

DOCKET NO. 174

NUMBER	TERM	YEAR
512	May	1961

Oliver W Britten

Ellen Britten

VERSUS

Ronald K Johnston and

Clearfield Truck Rentals Inc

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

Oliver W. Britten
Ellen Britten

No 512 May Term 1961

vs

Ronald K. Johnston and
Clfd Truck Rentels Inc.

Complaint In Trespass

(Sheriff's Return)

Now, July 17, 1961 at 11:00 O'Clock A.M. served the within Complaint in Trespass on Ronald K. Johnston at place of Employment, Clearfield Truck Rentels, Curwensville Highway, by handing to him personally a true and attested copy of the original Complaint In Trespass and made known to him the contents thereof.

Now, July 17, 1961 at 11:05 O'Clock A.M. served the within Complaint in Trespass on Clearfield Truck Rentels Inc. at place of Business on Curwensville Highway, Lawrence Township. by handing to D.R. Pownell owner and President of Clearfield Truck Rentels personally a true and attested copy of the original Complaint In Trespass and made known to him the contents Thereof.

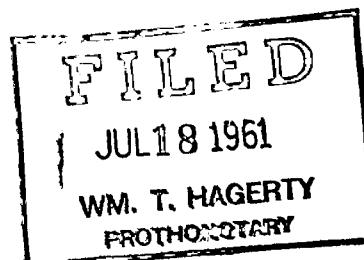
Costs Sheriff Ammerman \$ 8.50
(Paid by Attys B.S.S)

So Answers,

Charles G. Ammerman
Charles G. Ammerman
Sheriff

Sworn to before me this 17th
day of July 1961 A.D.

WM. T. Hagerty
Prothonotary.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

OLIVER W. BRITTEN
ELLEN BRITTEN

VS.

RONALD K. JOHNSTON
and CLEARFIELD TRUCK
RENTALS, INC.

:
:
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: NO. 512 MAY TERM, 1961
:
: IN TRESPASS
:
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PRAECIPE FOR APPEARANCE


TO: WILLIAM T. HAGERTY, PROTHONOTARY

SIR:


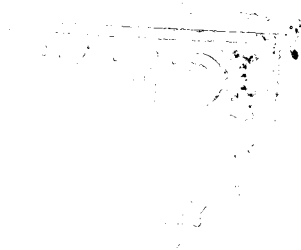
Enter our appearance in the above captioned case on behalf
of the Defendants.

SMITH, SMITH & WORK

BY


ATTORNEYS FOR PLAINTIFF

DATED: AUGUST 5, 1961

18.50

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

OLIVER W. BRITTEN
ELLEN BRITTEN

:

vs.

:

No. 512 May Term, 1961

RONALD K. JOHNSTON
and CLEARFIELD TRUCK
RENTALS, INC.

:

:

In Trespass

PRAECIPE

To William T. Hagerty, Prothonoary.

Sir:

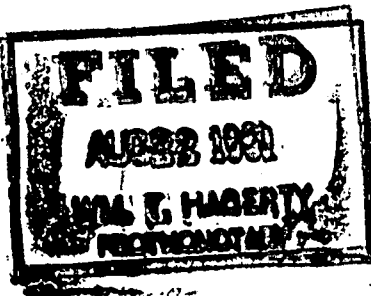
Upon payment of the costs, kindly mark the above captioned
matter, settled and discontinued.

BELL, SILBERBLATT & SWOOPE

by



Attorneys for Plaintiffs



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

OLIVER W. BRITTEN
ELLEN BRITTEN

vs.

RONALD K. JOHNSTON
and CLEARFIELD TRUCK
RENTALS, INC.

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:

No. 512 May Term, 1961

In Trespass

COMPLAINT

And now, this 17th day of July, 1961, come the Plaintiffs, Oliver W. Britten and Ellen Britten, and bring this cause of action, whereof, the following is a statement:

(1). The Plaintiffs are husband and wife and reside in Ansonville, Clearfield County, Pennsylvania, and were at the time the events hereinafter set forth occurred, the owners of a 1957 2 door Ford motor vehicle.

(2). The Defendant, Ronald K. Johnston, is an individual, residing in the village of Hyde, Clearfield County, Pennsylvania and was, at the time the events hereinafter set forth occurred, the operator of a tractor-trailer truck.

