

DOCKET NO. 174

NUMBER	TERM	YEAR
690	May	1961

Arnold McCracken

Mildred McCracken

VERSUS

Lucille Padilla

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARNOLD McCACKEN and MILDRED  
McCACKEN, his wife

VS

LUCILLE PADILLA

No. 690 May Term, 1961

In Trespass

PRAECIPE FOR SUMMONS

TO WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

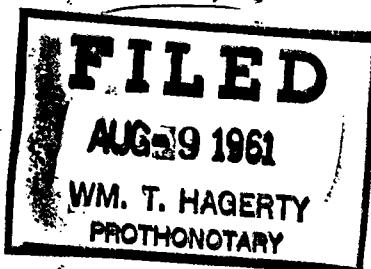
Issue Summons in the above entitled matter In Trespass.

SMITH, SMITH & WORK

BY

*W.H. Smith*  
Attys. for Plaintiffs

Dated: August 7, 1961



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

Arnold McCraken  
Mildred McCraken  
vs  
Lucille Padilla

No 690 May Term 1961

Summons

\*  
Sheriffs Return)

Now, August 9, 1961 deputized the Sheriff Of Potter County to serve the within Summons on Lucille Padilla.

Now, August 10, 1961 served the within Summons on Lucille Padilla by deputizing the Sheriff Of Potter County, The return of service of Harold G. Holcomb Sheriff Of Potter County is hereto attached and made part of this return of service.

Costs Sheriff Ammerman \$6.00  
Sheriff Of Potter County \$11.50  
(Paid by Attys S.S.W.)

So Answers,  
*Charles G. Ammerman*  
Charles G. Ammerman  
Sheriff

Sworn to before me this 27th day of November 1961 A.D.

Wm T. Hagerty

Prothonotary.



Know all men by these Presents, That I, Charles G. Ammerman  
High Sheriff of Clearfield County, State of Pennsylvania, do hereby deputize Sheriff of Potter  
Co, Harold C. Holcomb to execute this writ; this deputation being made at the  
request and risk of the Plaintiff.

Given under my hand and seal this 9th day of August  
A. D. 1961.

 Sheriff.

ARNOLD McCACKEN

MILDRED McCACKEN

VS

LUCILLE PADILLA

NO. 690 MAY TERM, 1961

RETURN OF SERVICE

Harold C. Holcomb, Sheriff of Potter County, Pennsylvania, being duly sworn according to law, deposes and says, that on the 10th day of August, 1961, at 7:00 P.M. DST, he served the Summons in Trespass, in the case endorsed hereon, upon Lucille Padilla at the Emporium Specialties Co., Inc., her place of employment, in Austin Borough, Potter County, Pa., by handing her a true and attested copy of the Summons and making known to her the contents thereof.

So Answers,

Harold C. Holcomb  
Sheriff, Potter County, Pa.

Sworn & subscribed to  
before me this 12th day  
of August, 1961.

Albert A. Schaub  
Prothonotary

## SUMMONS

Commonwealth of Pennsylvania  
County of Clearfield

To..... LUCILLE PADILLA .....

You are notified that ....., ARNOLD McCACKEN and MILDRED McCACKEN .....

the plaintiff<sup>s</sup> , have commenced an action in..... Summons in Trespass .....,  
..... against you which you are  
required to defend:

Date..... August 9, 1961

*Tom J. Naganty*  
Prothonotary.

No. 690 May Term 19 61

ARNOLD McCACKEN

MILDRED McCACKEN

versus

LUCILLE PADILLA

## SUMMONS

Smith, Smith & Work

Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARNOLD M. McCACKEN and :  
MILDRED McCACKEN, his wife :  
VS : No. 690 May Term, 1961  
LUCILLE PADILLA : In Trespass

C O M P L A I N T

COUNT ONE

(1). The Plaintiffs are Mildred McCracken and Arnold M. McCracken, husband and wife, who are individuals residing at R.D. 3, Lawrence Township, Clearfield, Pennsylvania.

(2). The Defendant is Lucille Padilla, an individual who resides in Austin, Potter County, Pennsylvania.

(3). On or about July 16, 1961, at or about 8 P.M., E.D.S.T., Plaintiff Mildred McCracken was riding in the Chevrolet automobile owned by she and her husband, Arnold McCracken, which was being driven by Plaintiff husband, Arnold McCracken.

(4). On or about the aforesaid date, and at or about the aforesaid time, said vehicle was travelling in a westerly direction on State Highway Route 322 and had reached a point on said route at approximately the intersection of Daisy Street Extended with State Highway Route 322 in Lawrence Township.

