

DOCKET NO. 174

NUMBER TERM YEAR

718 May 1961

Lucille Myrtle

VERSUS

Harvey Murray, t/d/b/a

City Cab Service

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LUCILLE MYRTLE

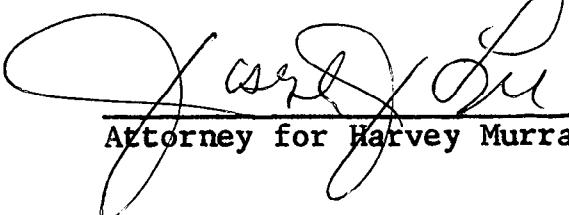
VS : : No. 718 May Term, 1961  
HARVEY MURRAY, trading : : Trespass  
and doing business as : :  
City Cab Service : :

P R A E C I P E

TO WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

Please place the above case on the argument list for disposition of defendant's Preliminary Objections at the coming term of argument Court.

  
\_\_\_\_\_  
Attorney for Harvey Murray

Dated: August 16, 1961

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 718 May Term, 1961

## Trespass

## LUCILLE MYRTLE

MICROBIAL

54

RECEIVED  
CITY OF HARVARD LIBRARY  
MAY 22 1944  
HARVEY MURRAY, trading as City Cab  
Service, doing business as City Cab  
Principles of Management, by C. E. T. Murray, 1944  
PRINCIPLE

ДАЛЕКИЕ  
ПОЛОСАМЫ

22100007

671

LIBRARY

AUG 18 1961

WILLIAM T. HAGERTY

PROTHOMONDAY

1021 of 1026, 15.3.17

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

Lucille Myrtle  
vs

No 718 May Term 1961

Harvey Murray, trading as  
and doing business as City  
Cab Service

Complaint In Assumpsit

Now, August 9, 1961 at 4:35 O'Clock P.M. served the within Complaint In Assumpsit on Harvey Murray, trading and doing business as City Cab Service, Du Bois, Pa., by handing to Mrs Warnick, Sect for City Cab Service at place of business, West Long Ave, Du Bois, Pa. personally a true and attested copy of the original Complaint In Assumpsit and made known to her the contents thereof.

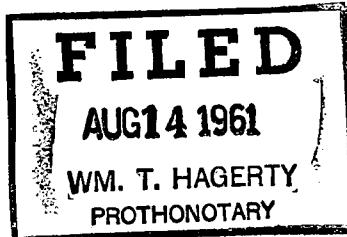
Costs Sheriff Ammerman \$11.60  
(Paid By Attys G.C.C.)

So Answers,

Charles G. Ammerman  
Sheriff

Sworn to before me this 14th  
day of August 1961. A.D.

## Prothonotary.



Lap-over Margin

Service accepted the 25th  
day 17 August, 1961

Harvey Murray  
by Anthony J. Gould

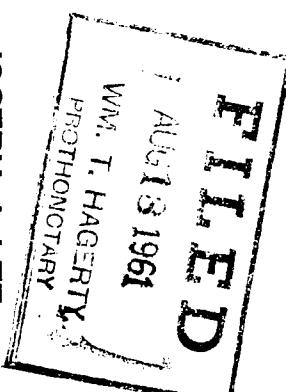
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 718 May Term, 1961  
Trespass

LUCILLE MYRTLE

VS

HARVEY MURRAY, trading and  
doing business as City Cab  
Service

PRELIMINARY OBJECTIONS TO THE  
COMPLAINT



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

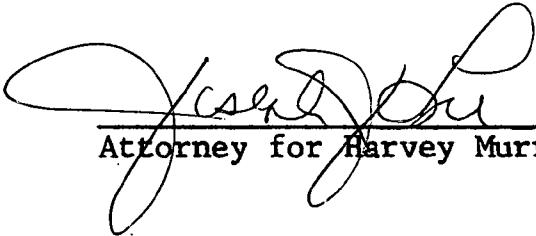
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LUCILLE MYRTLE :  
VS : No. 718 May Term, 1961  
HARVEY MURRAY, trading : Trespass  
and doing business as :  
City Cab Service :  
:

