

DOCKET NO. 174

NUMBER TERM YEAR

345 September 1961

Lawrence B. Crawford

VERSUS

Orloff F. Lake

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

Lawrence B. Crawford
vs
Orloff F. Lake

No. 345 September 1961
Summons

(Sheriff's Return)

Now, October, 30, 1961, I hereby Deputize the Sheriff of Cumberland County to serve this Summons upon Orloff F. Lake.

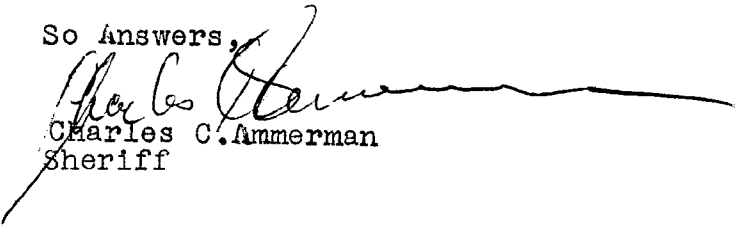
Now, November 1, 1961 served the within Summons upon Orloff F. Lake by deputizing the Sheriff of Cumberland County. The return of service of Clyde E. Fisher Sheriff of Cumberland County, Pennsylvania is hereto attached and made part of this return of service.

Cost. Sheriff Ammerman \$7.50
Cost. Sheriff Fisher 12.50

Pd. by Atty. Arnold

Sworn to before me this 1st
day of February A.D. 1962

So Answers,


Charles C. Ammerman
Sheriff

FEB 1 1962
CARL E. FISHER
CLERK

Know all men by these Presents, That I, Charles G. Ammerman

High Sheriff of Clearfield County, State of Pennsylvania, do hereby deputize Sheriff of _____
Cumberland County _____ to execute this writ; this deputation being made at the
request and risk of the Plaintiff.

Given under my hand and seal this 30th day of October

A. D. 1961.


CHARLES G. AMMERMAN Sheriff.

SERVED Catherine Lake, wife of Orloff F. Lake, the within
named defendant by giving to the above a true and attested copy of
Summons In Trespass at #8 Stoner Avenue, Shiremanstown
County of Cumberland, Commonwealth of Pennsylvania, at 12:40 o'clock
P. M. on the 1st day of November, 1961, together
with notice to appear and answer, and making known to the defendant
the contents thereof.

So Answers,
Clyde E. Fisher, Sheriff
By Robert L. Adams, Deputy

Cumberland County, Pennsylvania

COMMONWEALTH OF PENNSYLVANIA:
SS
COUNTY OF CUMBERLAND :

Robert L. Adams, Deputy Sheriff, being duly sworn
according to law, doth depose and say, that he served Catherine
Lake, wife of Orloff F. Lake the within named defendant with a true
and attested copy of the within Summons In Trespass,
notice to appear and answer in manner and form set forth in the above
return, and that the person upon whom service was made as aforesaid, is
the defendant named in the Complaint, deponent deriving his information
from the defendant having acknowledged himself as being the person
named in the Complaint.

Sworn and subscribed to before me
this 31st day of January
A.D., 1962.

(Mrs) L. Edna Kibb
Notary Public
Cumberland County, Pennsylvania

Robert L. Adams
Deputy Sheriff
Cumberland County, Pennsylvania

SUMMONS

Commonwealth of Pennsylvania
County of Clearfield

To Orloff F. Lake

You are notified that Lawrence B. Crawford

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

Date October 24, 1961

Wm. T. Hagerty
Prothonotary.

No. 345 Sept. Term 19 61

Lawrence B. Crawford

versus

Crloff F. Lake

Shiremanstown, Pa.

SUMMONS

2

Dan P. Arnold

Attorney

Lawrence Crowder

VERSUS

Orloff Lake

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

No. 345 Term Sep 1961 19

To Principle
Enter Prothonotary.

Sir: Enter appearance for

Place above case on trial list.

in above case.

Don P. Arnold

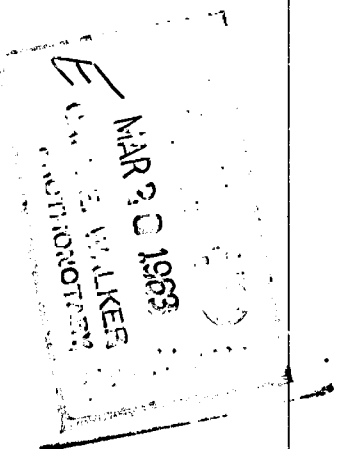
Attorney for IT

No. _____ Term _____ 19____

vs.

APPEARANCE

For _____



LAWRENCE B. CRAWFORD

VERSUS

ORLOFF F. LAKE

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

No. 345 Term September 19 61

To William T. Hagerty

Prothonotary.

Sir: Enter our appearance for Orloff F. Lake, Defendant

in above case.

BELL, SILBERBLATT & SWOOPE

By Caul Silberblatt

November 13, 1961

Attorney for Defendant

No. 345 Term September 1961

Lawrence B. Crawford

vs.

Orloff F. Lake

APPEARANCE

For Defendant

BELL, GILBERTLATF & SWOOPE

NOV 23 1961

WM. T. HAGERTY
PROTHONOTARY

Writ of Execution - Money Judgments.

