 27, 1959</i>					
I hereby authorize the above repair work to be done along with the necessary material, and hereby grant you and/or your employees permission to operate the car or truck herein described on streets, highways or elsewhere for the purpose of making and/or inspection. An express mechanic's lien is hereby acknowledged on above car or truck to secure the amount of repairs shown.					
X _____					
NOT RESPONSIBLE FOR LOSS OR DAMAGE TO CAR OR ATTACHED LEFT IN CASE IN CASE OF FIRE, THEFT OR ANY OTHER DAMAGE.		GAS, OIL AND GREASE PRICE		F. S.	
GAS, OIL AND GREASE PRICE		GAS, OIL & GREASE SUBLET REPAIRS		TAX	
TOTAL GAS, OIL AND GREASE		TOTAL AMOUNT		TOTAL AMOUNT	
TOTAL GAS, OIL AND GREASE		TOTAL AMOUNT		TOTAL AMOUNT	

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA.
No. *250 May 1961*

CHARLES SHANTA,
Plaintiff

vs.

YVONNE HUGNEY,
Defendant

COMPLAINT IN TRESPASS

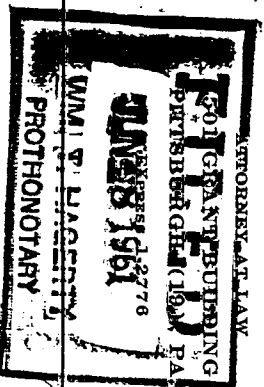
TO THE WITHIN NAMED DEFENDANT:

You are hereby notified
to plead to the enclosed
Complaint within 20 days from
service hereof.

GLEASON, CHERRY & CHERRY
By *William T. Hagerty*
Attorneys for Plaintiffs

GLEASON & CHERRY
Attorneys at Law
Dubois, Pennsylvania

JAMES A. ASHTON



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHARLES SHANTA,)	
Plaintiff)	
vs.)	No. 280 May Term, 1961
YVONNE HUGHNEY,)	
Defendant)	

AMENDED COMPLAINT

AND NOW comes plaintiff, CHARLES SHANTA, by his attorneys, James A. Ashton and Gleason, Cherry and Cherry and amends his Complaint as follows:

1. Paragraph 8 of plaintiff's Complaint is amended to read as follows:

8. Solely as the result of the negligence of the defendant as aforesaid, plaintiff sustained the following injuries all of which are or may be of a permanent nature: lumbosacral sprain and post traumatic neurosis.

2. Paragraph 9 of plaintiff's Complaint is amended to read as follows:

9. As a result of the injuries as aforesaid, plaintiff has sustained the following damages:

(a) He has suffered and will suffer great pain, suffering, inconvenience, embarrassment and mental anguish;

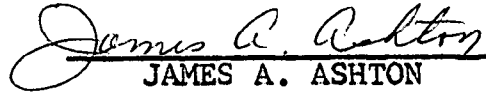
(b) Plaintiff has been required to expend the following sums of money:

Dr. Richard L. Wechsler	\$125.00
Montefiore Hospital	4.00
Drugs	20.00

(c) Plaintiff has lost the sum of approximately \$2,000.00 in earnings from the date of this accident to the present time.

(d) His earning capacity has been reduced
and permanently impaired;

(e) His general health, strength and vitality
have been impaired.


JAMES A. ASHTON

GLEASON, CHERRY & CHERRY

By 
Attorneys for Plaintiff

COMMONWEALTH OF *PENNSYLVANIA*
COUNTY OF *DELAWARE*

Before me, the undersigned authority, personally appeared CHARLES SHANTA, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Amended Complaint are true and correct to the best of his knowledge, information and belief.

Charles Shanta

Sworn to and subscribed before
me this 12 day of AUGUST,
1961.

John D. Polanski
Notary Public

JOHN D. POLANSKI, NOTARY PUBLIC
MIDDLETOWN TOWNSHIP, DELAWARE COUNTY
MY COMMISSION EXPIRES JANUARY 23, 1963.

Service accepted 8-31-61
James A. Ashton
Attorney for

Charles Shanta
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 280 May Term, 1961

CHARLES SHANTA,
Plaintiff

vs.

YVONNE HUGHNEY,
Defendant

AMENDED COMPLAINT

To the within defendant...
You are hereby notified to plead to the
within pleading within 20 days from
service hereof.