PRELIMINARY OBJECTIONS TO THE  
COMPLAINT

MOTION FOR MORE SPECIFIC  
PLEADING

(1). The defendant moves the Court to require the plaintiff to plead specifically the exact nature of injuries received by the plaintiff as alleged in paragraph (7), and more specifically the exact nature of the "severe shock to her nerves and nervous system" allegedly sustained.

  
\_\_\_\_\_  
Attorney for Harvey Murray

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

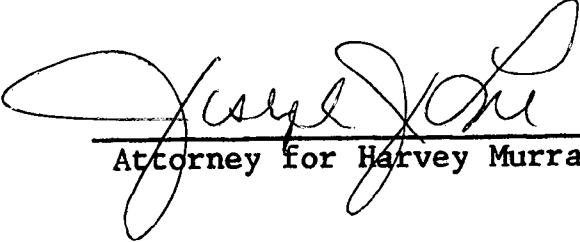
LUCILLE MYRTLE :  
VS : : No. 718 May Term, 1961  
HARVEY MURRAY, trading : Trespass  
and doing business as :  
City Cab Service :  
:

P R A E C I P E

TO WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

Please enter my appearance on behalf of the defendant in  
the above entitled case.

  
\_\_\_\_\_  
Attorney for Harvey Murray

Dated: August 16, 1961

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
NO. 71 2nd TERM, 1961  
IN TRESPASS

LUCILLE MYRTLE,  
Plaintiff

VS.

HARVEY MURRAY, trading and  
doing business as City Cab  
Service,  
Defendant

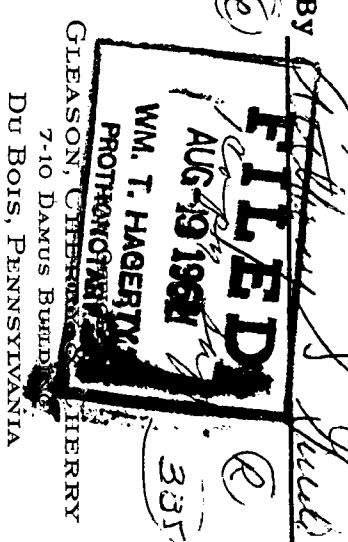
COMPLAINT

TO THE WITHIN NAMED DEFENDANT:

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

GLEASON, CHERRY & CHERRY  
Attorneys for Plaintiff

BY



4.50 Actg

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LUCILLE MYRTLE, Plaintiff :  
VS. : NO. 718 May TERM, 1961  
HARVEY MURRAY, trading and doing business as City Cab Service, Defendant : IN TRESPASS

COMPLAINT

AND NOW, comes LUCILLE MYRTLE, Plaintiff above named and by her Attorneys, Gleason, Cherry & Cherry, files this Complaint in trespass against HARVEY MURRAY, trading and doing business as City Cab Service upon a cause of action whereof the following is a statement:

1. That the Plaintiff, LUCILLE MYRTLE, is an individual who resides at 310 West Washington Avenue, DuBois, Clearfield County, Pennsylvania.
2. That the Defendant, HARVEY MURRAY, is an individual trading and doing business as City Cab Service with a place of business at 105 West Long Avenue, DuBois, Clearfield County, Pennsylvania and is engaged in the business of carrying passengers for hire as a common carrier, in and about the said City of DuBois, and for the purposes of his said business did own certain taxi-cabs, which were operated over and upon the highways of said City.
3. On or about January 19, 1961, at or about 9:00 P.M., E.S.T., Plaintiff became and was a passenger for hire upon one of the Defendants taxi-cabs, on West Long Avenue, in the City aforesaid.
4. At the time aforesaid, the said taxi-cab of the Defendant was then and there being operated by the agent, servant,

workman or employee of the Defendant, then and there engaged in the Defendant's business.

