

DOCKET NO. 174

NUMBER	TERM	YEAR
456	May	1961

Harvey P. Knudsen

Mildred Knudsen

**VERSUS**

Edith M. Davis

Harvey S. Knudsen  
Michael Knudsen  
VERSUS  
Edith M. Davis

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

No. 756 Term May 1961

To Wm T. Hegerty

Prothonotary.

Sir: Enter

appearance for

Upon payment of costs  
Kindly mark the above matter Satisfied

in above case.

Bell, Silverblatt & Suroga  
By Paul Silverblatt

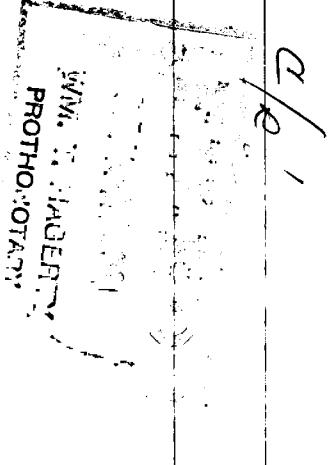
Attorney for Plaintiff

No. \_\_\_\_\_ Term \_\_\_\_\_ 19 \_\_\_\_\_

vs.

APPEARANCE

For C. f. 1



# Affidavit of Service

Harry P. Knudson and  
Mildred Knudson

Edith M. Davis

No. 457 May Term, 19 61

Complaint In Trespass

Returnable within \_\_\_\_\_ days  
from date of service hereof.

NOW July 10, 1961 19 61 at 2:05 o'clock P.M.

served the within Complaint In Trespass

on Edith M. Davis

at Place of Residence, Winburne, 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 \$10.00  
(Paid by Atty's B.S.S.)

Sworn to before me this 11th

day of July A. D. 19 61

Wm T. Flugarty  
Prothonotary

So answers,  
Charles G. Ammerman

Sheriff

HARVEY P. KNUDSEN  
MILDRED KNUDSEN  
VERSUS  
EDITH M. DAVIS

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

No. 456 Term. May 1961

To William T. Hagerty  
Prothonotary.

Sir: ~~Enter XXXXXXXXXXXXXXXXX~~ appearance for

Kindly enter Judgment in favor of the above Plaintiffs and  
against the Defendant for failure to appear or file an answer within  
twenty (20) days from the date of service of the complaint: damages to  
be determined sec leg.

in above case:

BELL, SILBERBLATT & SWOOP

By Paul Silberblatt

Attorney for Plaintiffs

Clearfield, Penna.  
August 19, 1961

No. 1458 Term May 1961

Harvey P. Knudsen

Mildred Knudsen

vs.

Edith Davis 36

EXAMINER

PRACTICE

For \_\_\_\_\_

1458 155

CLERK OF THE COURT  
CLERK OF THE CIRCUIT COURT

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

No. 456 May Term, 1961

In Trespass

HARVEY P. KNUDSEN and  
MILDRED KNUDSEN

vs.

EDITH M. DAVIS

COMPLAINT

TO THE WITHIN NAMED DEFENDANT:

You are hereby notified  
to plead to the within  
Complaint within 30 days from  
the date of service hereof.

BELL, SILBERBLATT & SWOOPPE  
by *Douglas Bell*  
Attorneys for Plaintiffs.

*Edith M. Davis*

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

---

**# 1-INSTRUCTIONS TO DELIVERING EMPLOYEE**

---

Deliver *ONLY* to  
addressee       Show address where  
delivered

*(Additional charges required for these services)*

---

**RETURN RECEIPT**

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

  
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

---

DATE DELIVERED

ADDRESS WHERE DELIVERED (only if requested in item # 1)