James A. Ashton
Attorney () for Plaintiff

GLEASON, CHERRY & CHERRY
JAMES A. ASHTON
FILED
Attorney at Law
Pittsburgh 19, Pa.
AUG 21 1961
Court 1-2875
WM. T. HAGERITY
PROTHONOTARY

CHARLES SHANTA, Plaintiff

VERSUS

YVONNE HUGNEY, Defendant

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

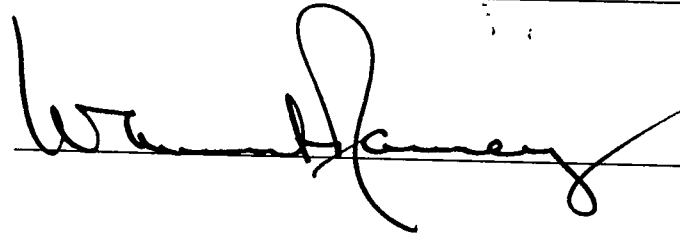
No. 280 Term May 19 61

To William T. Hagerty

Prothonotary.

Sir: Enter my appearance for Resolute Insurance Company,
Subrogee

in above case.



Attorney for Resolute Insurance Company,
Subrogee

No. 280 Term May 19 61

CHARLES SHANTA, Plaintiff

vs.

YVONNE HUGNEY, Defendant

APPEARANCE

For Resolute Insurance Company
Subrogee

FILED
JUN 1 1961
Wm. T. HIGGINS
PROTONAGERY

CHARLES SHANTA, Plaintiff

VERSUS

YVONNE HUGNEY, Defendant

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

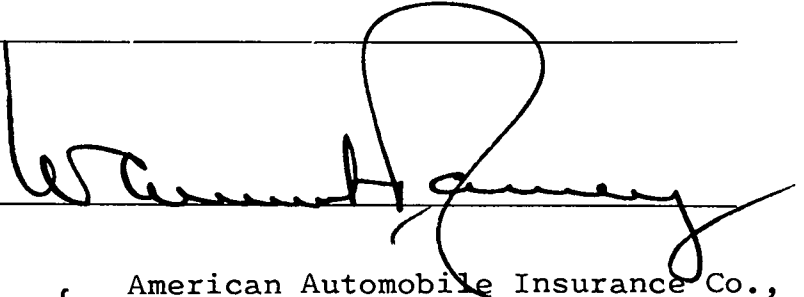
No. 280 Term May 19⁶¹

To William T. Hagerty

Prothonotary.

Sir: Enter my appearance for American Automobile Insurance
Company, Subrogee

in above case.


Attorney for American Automobile Insurance Co.,
Subrogee

No. 280 Term May 19 61

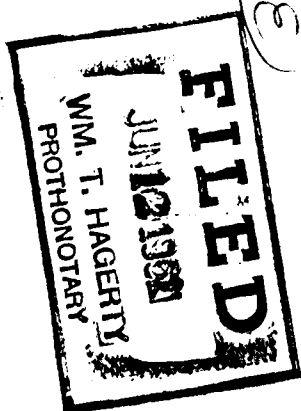
CHARLES SHANTA, Plaintiff

vs.

YVONNE HUGNEY, Defendant

APPEARANCE

For American Automobile Insurance
Company, Subrogee



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHARLES SHANTA :

VS :

YVONNE HUGNEY :

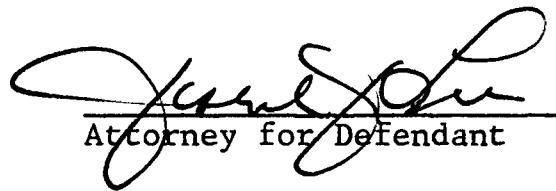
: No. 280 May Term, 1961
:
:

PRAECIPE FOR APPEARANCE

TO WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

Please enter my appearance for the defendant in the above
case.


Attorney for Defendant

Dated: June 13, 1961

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 280 May Term, 1961

CHARLES SHANTA

VS

YVONNE HUGNEY

PRAECIPE FOR APPEARANCE

In the Court of Common Pleas of Clearfield County, Pa.

Charles Shanta
vs
Yvonne Hugney

No 280 May Term 1961

Complaint In Trespass

* * * * *
(Sheriff's Return)

Now, June 10, 1961 at 10:00 O'Clock A.M. served the within Complaint in Trespass on Yvonne Hugney at place of residence, Covington Township Clearfield County, Pa., 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 \$13.20
(Paid by Attys G.C.C.G.)