5. When the said taxi-cab of the Defendant<sup>arrived</sup> at or about 238 West Long Avenue, in the said City, the Plaintiff attempted to alight therefrom, and while she was in the act of so doing, the said taxi-cab did suddenly, without warning, and prematurely, started forward, throwing the said Plaintiff to the street, whereby she suffered serious and painful injuries as hereinafter set forth.

6. Said injuries were caused by the carelessness and negligence of the Defendant by his agent, servant, workman, or employee as follows:

(a) In starting the said taxi-cab when the agent, servant, workman, or employee of the Defendant in charge thereof knew, or should have known, that the Plaintiff had not fully alighted therefrom;

(b) In failing to have the taxi-cab under proper and adequate control while the Plaintiff was alighting therefrom;

(c) In failing to operate said taxi-cab with due regard, at the time, for the rights of said Plaintiff.

(d) In failing to assist said Plaintiff in alighting from said taxi-cab.

7. By reason of the above described occurrence, Plaintiff sustained a strain of the left arm muscles especially the left wrist and elbow; a strain of the right lower extremity at the right hip area; sprain of both ankles; strain of back muscles; aggravation of a chronic scoliosis; and multiple contusions and abrasions; together with a severe shock to her nerves and nervous system; by reason of which she was rendered sick, sore, lame and prostrate and disordered, and was made to undergo great mental

anguish and physical pain, as a result of which she has suffered, yet suffers, and will continue to suffer for an indefinite time in the future.

8. As a result of said collision and injuries, Plaintiff, LUCILLE MYRTLE, has incurred or expended the following sums of money for medicine, medical attention and hospitalization in and about endeavoring to treat and cure herself of her injuries to her financial damage and loss:

(A) Maple Avenue Hospital	\$246.70
(B) T. C. Klein, M. D.	55.00

9. That the amount of damages claimed by the Plaintiff, LUCILLE MYRTLE, exceeds the amount requiring arbitration referral by local Rule of Court and that the unliquidated damages so claimed are in excess of \$5000.00.

WHEREFORE, for the damages and loss above set forth, together with costs of suit, Plaintiff, LUCILLE MYRTLE, brings this Complaint against the Defendant.

GLEASON, CHERRY & CHERRY

By Anthony J. Guds  
Attorneys for Plaintiff

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :  
:

Personally appeared before the undersigned, a Notary Public, in and for the County and State aforesaid, LUCILLE MYRTLE, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Lucille Myrtle

Sworn to and subscribed before me this 7<sup>th</sup> day of  
August, 1961.  
Josephine M. Henry  
Notary Public  
My Commission expires Jan. 7, 1963.

IN THE COURT OF QUARTER SNS.  
OF CLEARFIELD COUNTY, PENNA.  
No. 718 May Term, 1961

In Trespass

LUCILLE MYRTLE

-vs-

HARVEY MURRAY, trading and  
doing business as  
City Cab Service

O R D E R



JOHN J. PENTZ  
PRESIDENT JUDGE  
CLEARFIELD, PENNSYLVANIA

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

LUCILLE MYRTLE

-vs-

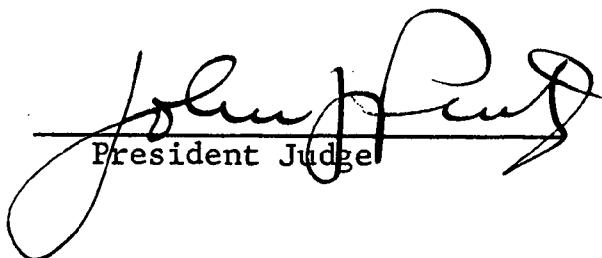
No. 718 May Term, 1961

HARVEY MURRAY, trading and  
doing business as  
City Cab Service

O R D E R

NOW, November 3, 1961, preliminary objection to the  
allegation of damage and injury to the nervous system  
sustained, and plaintiff to specify the kind and character of  
nervous injury and damage within twenty (20) days from the  
date hereof.