POST OFFICE PRIVATE USE TO AVOID PENALTY FOR DELIVERING LETTERS		OFFICIAL BUSINESS POST OFFICE DEPARTMENT
PENALTY FOR DELIVERING LETTERS		POSTMASTER OF
15 PM 8 SEP 1961		DELIVERING LETTERS
1961		RECEIVED
INSTRUCTIONS: Fill in items below and com-		plete #1 on other side, when applicable. Motions bumped ends and attach to back of article. Print on front of article Return Receipt Requested.
1961		NAME OF SENDER
15 PM 8 SEP 1961		STREET AND NO. OR P. O. BOX
1961		CITY, ZONE AND STATE
1961		INSURED NO.
1961		CERTIFIED NO.
1961		REGISTERED NO.
1961		3811 FORM

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY P. KNUDSEN :  
MILDRED KNUDSEN :  
vs. :  
EDITH M. DAVIS : No. 456 May Term, 1961  
: In Trespass

COMPLAINT

And now, this 7<sup>th</sup> day of July, 1961, come the Plaintiffs, Harvey P. Knudsen and Mildred Knudsen, his wife, and brings a cause of action, whereof the following is a statement:

(1). The Plaintiffs are husband and wife who reside at 924 E. Presqueisle Street, Philipsburg, Centre County, Pennsylvania, and were, at the time the events hereinbelow set forth occurred, the owners of a 1960 Buick motor vehicle.

(2). The Defendant, Edith M. Davis, is an individual, who resides in Winburne, Clearfield County, Pennsylvania, and was, at the time the events hereinbelow set forth occurred, the operator of a 1949 Desoto motor vehicle.

(3). On June 14, 1960, at approximately 5:00 P. M., Mildred Knudsen, was operating her mother vehicle in a southerly direction on Legislative Route 17067, approximately one mile north of Kylertown, in Clearfield County, Pennsylvania.

(4). At the time and place aforesaid, the Defendant was operating her motor vehicle on a dirt road which intersects with Legislative Route 17067 from the east.

(5). As the Plaintiff approached the aforesaid intersection and entered same, the Defendant stopped, and before observing approaching traffic on the through highway, did proceed on to Legislative Route 17067, which was then and there being occupied by the vehicle operated by Mildred Knudsen, and did strike the said vehicle operated by Mildred Knudsen, causing damages herein-after set forth.

(6). The Defendant was negligent in the following respects:

- a. in failing to yield the right of way;
- b. in entering a through highway without having her vehicle under control;
- c. in driving in a careless, reckless and negligent manner;
- d. in failing to take into consideration, the rights of other lawful users of the highway and in particular, the rights of the Plaintiffs.

(7). As a result of said accident, the motor vehicle of the Plaintiffs was damaged, necessitating repairs in the amount of \$186.21, as set forth on the automobile repair estimate sheet attached hereto and made a part hereof.

(8). The amount in controversy is within the jurisdictional amount requiring arbitration within Clearfield County.

WHEREFORE, the Plaintiffs claim judgment against the Defendant in the liquidated amount of \$186.21, plus interest from June 14, 1960.

BELL, SILBERBLATT & SWOOP

By Paul Silberblatt  
Attorneys for Plaintiffs

STATE OF PENNSYLVANIA :

ss:

COUNTY OF Centre :

HARVEY P. KNUDSEN and MILDRED KNUDSEN, being duly sworn, according to law, deposes and states, that the facts set forth in the foregoing Complaint are true and correct, to the best of their knowledge, information and belief.

Harvey P. Knu'dsen

Mildred B. Knu'dsen

Sworn and subscribed to  
before me, this 30<sup>th</sup>.

day of June, 1961.

Harvey P. Knu'dsen

It is understood and agreed that you are engaged to complete and guarantee the above repairs and provide all materials including all towing and storage charges including ~~any~~ ~~other~~ ~~work~~ ~~done~~ ~~on~~ ~~the~~ ~~car~~.

THIS INSTRUMENT IS NOT AN AUTHORIZATION TO REPAIR.

*Robert Parker*  
Robert Parker  
Auto Body Shop

Total

121.20

9.3

Hourly Labor \$ 41.55

Paint-Sublet \$ 81.00

Net Total \$ 41.55

GRAND TOTAL \$ 172.75

Harvey P. Knudsen  
Mildred Knudsen  
vs.  
Edith M. Davis

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY

No. 456 1727 Term, 1961

PRAECIPE FOR APPOINTMENT OF ARBITRATORS (1)  
BY OR. J. J.