So Answers,

Charles G. Ammerman
Charles G. Ammerman
Sheriff

Sworn to before me this 12th
day of June 1961 A.D.

Wm T. Hagerty

Prothonotary.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHARLES SHANTA, Plaintiff

:

No. 280 May Term, 1961

vs

:

IN TRESPASS

YVONNE HUGNEY, Defendant

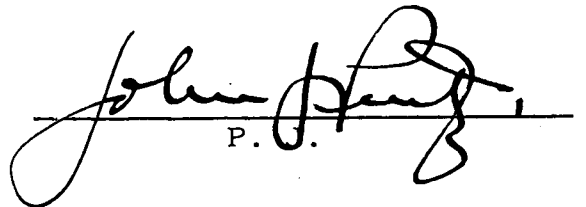
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ORDER OF COURT

NOW, ~~July~~ ^{June 26th} _____, 1961, no Answer having been made to the

Rule issued on Charles Shanta to show cause why American Automobile Insurance Company and Resolute Insurance Company should not be permitted to intervene in this action and for a stay of all proceedings until final disposition of the Petition, and the return day of said Rule having expired, IT IS ORDERED that American Automobile Insurance Company and Resolute Insurance Company are permitted to intervene in this action as parties plaintiff upon the terms set forth in the Petition for Intervention and the Order staying all proceedings until final disposition of the Petition to Intervene is now removed, and no hearing on the Petition is required.

By the Court,


P. J.

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

No. 280 May Term, 1961

CHARLES SHANTA, Plaintiff

VS

YVONNE HUGNEY, Defendant

ORDER OF COURT

W. ALBERT RAMEY
ATTORNEY AT LAW
CLEARFIELD, PENNA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHARLES SHANTA, Plaintiff :

VS. : No. 280, May Term, 1961

Yvonne Hughney, Defendant :

PRELIMINARY OBJECTIONS

COMES NOW, the defendant, and by counsel, files these preliminary objections to the Complaint:

MOTIONS FOR MORE SPECIFIC PLEADINGS

(1). Defendant moves the Court to require the plaintiff to plead specifically to the following in Paragraph 8 of the Complaint:

(a). Require the plaintiff to state specifically which bones, muscles and ligaments of his head and back were injured, and the nature thereof.

(b). Require the plaintiff to state the exact extent and nature of the internal injuries allegedly received.

(c). Require the plaintiff to plead the exact nature of the shock allegedly received.

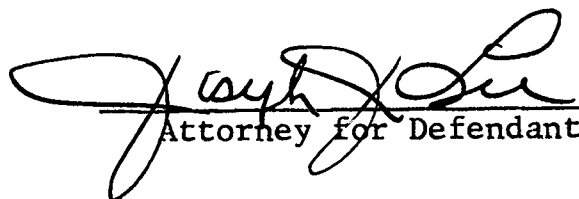
(d). Require the plaintiff to plead the exact nerves which were allegedly injured.

(e). Require the plaintiff to plead the precise nature of the injury to his nervous system allegedly received.

(f). Require the plaintiff to state precisely the location and nature of the other severe and serious injuries allegedly received.

(2). Defendant moves the Court to require the plaintiff to plead specifically to the following in Paragraph 9 of the Complaint:

- (a). Require the plaintiff to state precisely and accurately the amount of money allegedly spent for surgical and medical attention, hospitalization, medical supplies, surgical appliances, medicines, and attendant services from the date of the alleged accident to the date said amendment is required.
- (b). Require the plaintiff to state precisely what earnings he has allegedly been deprived of since the date of the accident up until the required amendment.


Attorney for Defendant

Service accepted this 26th day of June
1961

Gleason, Cherry & Cherry
by Anthony J. Guido
Attorneys for Plaintiff

Anthony J. Guido

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA. No. 280, May Term, 1961
CHARLES SHANTA, Plaintiff VS. YVONNE HUGHNEY, Defendant
PRELIMINARY OBJECTIONS
<div>FILED JUN 27 1961 WILLIAM H. HOLLAND, JR. PROthonotary</div> <div>JOSEPH J. LEE ATTORNEY-AT-LAW CLEARFIELD, PA.</div>