LAWRENCE B. CRAWFORD

-VS-

ORLOFF F. LAKE

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

NO. 345 September Term 1961

NO. 10 May

Term, 19 63

WRIT OF EXECUTION

Commonwealth of Pennsylvania }

County of Clearfield }

SS:

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against ORLOFF F. LAKE

_____, defendant(s);

(1) You are directed to levy upon the following property of the defendant(s) and to sell his interest therein;

(2) ~~You are also directed to attach the following property of the defendant not levied upon in the possession of~~ _____, ~~as garnishee,~~

ALL PROPERTY OF DEFENDANT

(Specifically describe property)

and to notify the garnishee that

(a) an attachment has been issued;

(b) the garnishee is enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant or otherwise disposing thereof.

(3) if property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him that he has been added as a garnishee and is enjoined as above stated.

Amount due

\$ 5,923.50

Interest from MAY 9, 1963, 6%

\$ _____

Costs (to be added)

\$ _____



Carl E. Walker
Prothonotary

By

R. Helen Wrigley
Deputy

Date June 3, 1963

Proth'y. No. 64

After diligent search and inquiry the within named Orloff F. Lake is not found in my bailiwick and hath no goods or chattels whereof I can cause the moneys within mentioned or part thereof to be levied now, June 7, 1963 I hereby return this Writ Nulla Bona as to Orloff F. Lake,

Sheriff Reese costs: \$5.25
(Pd. by Atty. Belin)

Sworn to before me this 7th
day of June A.D. 1963

Carl C. Walker

Prothonotary

So Answers,

James B. Reese

James B. Reese
Sheriff

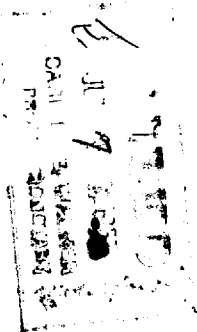
No. 345 September Term, 19 61
No. 10 MAY Term, 1963
IN THE COURT OF COMMON
PLEAS, CLEARFIELD COUNTY,
PENNSYLVANIA.

LAWRENCE D. CRATFORD

VS.

ORLOFF F. LAKE

WRIT OF EXECUTION



Attorney(s) for Plaintiff(s)

RECEIVED WRIT THIS 3rd day
of June A. D. 19 63
at 4:00 P.M.
James B. Reese
Sheriff

WRIT OF EXECUTION
(Money Judgments)

EXECUTION DEBT	5,928	50
Interest from 5-9-63		
Prothonotary	30	00
Use Attorney	63	98
Use Plaintiff		
Attorney's Comm.		
Satisfaction	1	50
Sheriff		

Carl A. Belin, Jr.

Attorney for Plaintiff(s)

In the Court of Common Pleas of Clearfield County, Pennsylvania,

LAWRENCE B. CRAWFORD

versus

ORLOFF F. LAKE
Shiremanstown, Pa.

No. 345, September Term, 1961

To Prothonotary of said Court, Sir:

Issue summons in Trespass against Orloff F. Lake.

Date October 23, 1961

Don P. Arnold
Attorney for plaintiff

IN THE
Court of Common Pleas

OF
Clearfield County, Pennsylvania

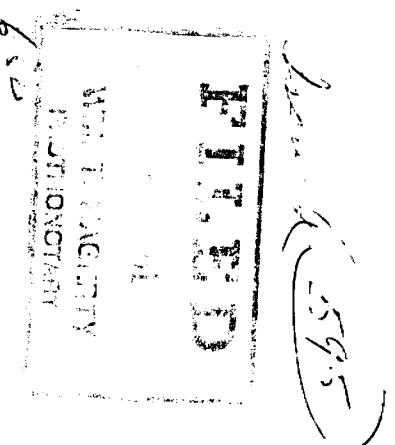
No. 345, September Term, 1961

LAWRENCE B. CRAWFORD

versus

ORLOFF F. LAKE

DAN P. ARNOLD
ATTORNEY AT LAW
CLEARFIELD, PA.



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 345 September Term, 1961

LAWRENCE B. CRAWFORD

-Vs-

ORLOFF F. LAKE,
Shirmanstown, Penna.

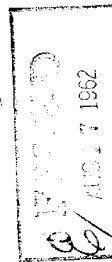
COMPLAINT

TO ORLOFF F. LAKE:

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

DAN P. ARNOLD and BELIN & BELIN
Attorneys for Plaintiff

By Carol A. Belin



Dan P. Arnold and Belin & Belin
Attorneys at Law
Clearfield, Pa.

100-4-111

*Servic accepted this 14th day of
September, 1962*
Joseph J. Lee
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LAWRENCE B. CRAWFORD

-vs-

No. 345 September Term, 1961

ORLOFF F. LAKE,
1709 Surburban Avenue,
Pittsburgh, Penna., formerly
of Shirmanstown, Penna.

COMPLAINT

(1). The plaintiff, Lawrence B. Crawford, is an individual residing at R. D. #1, Clearfield, Pennsylvania.

(2). The defendant, Orloff F. Lake, is an individual residing at 1709 Surburban Avenue, Pittsburgh, Pennsylvania.

(3). That there is a state highway Route 119 in Sandy Township which intersects with state highway Route 219 in Sandy Township, Clearfield County, Pennsylvania at about two (2) miles in a southerly direction from the City of DuBois. Route 219 is the main thru-highway leading from Grampian to the City of DuBois. Route 119 comes from the direction of Sykesville and extends toward Route 219 and intersects the thru-highway Route 219 forming a "T" with said intersection.

(4). A motorist traveling on Route 119 before he approaches Route 219 enters a divided highway and must keep to the right, and there are warning signs of the main highway ahead and then as a motorist approaches on Route 119 to the thru-highway on Route 219, there are two official state "stop" signs, one placed above the other, requiring all motorists approaching from Route 119 to stop before entering the thru state highway Route 219.

