

00-1290-01
JAMES C. WALKER et al -vs- LAWRENCE TOWNSHIP et al

Good

Commonwealth Court of Pennsylvania

April 30, 2001

RE: Walker, et al v. Lawrence Twp., et al
No.: 995 CD 2001
Agency Docket Number: 00-1296-CD
Filed Date: April 23, 2001

Notice of Docketing Appeal

A Notice of Appeal, a copy of which is enclosed, from an order of your court has been docketed in the Commonwealth Court of Pennsylvania. The docket number in the Commonwealth Court is endorsed on this notice. The Commonwealth Court docket number must be on all correspondence and documents filed with the court.

Under Chapter 19 of the Pennsylvania Rules of Appellate Procedure, the Notice of Appeal has the effect of directing the Court to transmit the certified record in the matter to the Prothonotary of the Commonwealth Court.

The complete record, including the opinion of the trial judge, should be forwarded to the Commonwealth Court within forty (40) days of the date of filing of the Notice of Appeal. Do not transmit a partial record.

Pa.R.A.P. 1921 to 1933 provides the standards for preparation, certification and transmission of the record.

The address to which the Court is to transmit the record is set forth on Page 2 of this notice.

Notice to Counsel

A copy of this notice is being sent to all parties or their counsel indicated on the proof of service accompanying the Notice of Appeal. The appearance of all counsel has been entered on the record in the Commonwealth Court. Counsel has thirty (30) days from the date of filing of the Notice of Appeal to file a praecipe to withdraw their appearance pursuant to Pa. R.A.P. 907 (b).

Appellant or Appellant's attorney should review the record of the trial court, in order to insure that it is complete, prior to certification to this Court. (Note: A copy of the Zoning Ordinance must accompany records in Zoning Appeal cases).

The addresses to which you are to transmit documents to this Court are set forth on Page 2 of this Notice.

If you have special needs, please contact this court in writing as soon as possible.

| Attorney Name | Party Name | Party Type |
|----------------------------|--------------------------------------|-------------------|
| Anthony Gene De Boef, Esq. | James C. Walker | Appellant |
| James A. Naddeo, Esq. | Lawrence Township, Clearfield County | Appellee |

2001 JUN 26 A 8 59

COMMONWEALTH COURT OF PENNSYLVANIA
19000 BATHURST
PHILADELPHIA, PA 19104

FILED

MAY 02 2001

William A. Shaw
Prothonotary

#8

Address all written communications to:

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
P.O. Box 11730
Harrisburg, PA 17108
(717) 255-1650

Filings may be made in person at the following address (except on Saturdays, Sundays and holidays observed by Pennsylvania Courts) between 9:00 a.m. and 4:00 p.m.

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
Room 624
Sixth Floor
South Office Building
Harrisburg, PA 17120
(717) 255-1650

Pleadings and similar papers (but not paperbooks or certified records) may also be filed in person only at:

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
Filing Office
Suite 990
The Widener Building
One South Penn Square
Philadelphia, PA 19107
(215) 560-5742

The hours of the Philadelphia Filing Office are 9:00 a.m. to 4:00 p.m.

Under Pa.R.A.P. 3702, writs or other process issuing out of the Commonwealth Court shall exit only from the Harrisburg Office.

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

JAMES C. WALKER
CORY S. MANTINI
BUNNY ANN SAYERS
EDWARD J. OLSON
SUSAN M. CARL
DEBBIE J. WISOR
KENNETH W. MENCER,
ANNETTE M. FORCEY
JEFFREY ENGLEMAN
ALICELYN FRANCISKO
KAREN S. ECKSTEIN
Plaintiffs

vs.

LAWRENCE TOWNSHIP,
Clearfield County
&
BILL LAWHEAD,
&
LAWRENCE TWP. SUPERVISORS
Defendants

995 CD 2001
No. 00-1296-CD
CIVIL ACTION - MANDAMUS

Order for Transcript

Counsel of Record:

Anthony G. De Boef, Esquire
I.D.# 71532

Mitinger & De Boef
2147 East College Avenue
State College, PA 16801
(814) 231-4050

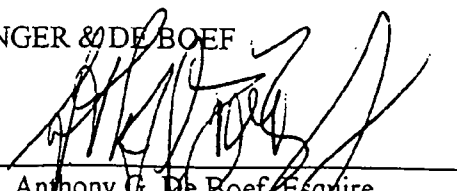
NOTICE OF APPEAL

Notice is hereby given that Plaintiffs above named hereby appeal to the Commonwealth Court of Pennsylvania from the Order entered in the above captioned action on March 23, 2001. This Order has been entered in the docket as evidenced by the attached copy of the docket entries.