TO THE PROTHONOTARY OF SAID COURT:

() The amount in controversy is \$1,000 or less.  
() The case is at issue.  
() An agreement of reference has been filed of record.  
() Judgment has been entered for want of an appearance.

RECORD APPEARANCES HAVE BEEN ENTERED FOR: *John J.*

PLAINTIFFS HAVE BEEN ENTERED FOR:-  
Plaintiff Bell, Libbaffall, Surveyor Defendant .....  
By Paul Libbaffall .....  
Date Sept 6 1961

Date Sept. 6, 1961

Attorney for Robert L. Smith

TEN DAY PERIOD FOR APPOINTMENT OF ARBITRATORS IS WAIVED (2)

Attorney for ..... , ..... , ..... , ..... ,

Attorney for

Attorney for

TIME AND PLACE OF HEARING and APPOINTMENT OF BOARD

Now, ..... 195....., hearing of the above case is fixed for Wednesday, ..... 195....., in ..... Room, Clearfield County Court House, Clearfield, Pa., and the following Clearfield County Bar members:

### Chairman

are appointed as the **BOARD OF ARBITRATORS** to hear testimony, make report, and render their award within twenty (20) days from date of hearing.

I hereby certify that notice by mail was duly given to said Arbitrators, Attorneys, and/or parties of record of said appointment, time, and place of hearing.

WITNESS MY HAND AND THE SEAL OF THE COURT.

Prothonotary  
by Deputy

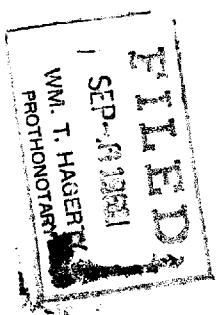
(1) See Court Rule 27  
(2) Waiver requires signatures of counsel for all parties.

In the Court of Common Pleas  
of Clearfield County

No. Term, 195

vs.

PRAECIPE FOR APPOINTMENT OF  
ARBITRATORS



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

Walter W Johnston and  
Dorothy Johnston

No 457 May Term 1961

vs  
Edward O. Materkowski

## Complaint

Now, July 10, 1961 at 11:45 O'Clock A.M. served the within Complaint upon Edward O. Materkowsky at place of residence 1 Collins Ave, Clearfield, Pa. by handing to him personally a true and attested copy of the original Complaint and made known to him the contents thereof. *1*

Costs Sheriff Ammerman \$ 7.00  
(Paid by Atty ~~WAKIN~~ Lee)

## So / Answers.

Charles H. Ammerman  
Sheriff

Sworn to before me this 10th  
day of July 1961 A.D.

### Prothonotary.

• [www.english-test.net](http://www.english-test.net) •

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

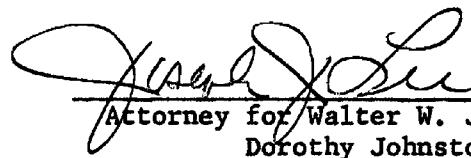
WALTER W. JOHNSTON and :  
DOROTHY JOHNSTON :  
:  
VS : No. 457 May Term, 1961  
:  
EDWARD O. MATERKOWSKI : Trespass

P R A E C I P E

TO WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

Place the above case on the trial list for the coming  
term of Court.



\_\_\_\_\_  
Attorney for Walter W. Johnston and  
Dorothy Johnston

Dated: July 25, 1961

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 457 May Term, 1961

*Trespass*

WALTER W. JOHNSTON ET AL

VS

EDWARD O. MATERKOWSKI

P R A E C I P E

... ... .