(5). Prior to and on the 4th day of October, 1961, the defendant, Orloff F. Lake, had in his lawful custody and possession

a 1961 Studebaker Lark, which was owned by the Commonwealth of Pennsylvania, Department of Properties and Supplies.

(6). On said day and at said time Lawrence B. Crawford was a guest in said Studebaker Lark at the invitation of Orloff F. Lake, the custodian of said Studebaker Lark, as stated in Paragraph (5) of this Complaint.

(7). On or about the 4th day of October, 1961, at or about 12:30 A.M., E.S.T., the defendant was driving said Studebaker Lark on Route 119 toward the thru-highway Route 219, and he failed to stop and was traveling at such a speed that he entered the thru-highway Route 219, and he traveled in a straight line across Route 219 and hit the guard rail which had three large strands of wire and broke off several posts and two strands of wire and then traveled approximately fifteen (15) feet to the eastern side of said guard rail fence pushing the broken strands of wire and broken posts ahead of the car, causing the injuries of his passenger, Lawrence B. Crawford.

(8). Orloff F. Lake, defendant, was guilty of the negligence, carelessness and recklessness which was the proximate cause of the injuries of the plaintiff as hereinafter stated.

(a). That defendant failed to have his car under proper control;

(b). That defendant failed to maintain a proper lookout;

(c). That defendant violated the Motor Vehicle Code of 1959 Public Law 58, 75 PS, Section 1001 and supplements thereto in that he drove said car along highway Route 119 carelessly disregarding the rights or safety of plaintiff, or in a manner that endangered the person of the plaintiff;

(d). That defendant violated the Motor Vehicle Code of 1959, Public Law 58, 75 PS, Section 1002 and supplements thereto in that he drove his vehicle upon said highway at such a speed to endanger the life, limb and property of said plaintiff, and at such a speed that was greater than would permit said defendant to bring the vehicle to a stop within the assured clear distance ahead.

(e). That defendant violated the Motor Vehicle Code of 1959, Public Law 58, Section 1016, 75 PS, Section 1016 and supplements thereto, in that he failed to come to a full stop on Route 119 before entering into the thru-highway Route 219 although an official "stop" sign was erected in accordance with the provisions of the Motor Vehicle Code of 1959 Public Law 58, 75 PS, Section 1 et seq.;

(f). That the defendant was negligent, careless, and reckless in that he failed to use due care under all the circumstances of this case.

(9). As a result of the above described occurrence, the plaintiff, Lawrence B. Crawford, who was a passenger in said vehicle sustained a compound fracture of the left ulna; compound fracture of the left radius; fracture of the humerus; abrasion and contusions over the upper abdominal and epigastric areas and over the lower extremities; together with a severe shock to his nerves and nervous system by reason which he was rendered sick, sore, lame, prostrate and disordered, and was made to undergo great mental anguish and physical pain, as a result of which he has suffered, yet suffers, and will continue to suffer for an indefinite time in the future, and will continue to suffer for an indefinite time in the future a fifty (50%) per cent disability in the use of his left forearm and hand. As a result of the above

injuries, the plaintiff underwent certain medical treatment which has left him with the following scars: 8 inch by $\frac{1}{4}$ inch left upper arm, 6 inch by $\frac{1}{8}$ inch right side of left wrist, 4 inch by $\frac{1}{8}$ inch right side of left wrist.

(10). As a result of the above described occurrence, the plaintiff was forced to seek medical attention for the aforesaid injuries and to expend the following sums of money for medical attention:

Doctor Bills

Doctor Houck	\$300.00
Doctor Grill	50.00

Hospital Bills

DuBois Hospital, DuBois, Penna.	578.50
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Plaintiff claims medical expenses that will probably be incurred in the future during his lifetime.

(11). Plaintiff claims damages for injuries, pain and suffering and inconvenience, and for the permanent disability and loss of earning power throughout his lifetime, and for the scars, and for all damages that are allowable by law for the aforesaid injuries.

(12). Plaintiff was a laborer for the Pennsylvania Electric Company receiving \$2.02 per hour, and worked 7 days a week at 10 hours a day, and due to economic conditions was unemployed at the time he received the aforesaid injuries.

WHEREFORE, Plaintiff, Lawrence B. Crawford, claims damages from the defendant in the amount of \$928.50 in liquidated damages as stated in Paragraph (10), and unliquidated damages in excess of Five Thousand (\$5,000) Dollars due to the aforesaid negligence of the defendant.

DAN P. ARNOLD and BELIN & BELIN
Attorneys for Plaintiff

By Charles Belin

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

Before me, the undersigned, personally appearing
LAWRENCE B. CRAWFORD, 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.

Lawrence B. Crawford

SWORN and SUBSCRIBED before me
this 17th day of August, 1962.

Carl E. Walker

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1964

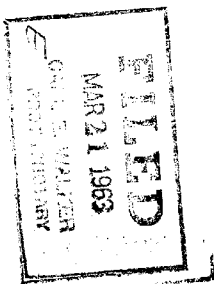
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 345 September Term, 1961.

LAWRENCE B. CRAWFORD

-vs-

ORLOFF F. LAKE, 1709 Suburban
Avenue, Pittsburgh, Penna.;
formerly of Shilmansstown, Penna.