Respectfully submitted,

MITINGER & DE BOEF

BY:


Anthony G. De Boef, Esquire
Attorney for Plaintiffs

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 23 2001

Attest.


Prothonotary

CERTIFICATE AND TRANSMITTAL OF RECORD UNDER PENNSYLVANIA
RULE OF APPELLATE PROCEDURE 1931(C)

To the Prothonotary of the Appellate Court to which the within matter has been appealed:

THE UNDERSIGNED, Clerk (or Prothonotary) of the court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the original papers and exhibits, if any, on file, the transcript of the proceeding, if any, and the docket entries in the following matter:

00-1296-CD

**James C. Walker, Cory S. Mantini, Bunny Ann Sayers, Edward J. Olson,
Susan M. Carl, Debbie J. Wisor, Kenneth M. Forcey, Jeffrey R.
Engelmann, Alicelyn Francisko, Karen S. Eckstine
VS.**


**Lawrence Township, Clearfield County, & Bill Lawhead
& Lawrence Township Supervisors**

In compliance with Pa. R.A.P. 1931 (c).

The documents compromising the record have been numbered from **No. 1 to No. 11**, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages compromising the document.

The date on which the record had been transmitted to the Appellate Court is

June 22, 2001.


Prothonotary/Clerk of Courts

(seal)

CIVIL ACTION

DOCKET 282

OCTOBER 2000

Anthony G.
DeBoef, Esq.

JAMES C. WALKER,
CORY S. MANTINI,
BUNNY ANN SAYERS,
EDWARD J. OLSON,
SUSAN M. CARL,
DEBBIE J. WISOR,
KENNETH W. MENCER,
ANNETTE M. FORCEY,
JEFFERY R. ENGELMANN,
ALICELYN FRANCISKO,
KAREN S. ECKSTINE

00-1296-CD

LAWRENCE TOWNSHIP, Clearfield
County,
BILL LAWHEAD, and
LAWRENCE TOWNSHIP SUPERVISORS

Pro BY ATTY 80.00

OCTOBER 19, 2000, COMPLAINT IN MANDAMUS, filed by Anthony G.
DeBoef, Esq., Attorney for the Plaintiffs
Four Certified Copies to Attorney DeBoef
CERTIFICATE OF SERVICE, /s/Anthony G. DeBoef, Esq.

PLEASE REFER TO COMPUTER
FOR FURTHER ENTRIES

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUN 22 2001

Attest.

William L. Shaw
Prothonotary

Date: 06/22/2001

Clearfield County Court of Common Pleas

User: JKENDRICK

Time: 12:49 PM

ROA Report

Page 1 of 1

Case: 2000-01296-CD

Current judge: John K. Reilly Jr.

| Date | | Judge |
|------------|---|--------------------|
| 10/19/2000 | New Case filed. | No Judge |
| | Complaint in Mandamus, filed by Anthony G. DeBoef, Esq., Attorney for the Plaintiffs Four Certified Copies to Attorney DeBoef Certificate of Service, /s/Anthony G. DeBoef, Esq. | No Judge |
| 11/03/2000 | Acceptance of Service, Plaintiff's Complaint by s/JAMES A. NADDEO, ESQ. ONE CC ATTY NADDEO | No Judge |
| 11/17/2000 | Defendant's Preliminary Objections to Plaintiff's Complaint, filed by /s/James A. Naddeo, Esq. Certificate of Service, filed. One Certified Copy to Attorney Naddeo | No Judge |
| 02/26/2001 | Amended Complaint. Filed by s/Anthony G. De Boef, Esq. no cc | John K. Reilly Jr. |
| 03/26/2001 | Order, NOW, this 23rd day of March, 2001, Defendants' Preliminary Objections be and are hereby sustained and Plaintiffs' Complaint dismissed with prejudice. BY THE COURT: /s/John K. Reilly, Jr., P.J. One CC to Attorney Naddeo One CC to Attorney DeBoef | John K. Reilly Jr. |
| 03/27/2001 | Filing: Praecipe for Judgment Entered in Favor of the Defendants and against Plaintiff. Notice to Defendants. Cert of Svc Paid by: Naddeo, James A (attorney for Lawrence Township) Receipt number: 1822468 Dated: 03/27/2001 Amount: \$20.00 (Check) | John K. Reilly Jr. |
| 04/23/2001 | Filing: Appeal to High Court Paid by: DeBoef, Anthony G. (attorney for Mantini, Cory S.) Receipt number: 1824002 Dated: 04/23/2001 Amount: \$45.00 (Check) One Cert. to Commonwealth Court with \$55.00 Check and One Cert. to Atty. | John K. Reilly Jr. |
| 05/02/2001 | Notice of Docketing Appeal from Commonwealth Court of Pennsylvania Filed. | John K. Reilly Jr. |
| 05/03/2001 | ORDER, NOW, this 2nd day of May, 2001, re: Atty DeBoef to file a concise statement of the matters complained of on Appeal. by the Court, s/JKR, JR., P.J. 2 cc atty Naddeo, 1 atty DeBoef | John K. Reilly Jr. |
| 06/01/2001 | Plaintiffs' Statement of Matters Complained of on Appeal. filed by s/Anthony G. De Boef, Esq. Cert of Svc no cc | John K. Reilly Jr. |
| 06/22/2001 | OPINION, filed. Cert. to Atty. Naddeo & Atty. DeBoef | John K. Reilly Jr. |

