

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

HARVEY MURRAY, trading
and doing business as
City Cab Service

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:
: No. 718 May Term, 1961
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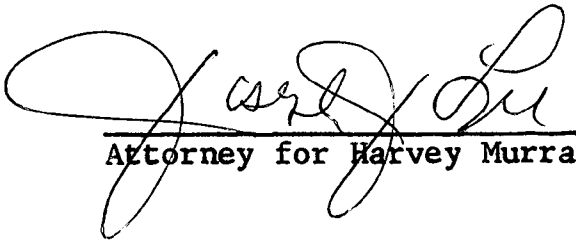
: Trespass
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P R A E C I P E

TO WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

Please place the above case on the argument list for dis-
position 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

HARVEY MURRAY, trading and
doing business as City Cab
Service

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

TO THE HONORABLE JUDGE OF THE COURT
IN CLEARFIELD COUNTY, PENNSYLVANIA

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

FILED
AUG 18 1961
WM. T. HAGERTY
PROTHONOTARY

FILED FOR RECORD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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

Lucille Myrtle

No 718 May Term 1961

vs

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

Complaint In Assumpsit

(Sheriff's Return)

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.

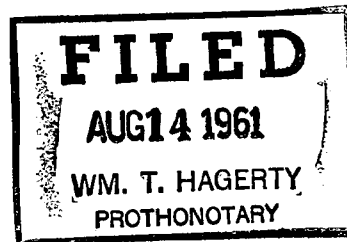
Costs Sheriff Ammerman \$11.60
(Paid By Attys G.C.C.)

So Answers,

Charles G. Ammerman
Charles G. Ammerman
Sheriff

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

Prothonotary.



Sermon Accepted the 7.5th
Aug 17 August, 1961

Grass, changes change
by Anthony and Guido

Guido

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
<div>FILED AUG 18 1961 WM. T. HAGERTY, PROTHONOTARY</div> <div>JOSEPH J. LEE ATTORNEY-AT-LAW CLEARFIELD, PA.</div>

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LUCILLE MYRTLE

VS

HARVEY MURRAY, trading
and doing business as
City Cab Service

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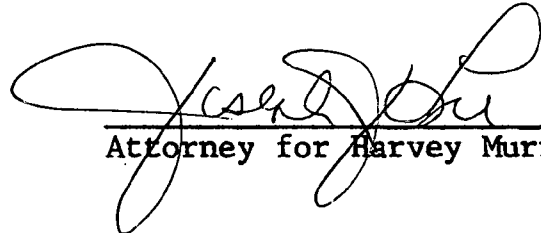
No. 718 May Term, 1961

Trespass

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

HARVEY MURRAY, trading
and doing business as
City Cab Service

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No. 718 May Term, 1961

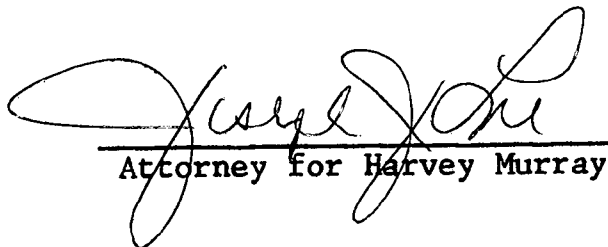
Trespass

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. 718 May 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

Wm. T. Hagerm
Wm. T. Hagerm

FILED
AUG 19 1961
WM. T. HAGERM
PROthonotary

GLEASON, CHERRY & CHERRY
7-10 Dams Building
Du Bois, PENNSYLVANIA

109 N. BRADY STREET

4:30 *Atty*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LUCILLE MYRTLE,
Plaintiff

VS.

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

NO. 718 May TERM, 1961

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^{arrived}/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 S. Guals
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 7th day of

August, 1961.

Josephine M. Sherry
Notary Public
My Commission expires Jan. 7, 1963.

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

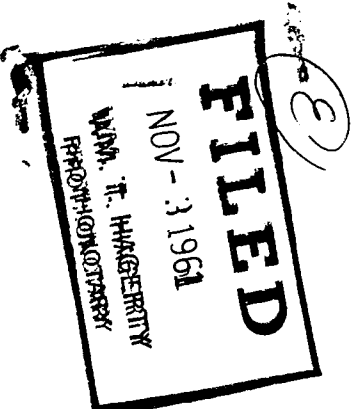
In Trespass

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-

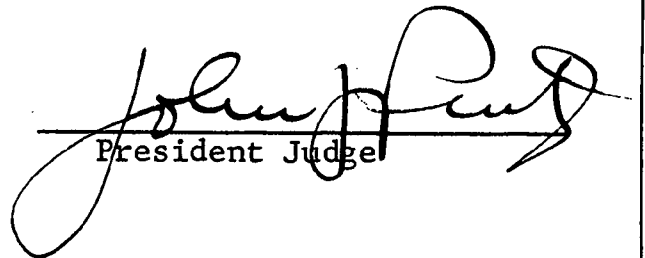
HARVEY MURRAY, trading and
doing business as
City Cab Service