(C)

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 457 May Term, 1961

TRESPASS

WALTER W. JOHNSTON and  
DOROTHY JOHNSTON

VS

EDWARD O. MATERKOWSKI

PLAINTIFFS POINTS FOR CHARGE

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

IN THE COURT OF COMMON PLEAS OF CLERKFIELD COUNTY, PENNSYLVANIA

WALTER W. JOHNSTON and :  
DOROTHY JOHNSTON :  
: VS : No. 457 May Term, 1961  
: :  
EDWARD O. MATERKOWSKI : Trespass

PLAINTIFFS POINTS FOR CHARGE

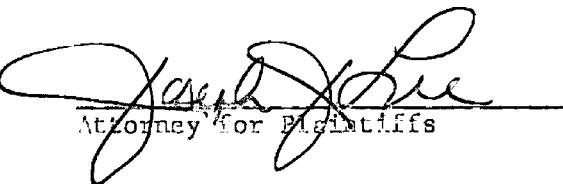
COMES NOW, the plaintiffs, and by counsel, at the conclusion of the testimony in the above case, moves the Court to charge the jury as follows:

(1). If the jury finds that any portion of the defendant's vehicle was in the lane for east bound traffic occupied by the plaintiffs' vehicle at the time the accident occurred, then the defendant is guilty of negligence, and your verdict should be in favor of the plaintiffs. Drivers of vehicles proceeding in opposite directions are required to pass each other to the right - each giving to the other at least one-half of the main travelled portion of the highway. Act of April 29, 1959, P.L. 58, Section 1006 (75 P.S. 1006).

(2). If the jury finds that the plaintiffs' vehicle was travelling east in the east bound lane of traffic on Market Street and that the defendant, while travelling west, attempted to pass a parked vehicle in the west bound lane of traffic and in so doing drove to the left side of the center of Market Street and into the plaintiffs' vehicle, then your verdict should be for the plaintiffs and against the defendant as the defendant is guilty of negligence. The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking or passing another vehicle proceeding in the same direction, unless such left side is clearly visible, and is free of oncoming traffic for a sufficient distance

ahead to permit such overtaking or passing to be made in safety.  
Act of April 29, 1959, P.L. 58, Section 1008 (a) (75 P.S. 1008(a)).  
Jones vs. Bell Tel. Co. of Pa., 159 Pa. Super. 556, 49 A. 2d 272.

(3). Under all of the testimony and evidence and the law  
the jury's verdict must be for the plaintiff.



\_\_\_\_\_  
Joseph D. Lee  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENN-  
SYLVANIA, No. 457 May Term,  
1961 - In Trespass

WALTER W. JOHNSTON and  
DOROTHY JOHNSTON

vs

EDWARD O. MATERKOWSKI

POINT FOR  
BINDING INSTRUCTIONS

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

CONFIDENTIAL - ATTORNEY'S CO. CHAMBERS, PA

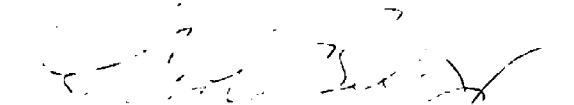
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WALTER W. JOHNSTON and :  
DOROTHY JOHNSTON :  
vs : No. 457 May Term, 1961  
EDWARD O. MATERKOWSKI : In Trespass

POINT FOR BINDING INSTRUCTIONS

(1). Under all the evidence in the case, the verdict  
must be for the Defendant.

BELL, SILBERBLATT & SWOOP  
By

  
F. Cortez Bell, Jr.,  
Attorneys for Defendant

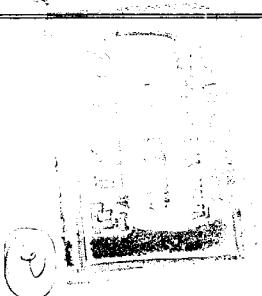
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENN-  
SYLVANIA, No. 457 May Term  
1961 - In Trespass

WALTER W. JOHNSTON and  
DOROTHY JOHNSTON

-145-

EDWARD O. MATERKOWSKI

ANSWER



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

COMMERCIAL PRINTING CO., CLEARFIELD, PA

Service accepted 7-26-61  
Joseph John  
Atty for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WALTER W. JOHNSTON and :  
DOROTHY JOHNSTON : No. 457 May Term, 1961  
: :  
-vs- :  
: :  
EDWARD O. MATERKOWSKI : IN TRESPASS

ANSWER

NOW, comes Edward O. Materkowsky, by his attorneys, Bell Silberblatt and Swoope, and makes Answer to the Complaint in the above action in the manner and form following:

(1). Paragraph One of the Complaint is admitted.