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA
00-1296-CD**

**James C. Walker, Cory S. Mantini, Bunny Ann Sayers, Edward J. Olson,
Susan M. Carl, Debbie J. Wisor, Kenneth M. Forcey, Jeffrey R. Engelmann,
Alicelyn Francisko, Karen S. Eckstine**

VS

**Lawrence Township, Clearfield County, & Bill Lawhead, & Lawrence
Township Supervisors**

| ITEM NO. | DATE of FILING | NAME of DOCUMENT | NO of PAGES |
|---------------------|---------------------------|--|------------------------|
| 01 | 10/19/00 | COMPLAINT IN MANDAMUS | 29 |
| 02 | 11/03/00 | ACCEPTANCE OF SERVICE | 03 |
| 03 | 11/17/00 | DEFENDANT'S PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT | 36 |
| 04 | 02/26/01 | AMENDED COMPLAINT | 06 |
| 05 | 03/26/01 | ORDER | 01 |
| 06 | 03/27/01 | PRAECIPE FOR JUDGMENT | 03 |
| 07 | 04/23/01 | CIVIL-ACTION MANDAMUS | 07 |
| 08 | 05/02/01 | NOTICE OF DOCKETING APPEAL FROM COMMONWEALTH COURT | 03 |
| 09 | 05/03/01 | ORDER | 01 |
| 10 | 06/01/01 | BRIEF IN OPPOSITION OF PRELIMINARY OBJECTIONS | 15 |
| 11 | 06/22/01 | OPINION | 06 |

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

I, **William A. Shaw**, Prothonotary/Clerk of Courts of Common Pleas in and for said County, do hereby certify that the foregoing is a full, true and correct copy of the whole record of the case therein stated, wherein

James C. Walker, Cory S. Mantini, Bunny Ann Sayers, Edward J. Olson, Susan M. Carl, Debbie J. Wisor, Kenneth M. Forcey, Jeffrey R. Engelmann, Alicelyn Francisko, Karen S. Eckstine

VS.

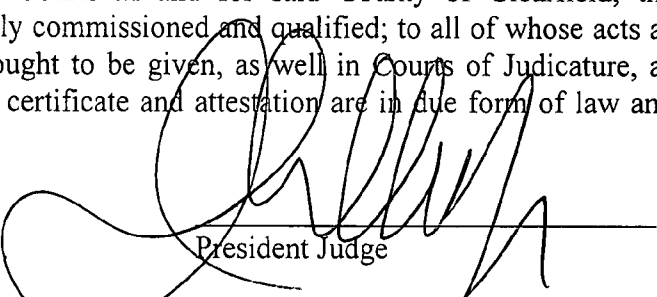
**Lawrence Township, Clearfield County, & Bill
Lawhead, & Lawrence Township Supervisors
00-1296-CD**

so full and entire as the same remains of record before the said Court, at No. 00-1296-CD

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 29th Day of MAY, 2001.

