

00-1015-CD

LEONA A. PICARD -vs- COMMONWEALTH OF PA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LEONA A. PICARD,
Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

No. 2000- 1015-C0

TYPE OF CASE:
Appeal

TYPE OF PLEADING:
Petition for Review of DOT
Order Suspending Operating
Privilege

FILED ON BEHALF OF:
Petitioner

**ATTORNEY OF RECORD FOR THIS
PARTY:**

Peter F. Smith, Esquire
Supreme Court I.D. No. 34291
30 South Second Street
P.O. Box 130
Clearfield, PA 16830
(814) 765-5595

FILED

AUG 18 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LEONA A. PICARD, :
Petitioner :
: No. 2000-
vs. :
: :
COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
Respondent :
:

***PETITION FOR REVIEW OF ORDER OF
DEPARTMENT OF TRANSPORTATION
SUSPENDING OPERATING PRIVILEGES***

COMES NOW, Leona A. Picard, the Petitioner, by her attorney, Peter F. Smith, who pursuant to 75 Pa. C.S.A. §1550 respectfully petitions this Court for review of an order of the Department of Transportation suspending her operating privileges and in support thereof avers:

1. The Petitioner is Leona A. Picard, who is an adult, residing at RD 1, Box 1A, Frenchville, Pennsylvania, 16836.
2. Petitioner currently possesses a valid Motor Vehicle Operator's license issued by the Pennsylvania Department of Transportation, license number 09385913.
3. Other than the suspension order at issue in these proceedings, Petitioner's license has not been revoked, canceled or suspended.
4. By letter dated August 10, 2000, the Commonwealth of Pennsylvania Department of Transportation notified the Petitioner that her Motor Vehicle License had been suspended indefinitely

commencing on September 14, 2000. A true and correct copy of said letter is attached hereto and incorporated herein as Exhibit A.

5. This suspension was imposed because of an alleged seizure which Mrs. Picard is said to have suffered on June 2, 2000, as allegedly mandated by Section 1519(c) of the Vehicle Code.

6. This suspension is improper and unlawful because Mrs. Picard did not suffer a "seizure" within the contemplation of Section 1519(c) of the Vehicle Code that would cause her to be physically and/or mentally unqualified to operate motor vehicles in the Commonwealth.

7. Mrs. Picard is fully recovered from any and all past medical problems. She is of sound mind and body and fully capable of operating a motor vehicle in the Commonwealth.

WHEREFORE, Petitioner respectfully requests the Court to schedule this matter for hearing *de novo* pursuant to 72 Pa. C.S.S. §1550 and that the Order of the Department of Transportation be set aside.

Respectfully submitted,

Dated: 8/18/00



Peter F. Smith, Esquire
Attorney for Petitioner

VERIFICATION

I, Leona A. Picard, Petitioner in the foregoing Appeal, hereby verify that the foregoing statements are true based upon my personal knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: Aug. 18, 00

x Leona A. Picard
Leona A. Picard

recalszr

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: August 10, 2000**

LEONA PICARD
RD 1 BOX 1A
FRENCHVILLE PA 16836

Dear Ms. LEONA PICARD:

We have received medical information indicating that you have Seizure Disorder and Cerebral Vascular Disease conditions which prevents you from safely operating a motor vehicle.

As of 09/14/2000, you may no longer drive. Your driving privilege is hereby recalled indefinitely as mandated by Section 1519(c) of the Vehicle Code.

This decision has been made by comparing your medical condition with the standards recommended by our Medical Advisory Board and adopted by this Department. This action will remain in effect until we receive medical information that your condition has improved and you are able to safely operate a motor vehicle.

Since you have a seizure disorder, you must remain seizure free for a six month period, with or without medication, before you will be eligible for reinstatement of your driving privilege. Our records indicate that your seizure occurred on 6/2/00.

In order to comply with this action, you must return all current Pennsylvania driver's licenses, learner's permits, temporary driver's licenses (camera cards) in your possession, on or before the effective date listed above. If you cannot comply with the requirements stated above, a sworn affidavit stating that you are aware of the sanction against your driving privilege must be submitted. When the Department receives your license or affidavit, we will send you a receipt.