PRAECIPE TO PUT CASE ON JURY TRIAL
LIST



Belin & Belin
Attorneys at Law
115 East Locust St.
Clearfield, Penna.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LAWRENCE B. CRAWFORD

-vs-

No. 345 September Term, 1961

ORLOFF F. LAKE,
1709 Surburban Avenue,
Pittsburgh, Penna., formerly
of Shirmanstown, Penna.

PRAECIPE TO PUT CASE ON JURY TRIAL LIST

TO THE PROTHONOTARY, CARL E. WALKER:

SIR:

Place the above case on the trial list for jury trial

sec. reg.

Belin & Belin

By: Carl A. Belin
Attorneys for Plaintiff

Dated: 3/21/63

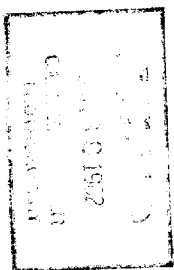
IN THE COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY, PENNSYLVANIA
No. 363 September Term, 1961

LAWRENCE B. DRAWTON

-vs-

JOSEPH T. LADD

NOTICE OF COUNSEL TO APPEAR



JOHN J. PENTZ
PRESIDENT JUDGE
CLEARFIELD, PENNSYLVANIA

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

LAWRENCE B. CRAWFORD

-vs-

ORLOFF F. LAKE

:
:
:
:
:
:

No. 345 September Term, 1961.

MOTION OF COUNSEL TO WITHDRAW

The above action of trespass was instituted by praecipe filed October 23, 1961, directing issuance of summons in trespass. No return of service has been made, but it was stated verbally the summons had been served on defendant shortly before an appearance was entered by Bell, Silberblatt & Swoope for defendant, on November 13, 1961.

In accordance with Rule of Court of Clearfield County No. 5, Section 4 thereof, Bell, Silberblatt & Swoope presented a petition on December 21, 1961 for rule to show cause why they should not be allowed to withdraw as counsel for defendant. Defendant, by other counsel, filed answer to the petition, and argument thereon was held January 25, 1962.

No complaint has been filed, and in the answer to the petition, the defendant attaches copy of letter from his insurance carrier advising that the insurance carrier will not accept liability for, or to defendant, and that he should prepare to defend himself without any aid from the insurance company.

The defendant insisted upon the taking of testimony so that the record shall reveal the reason the insurance carrier denies its liability to protect the defendant against damages and the expenses of defending the law suit.

The purpose of the Court Rule is to prevent counsel withdrawing from any action just before the matter comes to issue, and thus possibly cause the party he represents serious damage, delay or other injury.

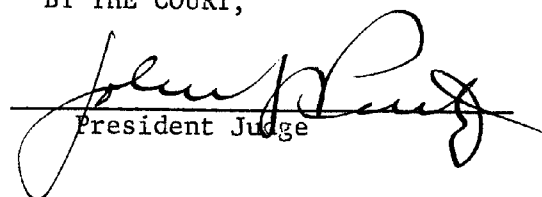
In the instant case, the matter is not yet at issue, and will not be until complaint has been filed, and there is no rule of law which will compel counsel to remain on record and to continue to represent any person, counsel may not desire to represent. So long as the party is given sufficient time to engage other counsel, and to properly prepare his case, there is no reason why the attorney of record may not withdraw.

In KELLY VS. KASS, 154 Pa. Superior Ct. 267, the Superior Court passed upon precisely the same question involved here, and under very similar circumstances.

Accordingly the Rule is made absolute, and Bell, Silberblatt & Swoope may withdraw as attorneys for the defendant in the civil action.

Exception noted.

BY THE COURT,


President Judge

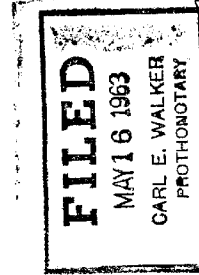
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 345 September Term, 1961

Re: LAWRENCE B. CRAWFORD

-vs-

94 ORLOFF F. LAKE

ORDER FOR JUDGMENT ON VERDICT



BELIN & BELIN
Attorneys at Law
115 East Locust St.
Clearfield, Penna.

*Service accepted 5-16-63
Pamela Lee
Atty for Defendant*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LAWRENCE B. CRAWFORD

-vs-

ORLOFF F. LAKE

No. 345 September Term, 1961

TO THE PROTHONOTARY:

SIR:

Enter judgment on the verdict in favor of the
plaintiff in the amount of \$5928.50.

BELIN & BELIN

By: *Paul A. Belin*
Attorneys for Plaintiff

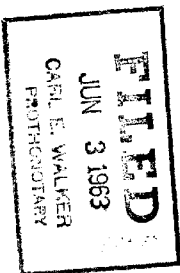
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IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 345 September Term, 1961

u
LAWRENCE B. CRAWFORD

-vs-

16
ORLOFF F. LAKE

PRECIPE FOR WRIT OF EXECUTION



Belin & Belin and
Dan P. Arnold
Attorneys at Law
Clearfield, Penna.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LAWRENCE B. CRAWFORD

-vs-

ORLOFF F. LAKE

No. 10 May 1963
No. 345 September Term, 1961

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

SIR:

Issue Writ of Execution in the above entitled
matter against Orloff F. Lake, defendant.

Amount Due \$5928.50

Interest from May 9, 1963
/To date of payment at 6%7

Costs /To be added/

BELIN & BELIN and DAN P. ARNOLD

By: *[Signature]*
Attorneys for Plaintiff

Dated: June 3, 1963

Writ of Execution - Money Judgments.