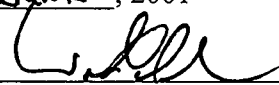

Prothonotary/Clerk of Courts

I, **John K. Reilly**, President Judge of the Forty-sixth Judicial District, do certify that **William A. Shaw** by whom the annexed record, certificate and attestation were made and given, and who, in his own proper handwriting, thereunto subscribed his name and affixed the seal of the Court of Common Pleas of said county, was at the time of so doing and now is Prothonotary/Clerk of Courts in and for said County of Clearfield, the Commonwealth of Pennsylvania, duly commissioned and qualified; to all of whose acts as such, full faith and credit are and ought to be given, as well in Courts of Judicature, as elsewhere, and that the said record, certificate and attestation are in due form of law and made by the proper officer.


President Judge

I, **William A. Shaw**, Prothonotary/Clerk of Courts of the Court of Common Pleas in and for said county, do certify that the Honorable **John K. Reilly, Jr.**, President Judge by whom the foregoing attestation was made and who has thereunto subscribed his name was at the time of making thereof and still is President Judge, in and for said county, duly commissioned and qualified; to all whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere.

In Testimony Whereof, I have
hereunto set my hand and affixed
the seal of said Court, this 22
day of June, 2001


Prothonotary/Clerk of Courts

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

(51) JAMES C. WALKER, ·
(83) CORY S. MANTINI, ·
(14) BUNNY ANN SAYERS, ·
(3) EDWARD J. OLSON, ·
(84) SUSAN M. CARL, ·
(14) DEBBIE J. WISOR, ·
(163) KENNETH W. MENCER, ·
(14) ANNETTE M. FORCEY, ·
(52) JEFFERY R. ENGELMANN, ·
(14) ALICELYN FRANCISKO, ·
(16) KAREN S. ECKSTINE, ·
Plaintiff

No. 00-1296 - C.D.
CIVIL ACTION
MANDAMUS

vs.

(14) LAWRENCE TOWNSHIP,
Clearfield County
&
(10) BILL LAWHEAD
&
(114) LAWRENCE TOWNSHIP SUPERVISORS,
Defendants

FILED

OCT 19 2000

William A. Shaw
Prothonotary

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator's Office
One N. 2nd St.
Clearfield, PA 16830

#1

MITTINGER & De BOEF

By: 

Anthony G. De Boef, Esquire

Date: 10/17/00

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

CIVIL DIVISION

JAMES C. WALKER,
CORY S. MANTINI,
BUNNY ANN SAYERS,
EDWARD J. OLSON,
SUSAN MARY CARL,
DEBBIE J. WISOR,
KENNETH WILLIAM MENCER,
ANNETTE M. FORCEY,
JEFFERY R. ENGELMANN,
ALICELYN FRANCISKO,
KAREN S. ECKSTINE,
Plaintiffs

v.

LAWRENCE TOWNSHIP,
Clearfield County
&
BILL LAWHEAD
&
LAWRENCE TOWNSHIP SUPERVISORS,
Defendants :

No. 2000-_____C.D.
CIVIL ACTION
MANDAMUS

COMPLAINT

AND NOW, comes the Plaintiffs, JAMES WALKER, CORY MANTINI, BUNNY SAYERS, EDWARD OLSON, SUSAN CARL, DEBBIE WISOR, KENNETH MENCER, ANNETTE FORCEY, JEFFERY ENGELMANN, ALICELYN FRANCISKO and KAREN ECKSTINE, by and through their Attorneys, MITINGER & De BOEF, and brings this Complaint upon a cause of action whereof the following is a statement:

1. Plaintiff KAREN S. ECKSTINE, is an adult individual who resides at 815 South George Street, Apt 1A, York, PA 17403.
2. Plaintiff ALICELYN FRANCISKO, is an adult individual who resides at P.O. Box 55,

Harbison Street, Wallaceeton, Pennsylvania, 16876.

3. Plaintiff JEFFERY ENGELMANN, is an adult individual who resides at RR 2, Box 269, Munson, Pennsylvania, 16860.

4. Plaintiff ANNETTE FORCEY, is an adult individual who resides at RD #1, Box 86 B, Woodland, Pennsylvania, 16881.

5. Plaintiff KENNETH MENCER, is an adult individual who resides at 2436 Executive Drive, Fallentimber, Pennsylvania, 16639.

6. Plaintiff JAMES WALKER, is an adult individual who resides at P.O. Box 82, 1001 Walker Road, Bigler, Pennsylvania, 16825.