YOU MAY NOT RETAIN YOUR DRIVER'S LICENSE FOR IDENTIFICATION PURPOSES. However, you may apply for and obtain a photo identification card at any Driver License Center. You must present two (2) forms of proper identification (e.g., birth certificate, valid U.S. passport, marriage certificate, etc.) in order to obtain your photo identification card.

You have the right to appeal to the Court of Common Pleas (Civil Division) within thirty (30) days of the mail date of this notice. If you file an appeal in the County Court, the Court will give you a time-stamped certified copy of the appeal. In order for your appeal to be valid, you must send this time-stamped certified copy of the appeal by certified mail to:

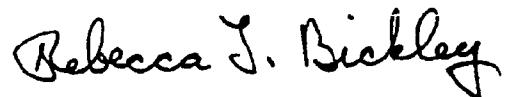
Exhibit A

Pennsylvania Department of Transportation
Office of Chief Counsel
Third Floor, Riverfront Office Center
Harrisburg, PA 17104

You still must send in your license before the effective date of recall unless you appear in person before a judge and receive an order permitting you to continue driving.

If you have any questions or need further information, please contact the Medical Unit, P.O. Box 68682, Harrisburg, PA 17106-8682 or call (717) 787-9662 between the hours of 8:00 a.m. and 4:30 p.m.

Sincerely,



Rebecca L. Bickley, Director
Bureau of Driver Licensing

Driver License #: 09385913

3 copy to attorney
Prothonotary
William A. Shaw 8a - By D.E.P.
0/105/05 pp
Aug 18 2000

FILED

PETER F. SMITH
ATTORNEY
30 SOUTH SECOND STREET
P.O. BOX 130
CLEARFIELD, PA. 16830

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

(2)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LEONA A. PICARD, :
Petitioner :
: No. 2000- 1015-CD
vs. :
:
COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
Respondent :
:

ORDER

NOW THIS 21st day of August, 2000, upon consideration of the petition of Leona A. Picard for review of an order of the Department of Transportation suspending her motor vehicle operating privileges, a hearing *de novo* is granted to determine whether the action of the Department of Transportation in suspending Petitioner's operating privilege should be set aside.

The Clearfield County Court Administrator shall schedule this matter for the first available date open for license suspension hearings and shall further notify the parties of said date.

The Petitioner is directed to immediately serve a Notice of Appeal, copy of the Petition for review and Scheduling Order on the Department of Transportation at the address shown in the Department's Notice of Entry of Order, by certified mail, return receipt requested.

This appeal shall act as a supercedas of the Department's suspension order.

FILED

AUG 21 2000

6/1015-CD

William A. Shaw
Prothonotary

3 CLERK TO REC'D

BY THE COURT,

J

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

64
LEONA A. PICARD,
Petitioner : No. 00-1015-CD

vs.

112
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Respondent

PRAECIPE TO DISCONTINUE

TO: William A. Shaw, Prothonotary

Dear Sir:

The appellant in the above captioned matter passed away on 02/03/2001. Please mark this appeal **"DISCONTINUED."**

Respectfully submitted,



Peter F. Smith
Attorney for Petitioner

Date: February 6, 2001

cc: Rebecca L. Bickley, Director
Bureau of Driver Licensing
Department of Transportation

FILED

FEB 07 2001

William A. Shaw
Prothonotary

FILED

FEB 07 2001

Q19-336 Cont. Do. to
William A. Shaw
Prothonotary

Atty Smith
Copy A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

COPY

CIVIL DIVISION

Leona A. Picard
Plaintiff(s)

Vs.

No. 00-1015-CD

Commonwealth of Pennsylvania
Department of Transportation
Defendant(s)

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was this day, the 7th of February A.D. 2001, marked:

Discontinued.

Record costs in the sum of \$80.00 have been paid in full by Peter F. Smith, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 7th day of February A.D. 2001.



Prothonotary