BY THE COURT,

  
John H. Pindel  
President Judge

Joe Lee

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
NO. 718 MAY TERM, 1961  
IN TRESPASS

LUCILLE MYRTLE,  
Plaintiff

154

HARVEY MURRAY, trading and doing business as City Cab Service, Defendant

AMENDMENT TO COMPLAINT

**TO WITHIN NAMED DEFENDANT:**

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

7-10 DAMUS BUILDING  
Du Bois, PENNSYLVANIA

Service accepted 11-24-61  
Jesus D. Lee  
Atty for Dg.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LUCILLE MYRTLE, :  
Plaintiff :  
-vs- :  
HARVEY MURRAY, trading : NO. 718 MAY TERM, 1961  
and doing business as :  
City Cab Service, : IN TRESPASS  
Defendant :  
:

AMENDMENT TO COMPLAINT

And now, comes LUCILLE MYRTLE, Plaintiff above named and by her Attorneys, Gleason, Cherry & Cherry, files this Amendment to the original Complaint in the above stated action:

1. Paragraph "7" of the original Complaint is amended to allege as follows:

"Paragraph 7. By reason of the above described occurrence, Plaintiff sustained a strain of the left arm muscles especially the left wrist and elbow; a strain of the right lower extremity at the right hip area; sprain of both ankles; strain of back muscles; aggravation of a chronic scoliosis; and multiple contusions and abrasions; by reason of which she was rendered sick, sore, lame and prostrate and disordered, and was made to undergo great mental anguish and physical pain, as a result of which she has suffered, yet suffers, and will continue to suffer for an indefinite time in the future."

2. Paragraphs 1, 2, 3, 4, 5, 6, 8, and 9, of the original Complaint are incorporated herein by reference and adoption.

GLEASON, CHERRY & CHERRY  
Attorneys for Plaintiff

By Edward V. Cherry

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD : :

Personally appeared before me, a Notary Public, in and for the County and State aforesaid, LUCILLE MYRTLE, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Amendment to Complaint are true and correct to the best of her knowledge, information and belief.

Lucille Myrtle

Sworn to and subscribed before me this 14<sup>th</sup> day of November, 1961

Josephine McHenry  
Notary Public  
My Commission expires Jan. 7, 1963.

CLEARFIELD COUNTY, ss:

The Commonwealth of Pennsylvania to  
Mr. Dave Shemuka  
110 Wood Street, DuBois, Pa.

WE COMMAND YOU, that setting aside all manner of business and excuses whatsoever, you be and appear in your proper person before our Judges, at Clearfield, at our County Court of Common Pleas there to be held for Clearfield County, on the last Monday of April next, there to testify the truth according to your knowledge in a certain case now pending in our said court, and then and there to be tried, wherein Lucille Myrtle is Plaintiff, and Harvey Mumay t/d/b/a City Cab Service

Defendant, and that on the part of the Defendant And this you are not to omit under penalty of five hundred pounds.

WITNESS, the Honorable JOHN J. PENTZ, President of our said court at Clearfield, Pa., the 25th day of April  
Anno Domini, one thousand nine hundred and Sixtytwo

*Carl E. Walker*  
Prothonotary.

## CONSTABLE'S RETURN

To be mailed promptly to the Clerk of the  
Court at Clearfield

## Common Pleas Subpoena

CLEARFIELD COUNTY, ss:  
26 day of April, 62  
served the within subpoena on the within named  
*Jane Chemura*.

No. 718 May Term, 19 61

Lucille Myrtle

VERSUS

Harvey Murray t/d/b/a  
City Cab Service

By reading the same to each of them.