7. Plaintiff DEBBIE WISOR is an adult individual who resides at R.D. #1, Box 567, Woodland, Pennsylvania, 16881.

8. Plaintiff SUSAN CARL, is an adult individual who resides at 1730 Fairview Street, Reading, Pennsylvania, 19606.

9. Plaintiff EDWARD J. OLSON, is an adult individual who resides at 511 E. 4th Street, Clearfield, Pennsylvania, 16830.

10. Plaintiff BUNNY SAYERS, is an adult individual who resides at RD #1 Box 181-B, Woodland, Pennsylvania, 16881.

11. Plaintiff CORY MANTINI, is an adult individual who resides at RD #1, Box 18, Rochester Mills, Pennsylvania, 15771.

12. Plaintiffs were all given speeding citations in the area of Route 322, in front of the Goldenrod Restaurant, in Clearfield County.

13. Officer Crystal Panebianco issued all 11 violations based on a speed zone set up in front of the Goldenrod Restaurant on Route 322, by the Lawrence Township Police Department.

See Exhibits 1-11.

14. Plaintiffs have learned that the speed zone at Route 322 and Goldenrod was discontinued by Lawrence Township subsequent to the issuance of the above 11 citations, due to the fact that it was improperly marked and being used in a manner that caused the speed zone to be too short.

15. JAMES WALKER did incur attorney's fees and litigation expenses only, as a result of an illegal citation given by the Lawrence Township Police Department.

16. All of the above Plaintiffs', other than JAMES WALKER, have incurred attorney's fees, fines as a result of the citations, and they have accumulated points on their driving record as a result of the erroneous and illegal speeding tickets issued by Officer Panebianco of the Lawrence Township Police Department.

17. Defendant has a duty to return to JAMES WALKER his attorney's fees and litigation expenses and to return to all of the other Plaintiffs' their attorney's fees, court costs, and to cause to be removed all points on their driving record with PennDot as a result of the illegal, improper speed zone set up by Lawrence Township at Route 322 and Goldenrod. As of this date, Lawrence Township has refused to perform this duty.

WHEREFORE, Plaintiff demands judgment against Defendants commanding that the Defendants perform their duty by returning to Plaintiff JAMES WALKER, his attorney's fees and litigation expenses and to return to all of the other Plaintiffs their attorney's fees, court costs and to remove all points on their driving record with PennDot.

Respectfully submitted,

MITINGER & De BOEF

By: 

Anthony G. De Boef, Esquire

Atty. I.D. #71582

Attorney for Plaintiffs

2147 East College Avenue

State College, PA 16801

(814) 231-4050

Dated: 10/17/00

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

JAMES C. WALKER,
CORY S. MANTINI,
BUNNY ANN SAYERS,
EDWARD J. OLSON
SUSAN M. CARL,
DEBBIE J. WISOR,
KENNETH W. MENCER,
ANNETTE M. FORCEY,
JEFFERY R. ENGELMANN,
ALICELYN FRANCISKO,
KAREN S. ECKSTINE,
Plaintiffs

vs.

LAWRENCE TOWNSHIP,
Clearfield County
&
BILL LAWHEAD
&
LAWRENCE TOWNSHIP SUPERVISORS,
Defendants

No. 2000-_____C.D.
CIVIL ACTION
MANDAMUS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Complaint was hereby served by
depositing the same within the custody of the United States Postal Service, First Class, postage
prepaid, addressed to the following:

James A. Naddeo, Esquire
211 ½ E. Locust St.
P.O. Box 552
Clearfield, PA 16830

MITINGER & DE BOEF

BY:

Anthony G. De Boef, Esquire
Attorney for Plaintiff

Date:

10/17/00

EXHIBIT

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625536-5

| | | | | | |
|--|------------------------|---|---|---|--|
| 1. Magisterial District No. 40-202 | | TRAFFIC CITATION | | 2. District Number TR-348-99 | |
| 3. Address of Magisterial District Office 650 LEONARD ST. CIRD PA 16830 | | | | | |
| 4. Driver Number 21718401 | | 5. C.D.L. <input type="checkbox"/> | 6. State <input checked="" type="checkbox"/> PA | 7. E.O.B. 5-550 | 8. Sex <input checked="" type="checkbox"/> M |
| 9. Defendant Name - First KAREN | | Middle S | | Last ECKSTINE | |
| 10. Defendant Address - City, State, Zip Code 58 TOWNE ST 2 YORK PA 17404 | | | | | |
| 11. Veh. Reg. No. ANK 1264 | 12. Reg. Yr. 99 | 13. State <input checked="" type="checkbox"/> PA | 14. Make DODGE | 15. Year 99 | 16. Color WHITE |
| 17. Veh. Reg. No. | 18. Reg. Yr. | 19. State <input type="checkbox"/> PA | 20. Make | 21. Type | 22. Color |
| 23. Owner/Lessor or Carrier Name & Address <input checked="" type="checkbox"/> Same as Defendant <input type="checkbox"/> Not Required | | | | | |
| 24. Charge | | | | | |
| <input checked="" type="checkbox"/> Maximum Speed Limits <input type="checkbox"/> Drivers Required to be Licensed <input type="checkbox"/> Careless Driving <input type="checkbox"/> Stop Signs & Yield Signs <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Traffic-Control Signals <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked <input type="checkbox"/> Other | | | | | |
| 25. Nature of Offense | | | | | |
| <input checked="" type="checkbox"/> Speeding 58 MPH Allowed 40 MPH <input type="checkbox"/> Radar <input type="checkbox"/> Clock <input type="checkbox"/> A.O.V. <input type="checkbox"/> Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle without Valid License <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Operated Unregistered Vehicle <input type="checkbox"/> Violated 67 Pa. Code <input type="checkbox"/> Ref. 49 CFR <input type="checkbox"/> Other ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 58 MPH IN A POSTED 40 MPH ZONE | | | | | |
| 26. STATUTE VEH | | | | | |
| 27. SEC 3362 28. SUB SEC A2 | | | | | |
| 29. FINE 40.- | | | | | |
| 30. E.M.S. 10.- | | | | | |
| 31. CAT 40.- | | | | | |
| 32. COSTS 26.50 | | | | | |
| 33. J.C.P. 1.50 | | | | | |
| 34. TOTAL DUE \$50.- | | | | | |
| <input type="checkbox"/> Filled on Info. Received | | | | | |
| 35. Location SR 322 GOLDENROD | | | | | |
| 36. Route SR 322 | | 37. Township LOWRENCE | | 38. County 223 CLEARFIELD | |
| 39. Date 3-28-99 | | 40. Date of Trial 3-28-99 | | 41. Date of Hearing 3-28-99 | |
| 42. Defendant's Signature - Acknowledged Receipt of Citation Karen Eckstine | | | | | |
| 43. Officer's Signature - Acknowledged Receipt of Citation Blanca Crystal Pacheco | | | | | |
| 44. Officer's Address - City, State, Zip Code PO BOX 250 HODE PA 16830 | | | | | |
| 45. Speed 58 | | 46. Miles Followed | | 47. Date of Trial 3-28-99 | |
| 48. Speed Equip. Serial No. 7407 | | 49. Section Equip. EM 2 | | 50. Date Equip. 3-15-99 | |
| 51. Accident Report No. | | 52. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | 53. Comm. Veh. <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| 54. Arrest/Subpoena List CPAL NO: 8020 | | | | | |
| 55. Arrest/Subpoena List Amended Box 28 To Resch A-3 | | | | | |

NOTICE

If you plead guilty or are found guilty, points may be assessed against your driver's record. Accumulation of 11 or more points will result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to driving while operating privilege is suspended or revoked, racing on highways, fleeing or attempting to elude police, driving without lights to avoid identification or arrest, accidents involving damage to attended vehicles or property, failure to stop for school bus with flashing lights, or subsequent convictions related to drivers required to be licensed.