(5). On or about the aforesaid date, at or about the aforesaid time, and at or about the aforesaid place, Defendant, Lucille Padilla, was operating a vehicle in a westerly direction on State Highway Route 322 to the rear of Plaintiffs' vehicle.

(6). On the aforesaid date, at the aforesaid time, and at the aforesaid place, Plaintiff, Arnold McCracken, with proper signals brought his car to a stop on State Highway Route 322 because of the presence of approximately three stopped vehicles in front of him.

(7). Although the said Plaintiff, Arnold McCracken, and said other drivers were capable of coming to a safe and prompt stop as required by law, Defendant, Lucille Padilla, was unable to do so and her 1958 Ford automobile which she was operating to the rear of Plaintiffs' car in a westerly direction on Route 322 suddenly, without warning and with great violence, struck the rear of the 1961 Chevrolet Impala being operated by Plaintiff, Arnold McCracken, causing severe personal injuries as hereinafter set forth to Plaintiff, Mildred McCracken, and damages to Plaintiffs' Chevrolet Impala as also hereinafter set forth.

(8). As a result of Defendant's negligence, the Plaintiff, Mildred McCracken, was violently jostled about the 1961 Chevrolet Impala in which she was riding, resulting in serious personal injuries as hereinafter set forth.

(9). The said collision and all the resulting injuries and damages sustained by the Plaintiffs are the approximate result of the negligence on the part of the Defendant, Lucille Padilla, as more particularly set forth in the following lettered paragraphs:

(a). In operating her automobile over and along said Highway Route 322 at a rate of speed which was highly dangerous and unlawful under the circumstances.

(b). In failing to exercise the care and vigilance of a driver of an automobile on a public thoroughfare or highway.

(c). In driving at a speed greater than permitted to bring said automobile to a stop within the assured clear distance ahead, contrary to the statutes of the State of Pennsylvania.

(d). In failing to maintain a proper lookout ahead.

(e). In failing to properly guide said automobile in order to avoid driving into and striking the automobile which the Plaintiff, Arnold McCracken, was operating.

(f). In striking the automobile which the Plaintiff, Arnold McCracken, was operating when said automobile was at a full and complete stop and was in full view of the Defendant.

(g). Violating the statutes of the State of Pennsylvania pertaining to speed and control of automobiles on highways and intersections under the conditions existing at the said point at the time and place of said accident.

(h). In otherwise failing to operate said automobile with regard to the rights and safety of the Plaintiffs and other persons lawfully using the highways at the point aforesaid.

(10). As a result of the aforesaid, the Plaintiff, Mildred Mc Cracken, sustained the following injuries:

(a). A severe whiplash injury to her cervical, dorsal and lumbar spine, resulting in a permanent injury and complaints, to-wit: a fracture of the uncovertebral joint of the fifth vertebral body superior portion on the right side, an exaggeration of the normal curve of the cervical and dorsal spine and severe tissue damage in that area; and narrowing of the intervertebral foramen between the C-4-5 and C-5-6 level on the right; scoliosis of the dorsal spine with convexity at D-4 severe tenderness in the neck at the left scalene area, and tenderness of the dorsal spine in the area from D-1 to D-4. Also, myositis of the left scalene muscle; including scalene spasm on the right and also weakness in the left deltoid, all of which causes great difficulty in rotating her neck in any direction; extreme and chronic fatigue, a severe feeling of pain and numbness in the patients left shoulder and chest and radiating down her left arm; great emotional distress; extreme pain and suffering particularly in the cervical, dorsal and lumbar areas; severe headaches, inability to rest; difficulty in

locomotion or other physical activities involving the use of the neck, back or left arm and such other pain and suffering that may be incident to this type of injury.

(b). She suffered a severe and permanent shock to her nervous system of non-organic nature.

(c). By reason of the injuries aforesaid, it may be necessary for the Plaintiff to undergo an operation to correct the various conditions which will result in pain and suffering to the Plaintiff.

(11). As a result of the injuries to her cervical spine, she is compelled to wear an orthopedic collar, and will also be required to take treatment in the form of shoulder straps, physiotherapy and traction treatments.

(12). By reason of the injuries aforesaid, the Plaintiff, Mildred McCracken, has undergone mental and social embarrassment and inconvenience, and will in the future permanently undergo mental and social embarrassment and inconvenience.

(13). By reason of the negligence of the Defendant aforesaid, the Plaintiff, Mildred McCracken, has been prevented from following her usual occupation at Clear-Don Manufacturing Company located in Clearfield Pennsylvania, at a wage of approximately seventy-six and 64/100 (\$76.64) Dollars per week for a 40 hour week, and will be permanently prevented from following that occupation or any other in the future, and her earning power has been lost and/or lessened to her loss and damage.