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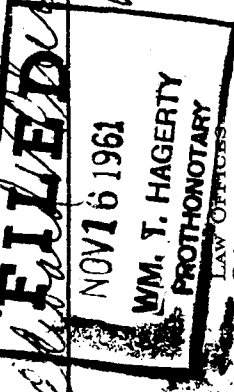
O R D E R

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,


President Judge

Joe Lee

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. NO. 718 MAY TERM, 1961 IN TRESPASS	
LUCILLE MYRTLE, Plaintiff	
-VS-	
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.	
GLEASON, CHERRY & CHERRY Attorneys for Plaintiff By <i>Wm. T. Hagerty</i>  GLEASON, CHERRY & CHERRY 7-10 DAMUS BUILDING DU BOIS, PENNSYLVANIA 109 N. BRADY STREET	

Service accepted 11-24-61
James D. Lee
Atty for Def.

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

:

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 14th 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

CLEARFIELD COUNTY, ss:

26 day of April, 1962

served me within subpoena on the within named

David Thompson

By reading the same to each of them.

No. Services \$ 1.50

Miles actually traveled direct 50

Total - - - - \$ 2.00

affiant

Personally appeared before me the subscriber,

Charles J. Micka

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.

Charles J. Micka Constable

Sworn and subscribed before me this

26 day of April, A.D. 1962

W. Bennett D. Gamm

Common Pleas Subpoena

No. 718 May Term, 19 61

Lucille Myrtle

VERSUS

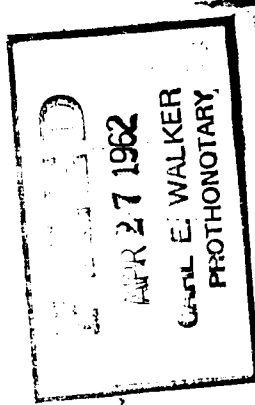
Harvey Murray t/d/b/a

City Cab Service

SUBPOENA

Defendant

Filed



PROTHONOTARY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LUCILLE MYRTLE

VS

MARVEY MURRAY, trading and
doing business as City Cab
Service

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No. 718 May Term, 1961

Trespass

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 // , 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LUCILLE MYRTLE

VS

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

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No. 718 May Term, 1961

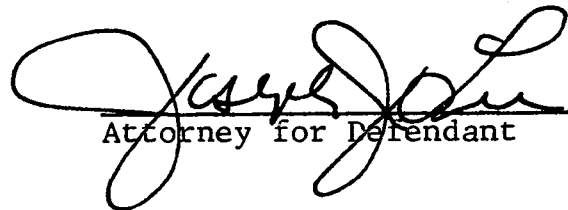
Trespass

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

Dated: May 11, 1962

Attorneys for Plaintiff

By: *[Signature]*

STEVENSON, CHEBKA & CHEBKA

Payment of costs by the defendant.

Please mark the above case settled and discontinued.

SIR:

TO: CARL E. WALKER, BROTHMANOLVKA

RESPECTIVE FOR DISCONTINUANCE

relates
going business as City Car
MARKLEY MURRAY, trading and

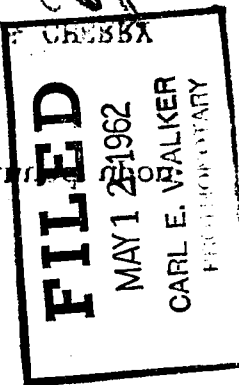
respects

AS

NO. 118 MAY TERM, 1962

PLAINTIFF MARKLEY

IN THE COURT OF COMMON PLEAS OF STEVENSON COUNTY, PENNSYLVANIA



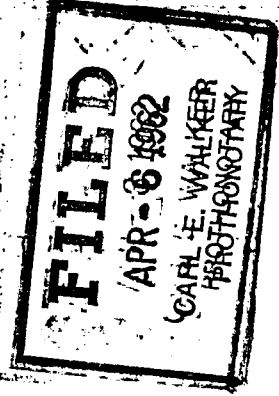
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 718 May Term, 1961
Trespass

LUCILLE MYRTLE

VS

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

P R A E C I P E



Lucille Myrtle

VERSUS

Harney Murray trading
and doing business as
City Cake Service

To John T. Hagerthy
Prothonotary.

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

No. 718 Term May 19 61

Sir: Enter appearance for

Place the
above case on the trial list

in above case.

Gleason Cherry & Cherry
by Edward V. Cherry
Attorney for

No. _____ Term _____ 19__

VS.

APPEARANCE

For _____

(B)