EXHIBIT

2

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625597-3

| | | | | | |
|--|--|---------------------------------------|---------------------------|---|-----------|
| 1. District No. 423-02 | | TRAFFIC CITATION | | 2. Driver Number TR-560-99 | |
| 3. Address (Street, City, State, Zip Code) 600 LEONARD ST. CIND. PA. 16830 | | | | | |
| 4. Driver Number 985 355 | 5. C.D.L. <input type="checkbox"/> | 6. State <input type="checkbox"/> PA | 7. D.O.B. 11-25-68 | 8. Sex <input type="checkbox"/> M <input checked="" type="checkbox"/> F | |
| 9. Defendant Name - First Quincey | | Middle | | Last Francisco | |
| 10. Defendant Address (Street, City, State, Zip Code) P.O. Box 55 HARBISON ST. WILKESBARTON | | | | | |
| 11. Motor Vehicle No. 55A-087 99 | 12. State <input type="checkbox"/> PA | 13. Make PONTIAC | 14. Type CP | 15. Color Black | |
| 17. Veh. Reg. No. | 18. Reg. Tr. <input type="checkbox"/> PA | 19. State <input type="checkbox"/> PA | 20. Make | 21. Type | 22. Color |
| 23. Owner/Lessee or Carrier Name & Address <input checked="" type="checkbox"/> Same as Defendant <input type="checkbox"/> Not Required | | | | | |
| 24. Charge | | | | | |
| <input checked="" type="checkbox"/> Maximum Speed Limits <input type="checkbox"/> Drivers Required to be Licensed <input type="checkbox"/> Careless Driving <input type="checkbox"/> Stop Signs & Yield Signs <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Traffic-Control Signals <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked <input type="checkbox"/> Other | | | | | |
| 25. Nature of Offense | | | | | |
| <input checked="" type="checkbox"/> Speeding 62.4 MPH Allowed 40 MPH <input type="checkbox"/> Radar <input type="checkbox"/> Clocked <input type="checkbox"/> A.O.V. <input type="checkbox"/> Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle without Valid License <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Operated Unregistered Vehicle <input type="checkbox"/> Violated 67 Pa. Code Ref. 49 CFR <input checked="" type="checkbox"/> Other ABOVE NAMED ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 62.4 mph IN A POSTED 40mph ZONE | | | | | |
| 26. STATUTE <input checked="" type="checkbox"/> ORDINANCE 11EH | | | | | |
| 27. SEC 3362 28. SUB SEC 4-3 | | | | | |
| 29. FINE 10 - | | | | | |
| 30. E.M.S. 10 - | | | | | |
| 31. CAT 40 - | | | | | |
| 32. COSTS 26.50 | | | | | |
| 33. J.C.P. 1.50 | | | | | |
| 34. TOTAL DUE \$147 - | | | | | |
| 35. Location SR322 GOLDEN ROD | | | | | |
| 36. Date RES | | | | | |
| 37. Code 323 38. Twp.-Boro.-City Lawrence | | | | | |
| 39. Code 323 40. Dir. of Travel N E W | | | | | |
| 41. Date 4-12-99 42. Time 2041H 43. Day MON 44. Bulky CLEARFIELD 45. Code 17 | | | | | |
| 46. Defendant's Signature - Acknowledges Receipt of Citation Quincey Francisco 47. Date Issued 4-12-99 | | | | | |
| 48. I verify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S.A. § 4904) relating to unsworn falsification to authorities. | | | | | |
| 49. Station Address of Police Officer P.O. ROY 250 HYDE PA 16808 50. ORI Number PA01100 | | | | | |
| 51. Speeding Police Operator SHINE 52. Miles Followed 0 53. Miles Timed 0 54. Secs. Timed 0 | | | | | |
| 55. Speed Equip. Serial No. 4979 56. Speed Equip. Tested EM2 57. Date Equip. Tested 7-6-99 | | | | | |
| 58. Accident Report No. 75 Pa. C.S.A. § 1543 Violation-Juvenile 60. Comm. Veh. <input type="checkbox"/> YES <input type="checkbox"/> NO 61. Max. Fines <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 62. Remarks/Subpoena List | | | | | |
| CAL # 1004 | | | | | |
| MARKERS-RICH'S - REST APR 13 1999 | | | | | |

NOTICE

If you plead guilty or are found guilty, points may be assessed against your driver's record. Accumulation of 11 or more points will result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to driving while operating privilege is suspended or revoked, racing on highways, fleeing or attempting to elude police, driving without lights to avoid identification or arrest, accidents involving damage to attended vehicles or property, failure to stop for school bus with flashing lights, or subsequent convictions related to drivers required to be licensed.