(3). Clearfield Trust Rentals, Inc., is a Pennsylvania corporation, having its office or principal place of business in Lawrence Township, Clearfield County, Pennsylvania, and was, at the time the events hereinafter set forth occurred, the owner or lessee of a tractor-trailer truck, being driven by its agent, Ronald K. Johnston.

(4). On February 25, 1961, at approximately 11:10 A. M., E. S. T., the Plaintiff, Oliver W. Britten, was driving his motor vehicle in an easterly direction on Pennsylvania Route No. 322 between Curwensville, Pennsylvania, and Clearfield, Pennsylvania, in Clearfield County, Pennsylvania.

(5). At the time, date and place aforesaid, the Defendant, Ronald K. Johnston, was driving a tractor-trailer truck for his employer, Clearfield Truck Rentals, Inc., in a westerly direction on Route 322 between Clearfield and Curwensville.

(6). At the time and place aforesaid, the Defendant, Ronald K. Johnston was an employee of Clearfield Truck Rentals, Inc., and was operating said tractor-trailer truck within the scope of his employment for Clearfield Truck Rentals, Inc.

(7). As the Plaintiff was driving his motor vehicle on his own side of the highway, near what is commonly referred to as the Hogback Bridge, the Defendant, Ronald K. Johnston, did so negligently and carelessly operate the motor vehicle of his employer, so as to cause it to cross the center line of Route 322 and strike the motor vehicle of the Plaintiff on the Plaintiff's right side of the highway.

(8). The negligence of the Defendant consisted of:

(a) Operating said tractor-trailer truck in a reckless, careless and negligent manner.

(b) Failing to yield one-half of the main-travelled portion of the highway.

(c) Occupying the wrong side of the highway, which was then and there being lawfully occupied by the Plaintiff's vehicle.

(d) Failing to take into consideration the rights of other lawful users of the said highway and in particular the rights of the Plaintiffs.

(8). As a result of the said collision, the Plaintiff's vehicle was so extensively damaged, that it was not worth repairing.

(9). Immediately prior to the accident, Plaintiff's motor vehicle had a value of \$510.00. As a result of the said accident, the Plaintiff was able to salvage his vehicle for \$175.00 leaving a net loss to the Plaintiff of \$335.00.

(10). As a result of the said accident, Plaintiff's vehicle was totally disabled, and it was necessary for Plaintiff to secure towing service to Clearfield and storage charge, in the amount of \$19.76, in accordance with copy of the said bill attached hereto and made a part hereof.

WHEREFORE, the Plaintiffs ask judgment against the Defendants in the liquidated amount of \$335.00, plus towing and storage charge in the amount of \$19.76, with interest from February 25, 1961.

by

Attorneys for Plaintiffs

OLIVER W. BRITTEN and ELLEN BRITTEN, his wife, who, being duly sworn according to law, depose and state; that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

Oliver H. Bottom

Ellen Britten

Sworn and subscribed to
before me this 15th day
of July, 1961.

John T. Hazerty

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962.

DOTTS MOTOR COMPANY, INC.
316 MARKET ST.
TELEPHONE POplar 5-9681
Clearfield, Penna.

NAME - Oliver W. Britten

ADDRESS - Ansonville, Pa.

DATE - 2-25-61

Type - 57 Ford

Repair Order - Labor Instructions

tow wreck in from Hogback curve

storage	12.00
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towing	7.00
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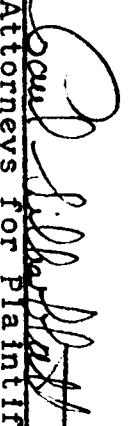
Paid 3/15/61

Total labor.....19.00

Sales tax..... .76

19.76

C O P Y

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. No. 5/2 May Term, 1961	
In Trespass	
OLIVER W. BRITTEN ELLEN BRITTEN	
vs.	
RONALD K. JOHNSTON and CLEARFIELD TRUCK RENTALS, INC.	
COMPLAINT	
TO THE WITHIN NAMED DEFEND- ANTS:	
You are hereby notified to file an Answer to the within Complaint within 20 days from the date of service hereof.	
BELL, SILBERBLATT & SWOOPE	
by 	
Attorneys for Plaintiffs.	
11 11/17	
BELL, SILBERBLATT & SWOOPE ATTORNEYS AT LAW CLEARFIELD TRUST CO. Bldg. CLEARFIELD, PENNSA	
COMMERCIAL PRINTING CO., CLEARFIELD, PA	