(14). That by reason of the negligence of the Defendant and the injuries as aforesaid, the said Plaintiff, Mildred McCracken, has been and will in the future be permanently unable to perform her normal duties as a mother and housewife; particularly, those involving the use of her neck, shoulders and back, and will further be permanently disabled from following her normal social and recreational activities, particularly those involving the use of her neck, shoulders and back or the full concentration of her mental power.

WHEREFORE, the Plaintiff, Mildred McCracken, demands

of the defendant, Lucille Padilla, damages in excess of Five Thousand (\$5,000.00) Dollars.

COUNT TWO

(15). The husband, Arnold McCracken, incorporates by reference the allegations contained in Paragraphs 1 through 14, inclusive, the same as if the said allegations were herein fully set forth in detail.

(16). By reason of the negligence of the Defendant as aforesaid, the Plaintiff, Arnold McCracken, has been compelled to pay or become liable for certain sums of money for medicines, medical attention, hospitalization, X-rays, and other necessary and proper things in the treatment of his wife, and he will in the future from time to time be compelled to expend considerable sums of money for medical care, treatment, hospital bills and medicine in order to cure and restore his wife to health. The bills incurred to date are as follows:

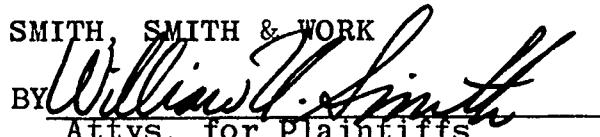
Clearfield Hospital	\$361.20
Dr. Russell Boykiw	\$ 93.25
Dr. Elmo Erhard	\$ 10.00
Dr. Paul B. Steele, Jr.	\$ 50.00

(17). As a result of the negligence of the Defendant, the Plaintiff, Arnold McCracken, has lost the service, companionship and consortium of his wife.

(18). As a result of the Defendant's negligence, the Plaintiff's 1961 Chevrolet Impala was smashed and damaged to the extent that required repairs in the amount of \$131.21, a true and correct copy of said bill for repairs is hereto attached and made a part hereof and marked Exhibit A

WHEREFORE, the Plaintiff, Arnold McCracken, claims of the Defendant, Lucille Padilla, for the above hospital expenses, medical care and treatment and repairs, and for future medical and hospital expenses, damages in excess of \$5,000.00.

SMITH, SMITH & WORK

BY   
Attys. for Plaintiffs

STATE OF PENNSYLVANIA:  
SS  
COUNTY OF CLEARFIELD :

ARNOLD McCACKEN and MILDRED McCACKEN, his wife, being duly sworn according to law, depose and say the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

Arnold McCracken  
(Arnold McCracken)  
a  
Mildred McCracken  
(Mildred McCracken)

Sworn and subscribed to  
before me this 3<sup>d</sup> day  
of May, 1962.

(Mrs) Mildred B. Singler  
NOTARY PUBLIC  
My Commission Expires  
JANUARY 7, 1963

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENN-  
SYLVANIA

NO. 690 May Term, 1961

ARNOLD M. McCACKEN and  
MILDRED McCACKEN, his wife

VS

LUCILLE PADILLA

COMPLAINT

TO THE WITHIN DEFENDANT:

You are hereby notified to  
file defensive pleadings to  
the within Complaint within  
twenty (20) days from service  
hereof.

SMITH, SMITH & WORK  
BY *John P. Smith*  
ATTORNEYS FOR PLAINTIFF

*John P. Smith*

277-100

MAY 3 1962

DALE E. WALKER  
PROTHONOTARY

SMITH, SMITH & WORK  
ATTORNEYS-AT-LAW  
CLEARFIELD, PA.

*copy out to attorney*

ARNOLD M. McCACKEN and  
MILDRED McCACKEN, his wife  
VERSUS  
LUCILLE PADILLA

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

No. 690 Term May 19 62

In Trespass

To Carl E. Walker  
Prothonotary.

Sir: Enter my appearance for the defendant

in above case.



Attorney for defendant

No. 690 Term May 19 62

ARNOLD M. McCACKEN and

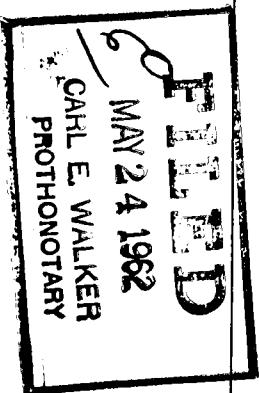
MILDRED McCACKEN, his wife

vs.