(2). Paragraph Two of the Complaint is admitted.

(3). Paragraph Three of the Complaint is admitted.

(4). Paragraph Four of the Complaint is admitted.

(5). Paragraph Five of the Complaint is denied, and on the contrary it is averred that on or about October 17, 1959, at about 7:35 p.m., the Defendant was operating a 1957 Ford Fairlane hardtop owned by Mrs. Reath Materkowsky in a westerly direction on Market Street in the Borough of Clearfield, Clearfield County, Pennsylvania, on his own enterprise, and having passed an automobile which was double parked in the Defendant's westbound lane of traffic and having returned to the westbound lane of traffic, the vehicle operated by the Defendant was then struck by the Plaintiff's vehicle, operated by Dorothy Johnston, which did then and there cross over the center line of Market Street from the Plaintiff's, or eastbound, lane of traffic into the Defendant's, or westbound, lane of traffic and struck the vehicle operated by the Defendant.

(6). Paragraph Six of the Complaint is denied, and on the contrary it is averred that the Defendant at all times operated his motor vehicle in a careful and prudent manner in that:

A. He at all times maintained said motor vehicle under proper control.

B. He observed oncoming traffic having had completed passing a double parked vehicle and returned to his own lane of traffic before being struck by the vehicle of the Plaintiffs.

C. He kept a proper lookout under the circumstances and had passed a double parked vehicle and had returned to his own lane of traffic before being struck in the Defendant's lane of traffic by the vehicle of the Plaintiffs.

D. The Defendant, being in his own lane of traffic, was struck by the Plaintiffs' vehicle, which crossed the center line of Market Street into the Defendant's lane of traffic after Defendant had passed a double parked vehicle.

E. The Defendant passed a double parked vehicle and returned to the westbound lane of traffic when he was struck by the vehicle of the Plaintiffs, which crossed the center line of Market Street into the Defendant's westbound lane of traffic.

F. The Defendant operated his motor vehicle in a careful and prudent manner and was struck by the vehicle of the Plaintiffs, which crossed the center line of Market Street into the Defendant's westbound lane of traffic.

(7). Paragraph Seven of the Complaint is denied, and on the contrary it is averred that the Defendant at all times operated his motor vehicle in a careful and prudent manner in that:

A. Having observed Plaintiffs' vehicle approaching, Defendant had adequate time to pass a double parked

vehicle and had passed such double parked vehicle and had returned to the westbound lane of traffic and the vehicle of the Plaintiffs then crossed the center line of Market Street into Defendant's lane of traffic and struck the vehicle operated by the Defendant.

B. The Defendant at all times observed approaching traffic and specifically the Plaintiffs' vehicle and had completed the passing of a double parked vehicle and had returned to his own lane of traffic and was struck by the vehicle of the Plaintiffs which crossed the center line of Market Street into the Defendant's lane of traffic.

FIRST COUNT

(8). Paragraph Eight of the Complaint is denied, and on the contrary it is averred that any damage to the Plaintiffs' motor vehicle was a result of the negligence of the Plaintiff, Dorothy Johnston, in crossing the center line of Market Street from the Plaintiff's, or eastbound, lane of traffic into the Defendant's, or westbound, lane of traffic; and strict proof of the repairs claimed to Plaintiffs' vehicle and that the same were necessitated as a result of this accident is demanded at trial.

(9). Paragraph Nine of the Complaint is denied, and on the contrary the Defendant avers that he is informed and believes that it was not necessary for the Plaintiffs to rent a motor vehicle while their Plymouth was being repaired and strict proof thereof is demanded at trial.