LAWRENCE B. CRUMFORD

-VS-

ORLOFF F. LAKE

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

NO. 345 September Term 1961
NO. 10 May

Term, 19 63

WRIT OF EXECUTION

Commonwealth of Pennsylvania }
County of Clearfield } SS:

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against ORLOFF F. LAKE
_____, defendant(s);

(1) You are directed to levy upon the following property of the defendant(s) and to sell his interest therein;

(2) ~~You are also directed to attach the following property of the defendant not levied upon in the possession of~~ _____, as garnishee,

ALL PROPERTY OF DEFENDANT

(Specifically describe property)

and to notify the garnishee that

- (a) an attachment has been issued;
- (b) the garnishee is enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant or otherwise disposing thereof.

(3) if property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him that he has been added as a garnishee and is enjoined as above stated.

Amount due \$ 5,928.50

Interest from MAY 9, 1963, 6% \$ _____

Costs (to be added) \$ _____



Carl E. Walker
Prothonotary

By R. Helen Wisigley
Deputy

Date June 3, 1963

Proth'y. No. 64

RECEIVED WRIT THIS day
of _____ A. D. 19__

at M.

Sheriff

VS.

WRIT OF EXECUTION
(Money Judgments)

(Money Judgments)

5,928	50
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30	00
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63	95
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1	50
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1000

Cr1 i. Polin, Jr.
Attorney for Plaintiff(s)

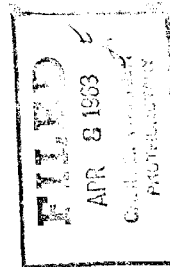
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 345 September Term, 1961

LAWRENCE B. CRAWFORD

-VS-

ORLOFF F. LAKE

REPLY TO NEW MATTER



Belin & Belin
Attorneys at Law
115 East Locust St.
Clearfield, Penna.

4-8-63 Service accepted
Joseph X Lee
Atty for Defendant.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LAWRENCE B. CRAWFORD

-vs-

No. 345 September Term, 1961

ORLOFF F. LAKE

REPLY TO NEW MATTER

(13). It is denied that the vehicle on the day averred in the Complaint and at the time of the accident was driven by Lawrence B. Crawford, and to the contrary, it is averred that said vehicle at that time and place was driven by Orloff F. Lake, and Paragraphs 7, 8, 9, 10 and 11 of the Complaint are incorporated herein by reference.

BELIN & BELIN

By: Paul A. Belin
Attorneys for Plaintiff

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

LAWRENCE B. CRAWFORD, being duly sworn according to law,
deposes and says that the facts set forth in the within Reply
to New Matter are true and correct to the best of his knowledge,
information and belief.

Lawrence B. Crawford

SWORN and SUBSCRIBED to before
me this 5th day of April, 1963.

Carl E. Walker

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1966

Now this 5th day of April, 1963,
 the Answer and New Matter of Onloff F Lake
 is hereby accepted and a copy received
 Behn & Behn
 by Carl A Behn Jr

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. No. 345 September Term, 1961
LAWRENCE B. CRAWFORD
VS
ONLOFF F. LAKE
ANSWER AND NEW MATTER
TO THE WITHIN NAMED PLAINTIFF:
You are hereby notified to answer to the within New Matter within 20 days of service hereof.
<i>Joseph J. Lee</i> Attorney for Defendant
FILED APR 5 1963 CARL E. WALKER PROTHONOTARY
JOSEPH J. LEE ATTORNEY-AT-LAW CLEARFIELD, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LAWRENCE B. CRAWFORD :

VS :

ORLOFF F. LAKE :

:
:
:
:
:

No. 345 September Term, 1961

ANSWER AND NEW MATTER

ANSWER

COMES NOW, the defendant, Orloff F. Lake, and by his attorney files this Answer and New Matter to the Complaint, relying on Pennsylvania Rule of Civil Procedure 1045 relative to Answers in actions of trespass.

(7). It is denied that the defendant was on the date averred driving said Studebaker at the place therein pleaded, and on the contrary it is believed and therefore averred that said vehicle was being driven by Lawrence B. Crawford, the plaintiff, who did the acts therein averred.

(8). It is denied that the defendant was guilty of negligence as averred in paragraph (8) of the Complaint and subparagraphs thereof for the reason that it is believed and therefore averred that he was not, at the time averred, operating said motor vehicle.

(9). It is denied that Lawrence B. Crawford was a passenger in said vehicle at the time he sustained the injuries referred to, and on the contrary it is averred that he, the said Lawrence B. Crawford, was the operator of the said vehicle.

(10). If the implication of paragraph (10) is that the defendant was responsible for the medical attention required by virtue of his being the operator of the vehicle, the same is denied, and on the contrary it is averred that he was not, at the time the injuries were sustained, the operator of said vehicle.

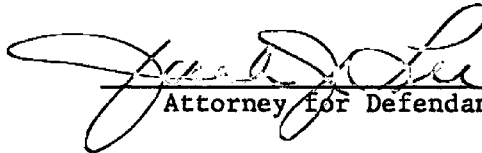
(11). If the implication of paragraph (11) is that the

defendant is responsible for the damages claimed therein because he was driving the vehicle at the time of the accident, the same is denied, and on the contrary it is averred that the defendant was not driving the vehicle at the time of the accident.

WHEREFORE, defendant denies that he is liable to the plaintiff.

NEW MATTER

(13). The vehicle on the date averred in the Complaint and at the time of the accident was, it is believed and therefore averred, being driven by Lawrence B. Crawford, the plaintiff.