LUCILLE PADILLA

APPEARANCE

For defendant



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

Arnold M. McCracker and  
Mildred McCracken, his wife  
vs

No. 690 May Term, 1961  
Complaint in Trespass

Lucille Padilla

Sheriff's Return of Service

Now, May 3, 1962 deputized the Sheriff of Potter County to serve the within Complaint in Trespass on Lucille Padilla.

Now, May 9, 1962 at 1:00PM D.S.T. served the within Complaint in Trespass on Lucille Padilla by Deputizing Harold C. Holcomb, Sheriff of Potter County. The return of service of Harold C. Holcomb, Sheriff of Potter County is hereto attached and made part of this return of service.

Costs: Sheriff Reese \$7.50  
Sheriff Holcomb \$ 13.20  
(Pd. by Attys. S.S.&W.)

So Answers,

*James B. Reese*

James B. Reese  
Sheriff

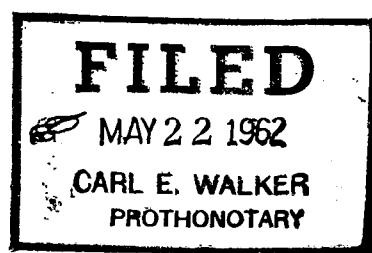
Sworn to before me this 22nd  
day of May A.D. 1962

*Carl E. Walker*

Prothonotary

PROTHONOTARY

My Commission Expires  
1st Monday Jan. 1966



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

Given under my hand and seal this 3rd day of May  
A. D. 1962.

James B. Reese Sheriff.

ARNOLD M. McCACKEN and  
MILDRED McCACKEN, HIS WIFE

VS

LUCILLE PADILLA

IN THE COURT OF COMMON PLEAS

OF CLEARFIELD COUNTY, PENNA.

NO. 690 MAY TERM, 1962

RETURN OF SERVICE

Harold C. Holcomb, Sheriff of Potter County, Pennsylvania, being duly sworn according to law, deposes and says that on the 9th day of May, 1962 at 1:00 P.M. EDST, he served the Complaint in Trespass, in the case endorsed hereon, on Lucille Padilla at her residence in Sylvania Township, Potter County, Pennsylvania, by handing her a true and attested copy of the Complaint and making known to her the contents thereof.

So Answers,

Harold C. Holcomb  
Sheriff, Potter County, Penna.

Sworn and subscribed to  
before me this 10th day  
of May, 1962.

Albert A. Schaub

Prothonotary

MY COMMISSION EXPIRES  
JAN. 6, 1964

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARNOLD M. McCACKEN and MILDRED:  
McCACKEN, his wife :  
VS : No. 690 May Term, 1961  
LUCILLE PADILLA : In Trespass

P R A E C I P E

TO CARL E. WALKER, PROTHONOTARY

SIR:

Please place the above entitled case on the list for the  
next term of Trial Court.

SMITH, SMITH & WORK  
BY W. U. S.  
\_\_\_\_\_  
Attorneys for Plaintiffs

Dated: May 24, 1962

DOCKET No. 174

Arnold McCracken

Mildred McCracken

VERSUS

Lucille Padilla

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

No. 690 May Term

61

Term, 19

Debt \$

Interest

Judg't Entered

Smith, Smith & Work \$50.70

Prothonotary 3.00

\$53.70

Certified from the records this

14th

day of November, A. D. 19

62

Prothonotary

**COSTS MUST BE PAID PROMPTLY**

No. 690 May Term, 1961

Arnold McCracken

Mildred McCracken

VERSUS

Lucille Padilla

STATEMENT

*Signed on  
10/10/61*

Arnold McCracken  
Mildred McCracken

Versus

Lucille Padilla

In the Court of Common Pleas  
Clearfield County, Pennsylvania

No. 690 May 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 14th day of November A. D. 19 62 marked settled, and discontinued

Record costs in the sum of \$ 53.70 have been paid in full by

Stan E. Arnold, attorney for Defendant

In Witness Whereof, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania, this 14th day of November A. D. 19 62.

Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ARNOLD M. McCACKEN and :  
MILDRED McCACKEN, his wife :  
VS : No. 690 May Term, 1961  
LUCILLE PADILLA : IN TRESPASS

PRAECIPE FOR DISCONTINUANCE

TO CARL E. WALKER, PROTHONOTARY

SIR:

Please mark the above case satisfied and discontinued upon payment  
of costs.

SMITH, SMITH & WORK

BY W.W. Smith  
Attorneys for Plaintiffs

Dated: November 20, 1962