SECOND COUNT

(10). Paragraph Ten of the Complaint is denied, and on the contrary it is averred that any injuries sustained by the wife Plaintiff, Dorothy Johnston, resulted solely from the actions of the said Dorothy Johnston and strict proof of said injuries, hospitali-

zation and medical care is demanded at trial.

(11). Paragraph Eleven of the Complaint is denied, and on the contrary it is averred that the wife Plaintiff, Dorothy Johnston, did not incur expenses totaling \$75.00 for radio time in her campaign for the office of Clearfield County Treasurer as a result of this accident and strict proof thereof is demanded at trial.

THIRD COUNT

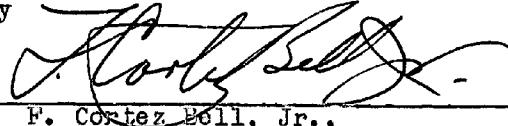
(12). Paragraph Twelve of the Complaint is denied, and on the contrary it is averred that any medical expenses incurred by the husband Plaintiff for the care of the wife Plaintiff resulted solely from the negligence and careless and wanton conduct of the wife Plaintiff and strict proof thereof is demanded at trial.

(13). Paragraph Thirteen of the Complaint is denied, and on the contrary it is averred that any loss of the company, comfort, consortium and companionship of the wife Plaintiff suffered by the husband Plaintiff was the result of the negligence of the wife Plaintiff and being particularly within the knowledge of the Plaintiffs, strict proof thereof is demanded at trial.

(14). Paragraph Fourteen of the Complaint is denied, and on the contrary it is averred that the liquidated damages pled in the Complaint are less than \$2,000.00 and the unliquidated damages being particularly within the knowledge of the Plaintiffs, the total amount of the Plaintiffs' claim cannot be determined by the Defendant and strict proof thereof is demanded at trial.

WHEREFORE, the Defendant, Edward O. Materkowski, respectfully prays that judgment may be entered in favor of the Defendant at the cost of the Plaintiffs.

BELL, SILBERBLATT & SWOOP  
By

  
F. Cortez Bell, Jr.,  
Attorneys for Defendant

STATE OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :  
:

Before me, the undersigned officer, personally appeared EDWARD O. MATERKOWSKI, who, being duly sworn according to law, deposes and states that the facts set forth in the foregoing Answer are true and correct to the best of his knowledge, information and belief.

Edward O. Materkowsky

Edward O. Materkowsky

Sworn to and subscribed  
before me this 19 day  
of July, 1961.

John T. Hagel  
PROTHONOTARY  
My Commission Expires  
1st Monday Jan. 1962

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 457 May Term, 1961  
Trespass

WALTER W. JOHNSTON and  
DOROTHY JOHNSTON

VS

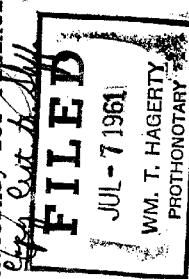
EDWARD O. MATERKOWSKI

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 from service  
hereof.

*John S. Lee*  
Attorney for Plaintiffs  
/ *John S. Lee*  
Out to *John S. Lee*



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WALTER W. JOHNSTON AND :  
DOROTHY JOHNSTON :  
VS : No. 457 May Term, 1961  
: :  
EDWARD O. MATERKOWSKI : Trespass

C O M P L A I N T

COME NOW, the plaintiffs, Walter W. Johnston and Dorothy Johnston, his wife, and by their attorney, Joseph J. Lee, bring this action against the defendant, Edward O. Materkowsky, upon the following cause:

(1). Plaintiff, Walter W. Johnston, is an individual and resides at 512 Park Street in the Borough of Clearfield, Clearfield County, Pennsylvania.

(2). Plaintiff, Dorothy Johnston, is an individual, the wife of Walter W. Johnston, and resides at the same address.

(3). Defendant, Edward O. Materkowsky, is an individual and resides at 1 Collins Avenue, Clearfield, Pennsylvania.