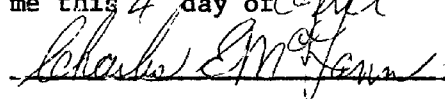

Attorney for Defendant

STATE OF PENNSYLVANIA :
:SS
COUNTY OF JEFFERSON :

ORLOFF F. LAKE, being duly sworn according to law, deposes and says that the facts set forth in the within Answer and New Matter are true and correct to the best of his knowledge, information and belief.


(Orloff F. Lake)

Subscribed and sworn to before

me this 4th day of April, 1963
 1962.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 345 Sept. Term, 1961

LAWRENCE B. CRAWFORD
versus
ORLOFF F. LAKE

PETITION

File Dec 21
FILED
DEC 21 1961
WM. T. HARTLEY
CLEARFIELD, PA.

BELL, SILBERBLATT & SWOPE
ATTORNEYS AT LAW
CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PENNA.

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LAWRENCE B. CRAWFORD

versus

ORLOFF F. LAKE

:
:
:
:
:

No. 345 September Term, 1961

PETITION

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

The Petition of BELL, SILBERBLATT & SWOOPE, by PAUL SILBERBLATT Esq., respectfully represents:

(1). That their appearance for Defendant, Orloff F. Lake was entered in the above entitled cause on the 13th day of November, 1961, and your Petitioner now prays leave to withdraw said appearance for the following reasons:

(a). The above entitled action was commenced by the filing of a Praecipe for a Summons on October 23, 1961.

(b). The service was made on the Defendant on November 1, 1961.

(c). Your Petitioner entered their appearance as above stated at the request of the American Surety Company.

(d). American Surety Company insures vehicles owned by the Commonwealth of Pennsylvania and the drivers thereof, as long as said vehicles are being operated by duly authorized employees of the Commonwealth, and within the scope of their employment with the Commonwealth of Pennsylvania.

(e). After a complete investigation of the facts surrounding the accident, in which the Defendant was involved, and which is the subject of the above captioned matter, it has been determined by the American Surety Company, and the Commonwealth of Pennsylvania, that the Defendant was not operating the Commonwealth's

vehicle within the scope of his employment with the Commonwealth of Pennsylvania.

(f). Written notification of this fact has been given to the Defendant by American Surety Company.

(g). American Surety Company has requested your Petitioners to withdraw their appearance on behalf of the Defendant, and Defendant has been advised to secure his own private counsel to represent him in this matter.

(h). No Complaint has as yet been filed by the Plaintiff.

WHEREFORE, your Petitioner prays that a Rule be granted upon the Defendant, Orloff F. Lake, to show cause why the appearance of your Petitioner acting for the Defendant in this case, should not be withdrawn.

BELL, SILBERBLATT & SWOOPE

by:

Paul Silberblatt
Attorneys

STATE OF PENNSYLVANIA :

ss:

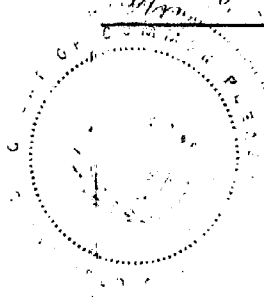
COUNTY OF CLEARFIELD :

PAUL SILBERBLATT, being duly sworn, according to law, deposes and says, that the facts set forth in the foregoing Petition are true and correct, and that the said Petition is not interposed for the purpose of delay.

Paul Silberblatt
Paul Silberblatt

Sworn and subscribed to
before me this 21st day
of December, 1961.

John T. Hagerly



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LAWRENCE B. CRAWFORD

versus

ORLOFF F. LAKE

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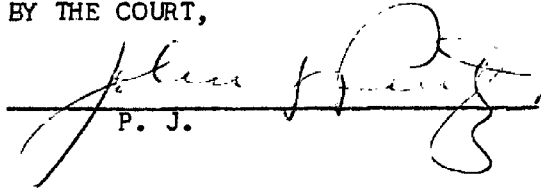
No. 345 September Term, 1961

ORDER

And now, this ^{1st} day of December, 1961, upon consideration of the foregoing Petition and Affidavit, and on motion of Bell, Silberblatt & Swoope, by Paul Silberblatt, Esquire, the Court grants a Rule on the Defendant, Orloff F. Lake, to show cause why the appearance of Bell, Silberblatt & Swoope, by Paul Silberblatt for the Defendant, should not be withdrawn. Notice of this Petition shall be sent to the Defendant by certified mail.

Rule returnable, the 15th day of Jan, 1962, at 10:00 A.M.
All proceedings to stay meanwhile.

BY THE COURT,


P. J.

Paul Silberblatt

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 345 September Term, 1961

LAWRENCE B. CRAWFORD

VS

ORLOFF F. LAKE

A N S W E R

FILED

JAN 20 1962

CARL E. WALKER
PROTHONOTARY

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

Am now JAN. 15, 1962

Service accepted

By Paul Silberblatt

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LAURENCE B. CRAWFORD :
:
VS : No. 345 September Term, 1961
:
ORLOFF F. LAKE :

A N S W E R

The Answer of Orloff F. Lake respectfully represents:

(1). It is admitted that the firm of Bell, Silberblatt & Swoope entered its appearance for the defendant, Orloff F. Lake, on November 13, 1961.

(a). Admitted.

(b). Admitted.

(c). Admitted.

(d). It is admitted that American Surety Company insures vehicles owned by the Commonwealth of Pennsylvania and the drivers thereof. The terms and limitations and contents of the policy of insurance in the instant case are unknown to the defendant, Orloff F. Lake, and therefore the balance of subparagraph (d) is denied as the facts going to make up the same are within the knowledge of American Surety Company and the defendant has no reasonable means of obtaining the same, and therefore strict proof of the same is demanded.