No. ....	Services	\$ 1.50
	Miles actually traveled direct	<u>50</u>
Total - - -		<u>\$2.00</u>

*affiant*

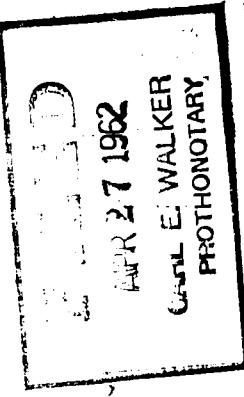
Personally appeared before me the subscriber,

*Charles J. Miskin*

who, being duly sworn, deposes and says that he  
made the number of services and true as stated,  
and that he traveled the number of miles above  
set out in making services of this Subpoena and  
that said miles were necessarily traveled.

Defendant

Filed



PROTHONOTARY

Sworn and subscribed before me this  
26 day of April, A.D. 62

*Charles J. Miskin* Constable  
*Charles J. Miskin*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LUCILLE MYRTLE :  
VS : No. 718 May Term, 1961  
: :  
MARVEY MURRAY, trading and : Trespass  
doing business as City Cab :  
Service :  
:

PRAECIPE FOR DISCONTINUANCE

TO: CARL E. WALKER, PROTHONOTARY

SIR:

Please mark the above case settled and discontinued upon  
payment of costs by the defendant.

GLEASON, CHERRY & CHERRY

BY: Edward V. Cherry

Attorneys for Plaintiff

Dated: May 11, 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

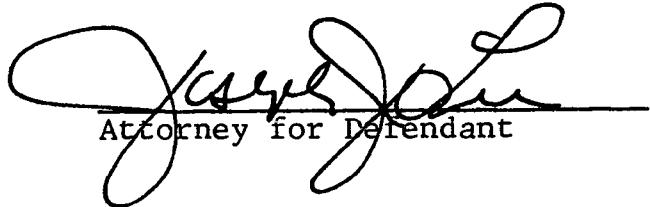
LUCILLE MYRTLE :  
VS : No. 718 May Term, 1961  
: :  
HARVEY MURRAY, t.d.b.a. : Trespass  
City Cab Service :  
:

P R A E C I P E

TO CARL E. WALKER, PROTHONOTARY

SIR:

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



\_\_\_\_\_  
Attorney for Defendant

Dated: April 5, 1962

Defeq: MyB 11, 1995

### Affordances for Early Justice

СЕВАСТОПОЛЬСКАЯ

ხალაუნი იქ იარაგა ბა ცეც დედენდან.

Please mark the above case settled and pay

216:

TO: CARL E. MURKIN, NATIONAL SECURITY

## БРАВЕСІІЕ EOK DISCONTINUANCE

FILED  
MAY 1 21962  
CARL E. WALKER  
FEDERAL BUREAU OF INVESTIGATION

IN THE COURTS OF COMMON BURGOS OR GREVELEIERG CONVENTS, VILLAGES,

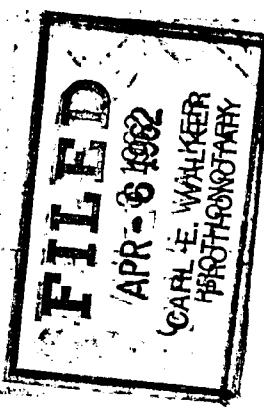
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 718 May Term, 1961  
Trespass

LUCILLE MYRTLE

VS

HARVEY MURRAY, t/d/b/a  
City Cab Service

P R A E C T I P E



Lucille Myrtle

VERSUS

Harvey Murray trading  
and doing business as  
City Cafe Service

To J.W. T. Hagerthy

Prothonotary.

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

No. 718 Term May 1961

Sir: Enter appearance for place the  
above case on the trial list

in above case.

Glenn Cherry & Cherry  
by Edward V. Cherry  
Attorney for

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

vs.

APPEARANCE

For \_\_\_\_\_