(4). On or about October 17, 1959 at 7:35 P.M., plaintiffs were the owners of a 1957 Plymouth Sedan automobile which was being operated by the wife plaintiff, Dorothy Johnston, and was being driven east on Market Street in the Borough of Clearfield between Front and Second Streets.

(5). On the time and date aforesaid the defendant was operating a 1957 Ford Coupe and was travelling west on Market Street, and in attempting to pass an automobile which had stopped to discharge passengers in the line of traffic in which the defendant was travelling, he did then and there cross over the center line of Market Street and drive his vehicle directly into the plaintiffs' vehicle which was lawfully occupying the lane

lane for east bound traffic, doing extensive damage thereto as hereinafter averred.

(6). At the time and place aforesaid the defendant was negligent in that:

(a). He failed to keep his motor vehicle under proper control.

(b). He attempted to pass a vehicle without observing the oncoming vehicle of the plaintiffs.

(c). He failed to keep a proper lookout under the circumstances.

(d). He failed to bring his vehicle to a stop in order to permit the plaintiffs' vehicle to pass the parked vehicle in the wife plaintiff's own lane of traffic.

(e). He was unlawfully occupying the east bound lane of traffic while travelling in a westerly direction.

(f). He operated his motor vehicle in a careless and negligent manner without due regard to the rights and safety of others.

(7). The defendant was willfully and wantonly negligent in that:

(a). If he had looked he would have seen that it was impossible to pass the parked vehicle in his lane of traffic without coming into violent contact with the plaintiffs' vehicle which was lawfully occupying the lane for east bound traffic.

(b). If he did look and observe the plaintiffs' vehicle he, nevertheless, proceeded with utter disregard to the rights of the wife plaintiff to occupy the east bound lane of traffic.

FIRST COUNT

(8). By reason of the negligence and the wanton and willful misconduct of the defendant as averred, the plaintiffs' 1957 Plymouth sedan automobile was damaged extensively about the front end, grille, bumper, fenders, hood and frame necessitating extensive repairs thereto and doing damage thereto in the amount of \$599.20.

(9). In addition, the plaintiffs were required to rent an automobile while their Plymouth was being repaired - said rental costing \$65.00.

SECOND COUNT

(10). By reason of the negligence of the defendant as aforesaid, the wife plaintiff received grievous body injuries consisting of a laceration on the left side of her septum, an incomplete fracture of the nasal bones, and numerous contusions of the left hand and back necessitating hospitalization and medical care and other losses as hereinafter averred.

(11). The wife plaintiff was, at the time of the accident and had been for some time prior thereto, actively engaged as a candidate for the office of Clearfield County Treasurer, and as the result of said accident and injuries sustained, she was unable to continue her campaign other than by the use of radio time for which she incurred expenses totalling \$75.00.

THIRD COUNT

(12). As the result of the defendant's negligence and careless and wanton misconduct the husband plaintiff incurred the following medical expenses for the care of the wife plaintiff:

(a). Clearfield Hospital - \$229.60.

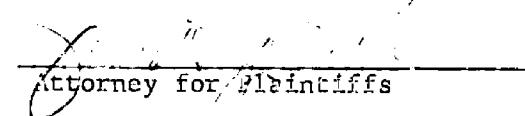
(b). Dr. Thomas H. Aughenbaugh - \$96.00.

(13). As the result of the negligence, careless and wanton

misconduct of the defendant the husband plaintiff suffered the loss of the company, comfort, consortium and companionship of the wife plaintiff for a period in excess of one month.

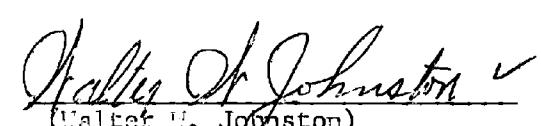
(14). The amount in controversy is in excess of \$2000.00, and the plaintiffs are claiming damages in excess of \$5000.00.

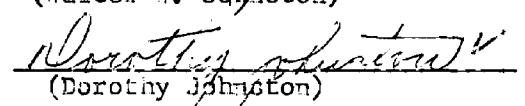
WHEREFORE, the plaintiffs claim of the defendant medical expenses, damages to the automobile and incidental expenses, loss of consortium, and pain and suffering as hereinabove set forth, all in excess of the sum of \$5000.00.