(e). It is not known what investigation the American Surety Company has made with reference to the accident, and therefore the allegations set forth in subparagraph (e) are incapable of being answered by the defendant, Orloff F. Lake. The defendant has received a letter from the American Surety Company, a copy of which is attached hereto and made a part hereof.

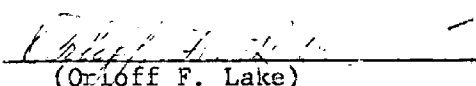
(f). Subparagraph (f) is denied, and on the contrary it is averred that the attached copy of letter from American Surety Company to the defendant, Orloff F. Lake, is the only written notice of denial of coverage which American Surety Company has given to the defendant.

(g). Admitted.

(h). Admitted.

(2). In further answer to the allegations of the Petition for leave to withdraw their appearance, the defendant, Orloff F. Lake, states that he was assigned the motor vehicle in question by the Department of Internal Affairs of the Commonwealth of Pennsylvania and was present in Clearfield County at the time of the accident on the order of the Department of Internal Affairs.

WHEREFORE, defendant prays that the Petition of Bell, Silberblatt & Swoope be denied.


(Orloff F. Lake)

STATE OF PENNSYLVANIA:

COUNTY OF Cumberland:SS

ORLOFF F. LAKE, being duly sworn according to law,
deposes and says that the facts set forth in the foregoing Answer
are true and correct to the best of his knowledge, information
and belief.

Orloff F. Lake
(Orloff F. Lake) ✓

Sworn and subscribed to before
me this 4 day of January, 1962.

Lee Brecken

NOTARY PUBLIC
My Commission Expires January 7, 1963
Shiramanstown, Pa. Cumberland Co.

**AMERICAN SURETY
COMPANY**

AMERICAN SURETY COMPANY

**PACIFIC NATIONAL
FIRE INSURANCE CO**

100-100-100
100-100-100
100-100-100

100-100-100

IRVING D. GINTOED

VERSUS

OSBERT E. LEE

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

No. 345 SEPTEMBER Term, 1961

VERDICT

And now to wit: June 7, 1962, we, the Jurors

empanelled in the above entitled case, find A Verdict in Favor of the Plaintiff for the sum of \$125.00

Wm. Barger Foreman

No. Term, 19....

VERSUS

VERDICT

Filed 19....

Prothonotary

CLERK OF THE COURT
COURT HOUSE
PHILADELPHIA
PA.
JAN 10 1901

September 13, 1962

Joseph J. Lee, Attorney for the within
defendant, Orloff F. Lake accepted service
of the within Complaint.

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

Lawrence B. Crawford

No. 345 September Term, 1961

vs

Complaint

Orloff F. Lake

SHERIFF'S RETURN

Now, August 17, 1962 deputized the Sheriff of Allegheny County to serve the within Complaint on Orloff F. Lake.

Now, September 13, 1962 after diligent search and inquiry and by deputizing the Sheriff of Allegheny County, the within named defendant, Orloff F. Lake is not found and I hereby return this Writ "Not Found" as to Orloff F. Lake. The return of William H. Davis, Sheriff of Allegheny County is hereto attached and made part of this return of service.

Costs: Sheriff Reese \$7.50
Sheriff Wm.H. Davis \$10.10
(Pd. by Atty. Belin)

So Answers,

James B. Reese

James B. Reese
Sheriff

Sworn to before me this 13th
day of September A.D. 1962

Carl E. Walker
Prothonotary

Know all men by these Presents, That I, James B. Reese
High Sheriff of Clearfield County, State of Pennsylvania, do hereby deputize Sheriff of _____
Allegheny County to execute this writ; this deputation being made at the
request and risk of the Plaintiff.

Given under my hand and seal this 17th day of August
A. D. 1962.

Sheriff.

State of Pennsylvania }
County of Allegheny } ss:

Personally appeared before me, Elmer Ahrenholtz,
a Deputy for William H. Davis, Sheriff of Allegheny County
and in the Commonwealth of Pennsylvania, who being duly sworn according to law, deposes and
says that he made diligent search and inquiry for Orloff F. Lake
at No. 1709 Surburban Avenue, Pittsburgh
, Pennsylvania, and elsewhere on the 19th. day
of August, A.D. 1962, up to and including the 10th. day
of September A.D. 1962, and was unable to find the said
Orloff F. Lake anywhere within the said County
of Allegheny, Pennsylvania.

The Deputy upon attempting to make service on
Orloff F. Lake, at the address given above was
told he was in Charleston W. Virginia, and to
contact Attorney Joseph Lee, in Clearfield
County, Penna.

The sum of \$10.10 Sheriff
Davis costs paid.

Elmer Ahrenholtz
Deputy Sheriff of Allegheny County.

So Answers, _____
Sheriff.

Sworn and subscribed to
before me this 11 day of

September 19 62.

Leonard H. McMullen
LEONARD H. McMILLER, Notary Public.
Carnegie, Allegheny County, Pa.
Commission Expires April 29, 1963

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 345 September Term, 1961

LAWRENCE B. CRAWFORD

-vs-

ORLOFF F. LAKE, 1709
Suburban Avenue, Pittsburgh,
Penna., formerly of Shirmans-
town, Penna.

PRETRIAL BRIEF

BELIN & BELIN
Attorneys at Law
115 East Locust St.
Clearfield, Penna.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LAWRENCE B. CRAWFORD

-vs-

No. 345 September Term, 1961

ORLOFF F. LAKE, 1709
Surburban Avenue, Pittsburgh,
Penna., formerly of Shirmans-
town, Penna.

PRETRIAL BRIEF

This suit is for the personal injuries of Lawrence B. Crawford in an accident at the intersection of Routes 119 and 219 in Sandy Township, approximately two (2) miles outside of DuBois.

The plaintiffs allege that defendant drove a car owned by the Commonwealth, which was in his lawful possession, through a "stop" sign on Route 219, across the thru-highway Route 119, and off the thru-highway and into a guard rail, causing the injuries of plaintiff.

The liability of the defendant is
clear in this case.

The rule is clearly stated as to going through a "stop" sign in SCHULTHEIS V. LEVIN, 372 Pa. 513, 94 A.2d 740:

"Driving truck into intersection with
through highway in disobedience of stop
sign at twenty to twenty-five miles per
hour constituted negligence per se."

It is also clear that where an automobile leaves the highway, this will constitute a prima facie case of negligence. KOTAL V. GOLDBERG, 100 A.2d 630, citing KNOX V. SIMMERMAN, 301 Pa. 1, wherein it states in regard to an automobile running off to the side of the road:

"That the coupe did this very extraordinary thing is some evidence that it was not properly driven. In Shafer v. Lacock, Hawthorn & Co., 168 Pa. 497, 504, the rule is stated, that, 'When the thing which causes the injury is shown to be under the management of the defendants, and the accident is such as in the ordinary course of things does not happen if those who have the management use proper care, it affords reasonable evidence, in the absence of explana-

tion by the defendants, that the accident arose from a want of care."

There is a presumption that an owner or person having control of the car, who is present in the car at the time of the accident, is presumed to have been driving.

"While there is no decision in this State directly in point, in Limes v. Keller, 365 Pa. 258, 260, 74 A.2d 131, 132, Mr. Justice Stern said '* * * there was enough circumstantial evidence /as to who was driving/, even apart from the rebuttable presumption that the owner of the automobile was operating it * *' (emphasis supplied), and cited Bastian v. Baltimore & Ohio R. Co., 3 Cir., 144 F.2d 120. In that case, the law of Pennsylvania on the question of the presumption was a matter for the Federal Court's ascertainment and application. It was there said in 144 F.2d at page 123 that 'It is the law of many States that an owner is presumed to be in charge of and have control of his property, even if that property be a vehicle.' To this was coupled a footnote containing a discussion of the provision of the Pennsylvania Vehicle Code, 75 P. S. § 739, that, in proceedings for violations of the Code, the license plate shall be prima facie evidence that the owner was at the time operating the vehicle. The footnote continued, '-We think that this statute is suggestive of what a Pennsylvania Court might hold were it necessary to decide in a civil case who was the driver of a car and no fact other than ownership of the vehicle was presented.' Justice Stern's citation of the Bastian case gave his dictum in the Limes case the weight of a considered pronouncement on the Pennsylvania law which we now follow."

RODNEY V. STAMAN, 371 Pa. 1, 89 A.2d 313.

RESPECTFULLY SUBMITTED,

BELIN & BELIN

By: Carol A. Belin
Attorneys for Plaintiff

Lawrence M. Crawford

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

versus

Carlott E. Lake

No. 315 Term, 19 61

Fi. Fa., No. 19

And now, December 21, A. D. 19 61, petition read and considered and a rule is granted on Carlott E. Lake to show cause why the appearance of Hall, Elizabeth A. Lake, by Paul Wilberhle & Son the defendants, should not be withdrawn.

Returnable January 15, 1962 at 10:00 A.M.

By the Court,

HON. JOHN J. PENTZ, P. J.

Certified from the record this 21st

day of December, 19 61

John J. Pentz
Prothonotary

No. C. J. Term, 19 61

Section 17 • Confidentiality

SA

Chil. 504

Rule On

3

Attorney for Claimant

12
1
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Attorney for Plaintiff

Exhibit 100

Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LAWRENCE B. CRAWFORD

VS

ORLOFF F. LAKE, 1709
Suburban Avenue, Pittsburgh,
Penna., formerly of Shirmanstown,
Penna.

:
:
: No. 345 September Term, 1961
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: IN TRESPASS
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PRECIPE TO DISCONTINUE

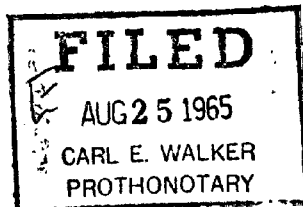
TO THE PROTHONOTARY CARL E. WALKER

Sir:

Mark this action settled, discontinued, and ended
upon payment of your costs.

BELIN & BELIN

By: Carl A. Belin, Jr.
Attorneys for Plaintiff



Lawrence B. Crawford

Versus

Orloff F. Ioke

In the Court of Common Pleas
Clearfield County, Pennsylvania

No. 343 Sent. Term, 19 61

CERTIFICATE OF DISCONTINUANCE

Commonwealth of Pennsylvania

County of Clearfield

} SS

I, **Carl E. Walker**, Prothonotary of the Court of Common Pleas, in and for the County and Commonwealth aforesaid, do hereby certify that the above stated case was this day, the 25th day of August A. D. 19 65 marked settled, and discontinued and ended.

Record costs in the sum of \$ 115.36 have been paid in full by
Transamerica Insurance Group.

In Witness Whereof, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania, this 25th day of August A. D. 19 65.

Prothonotary