  
\_\_\_\_\_  
Attorney for Plaintiffs

STATE OF PENNSYLVANIA:  
:SS  
COUNTY OF CLEARFIELD :

WALTER W. JOHNSTON and DOROTHY JOHNSTON, being duly sworn according to law, depose and say that the facts set forth in the within Complaint are true and correct to the best of their knowledge, information and belief.

  
\_\_\_\_\_  
(Walter W. Johnston)

  
\_\_\_\_\_  
(Dorothy Johnston)

Sworn and subscribed to  
before me this 6 day of  
*June*, 1961.

  
\_\_\_\_\_  
Notary Public  
State of Pennsylvania  
My Commission Expires June 1962

DATE

9/21/61

NO. 457

TERM

May

YEAR 1961

PLAINTIFF

Walter J. Shuster  
Dorothy J. Shuster  
Wife

DEFENDANT

Edward J. Maleskosky

JURY CALLED AND SORN:

9:52

JURORS:

1. Eva J. Cannon
2. Mrs. Pearl Berry
3. Carl V. Haymaker
4. Margaret J. Lang
5. John M. Lewis
6. Beatrice A. Lucy

PLAINTIFF WITNESSES:

Dorothy J. Shuster  
 Mrs. Barbara H. Aldridge  
 Goflik Reps  
 Chas. G. Anderson  
 Palmer Augenstein M.D.

PLAINTIFF'S ATTY. Lee

ADDRESS TO JURY: 2115

JUDGE ADDRESS TO JURY: 2125

VERDICT:

Plaintiff \$950.00

7. Harold Danier
8. Hazel Bloom
9. Marvin Stumpf
10. Helen Bruno
11. James P. McBrack
12. Joseph B. Maleda

DEFENDANT WITNESSES:

Edward Maleskosky  
 Malcolm Rougier  
 Al Dame

DEFT. ATTY. Bell Jr

ADDRESS TO JURY: 2606

JURY OUT 2:45 JURY RETURN: 5:55

Walter W. Thruston  
Dorothy J. Thruston  
VERSUS  
Conrad J. Mihalek, huske

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

No. 457 May Term, 1961

VERDICT

And now to wit: 1961, we, the Jurors

empanelled in the above entitled case, find A Verdict in Favor

Conrad J. Mihalek, huske

Alvin F. Taylor, Foreman

No. 1157 May Term, 1961

Term, 1967

VERSUS  
frustration

VERSUS

## Materials

## VERDICT

Filed..... 19.....

## Prothonotary

Walter Johnson et al

## VERSUS

Edward O. Matkawski

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

No. 457 Term May 1961

To Wm T. Hagedorn Prothonotary.

## Prothonotary.

Sir: Enter \_\_\_\_\_ appearance for \_\_\_\_\_

Payment of the verdict having been received in full, you are directed to mark the record satisfied upon payment of costs by defendant.

in above case.

Attorney for

Plaintiff

No. \_\_\_\_\_ Term \_\_\_\_\_ 19 -

vs.

APPEARANCE

For \_\_\_\_\_

C/P/Sar.

*W. H. HEDDEN*

RECEIVED

**In the Court of** COMMON PLEAS OF

## **Clearfield County.**

WALTER W. JOHNSTON and DOROTHY  
JOHNSTON

Of May Term, 1961.

VERSUS

No. 457 Plaintiffs Bill of Costs  
At Term, 19

CLEARFIELD COUNTY, SS:

Personally appeared before me ....., who being duly sworn, saith the above Bill of Costs is correct, that the witnesses named were subpoenaed, necessary, material, and in attendance as above stated, and that the mileage is correct as he believes.

Sworn to and subscribed before me  
the day of September, A. D. 196  
Wm. L. Hayes, Prothonotary

No. 152 May Term, 1961

## Versus

**Attorney**