EXHIBIT 3

COMMONWEALTH OF PENNSYLVANIA

CITATION NO. A3625537-6

TRAFFIC CITATION

1. Plaintiff District Name: 26.3.03

2. Defendant Name: EDWARD ST. CPD. PA. 16830

3. Driver Number: 26006556

4. Defendant Name - First: GEEFFERY

5. Defendant Name - Middle: R

6. Defendant Name - Last: ENGELMANN

7. Defendant Address (Street, City, State, Zip Code): 2602 BOX 269 MUNDSON PA 16860

8. Veh. Reg. No.: 2L48508

9. Veh. Reg. Yr.: 99

10. State: PA

11. Make: MAZDA

12. Type: TR

13. Owner/Lessee or Carrier Name & Address: Same as Defendant

14. Charge:

- ☒ Maximum Speed Limits
- ☐ Stop Signs & Yield Signs
- ☐ Driving Vehicle at Safe Speed
- ☐ Operation of Vehicle without Official Certificate of Inspection
- ☐ Driving while Operating Privilege is Suspended or Revoked
- ☐ Other

15. Nature of Offense:

- ☒ Speeding 40 MPH Allowed 40 MPH
- ☐ Operated Vehicle with Expired Inspection
- ☐ Operated Vehicle with Suspended/Revoked License
- ☐ Violated 67 Pa. Code
- ☐ Other

16. Nature of Offense (Ref. 49 CFR): ABOVE NAMED ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 65.8 MPH. IN A POSTED 40 MPH. ZONE

17. Location: SB 328 GOLDENROD

18. Date: 328 99

19. County: CLEARFIELD

20. Defendant's Signature - Acknowledges Receipt of Citation: [Signature]

21. Officer's Signature: [Signature]

22. Officer's Name: Crystal Lanebranco

23. Officer's Address: 250 HYDE, PA 16843

24. Speed Equipped: 7407

25. Accident Report No.: E-1

26. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

27. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

28. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

29. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

30. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

31. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

32. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

33. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

34. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

35. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

36. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

37. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

38. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

39. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

40. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

41. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

42. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

43. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

44. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

45. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

46. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

47. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

48. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

49. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

50. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

51. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

52. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

53. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

54. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

55. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

56. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

57. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

58. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

59. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

60. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

61. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

62. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

63. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

64. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

65. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

66. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

67. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

68. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

69. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

70. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

71. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

72. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

73. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

74. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

75. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

76. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

77. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

78. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

79. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

80. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

81. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

82. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

83. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

84. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

85. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

86. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

87. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

88. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

89. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

90. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

91. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

92. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

93. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

94. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

95. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

96. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

97. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

98. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

99. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

100. 75 Pa. C.S.A. § 1543 Violation - Juvenile Parents Notified: YES

NOTICE MAR 29 1999

If you plead guilty or are found guilty, points may be assessed against your driver's record. Accumulation of 11 or more points will result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to driving while operating privilege is suspended or revoked, racing on highways, fleeing or attempting to elude police, driving without lights to avoid identification or arrest, accidents involving damage to attended vehicles or property, failure to stop for school bus with flashing lights, or subsequent convictions related to drivers required to be licensed.

AOPC 406-95 (REV. 10/96) DISTRICT JUSTICE A3625537-6

EXHIBIT

4

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625538-0

| | | | | | |
|---|------------------------|--|---|-------------------------------------|---|
| 1. Internal District No. <u>416302</u> | | TRAFFIC CITATION | | 2. District Number <u>77-432-99</u> | |
| 3. Address of Magisterial District Office <u>650 CEDAR ST. CIND. PA. 16830</u> | | | | | |
| 4. Driver Number <u>17713006</u> | | 5. C.D.L. <input type="checkbox"/> | 6. State <input checked="" type="checkbox"/> PA | 7. D.O.B. <u>7-5-50</u> | 8. Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F |
| 9. Defendant Name First <u>FIIVETTE</u> | | Middle <u>M</u> | | Last <u>FORCEY</u> | |
| 10. Defendant Address (Street, City, State, Zip Code) <u>RD1 BOX 86 B WOODLAND PA 16881</u> | | | | | |
| 11. Veh. Reg. No. <u>3A3587</u> | 12. Reg. Yr. <u>99</u> | 13. State <input checked="" type="checkbox"/> PA | 14. Make <u>JAGUAR</u> | 15. Type <u>SDN</u> | 16. Color <u>L. TAN</u> |
| 17. Veh. Reg. No. | 18. Reg. Yr. | 19. State <input type="checkbox"/> PA | 20. Make | 21. Type | 22. Color |
| 23. Owner/Lessee or Carrier Name & Address <u>FORCEY LUMBER CO. INC. RD1 BOX 214 WOODLAND</u> | | | | | |
| 24. Charge | | | | | |
| <input type="checkbox"/> Maximum Speed Limits <input type="checkbox"/> Stop Signs & Yield Signs <input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked <input type="checkbox"/> Other _____ | | | | | |
| <input type="checkbox"/> Drivers Required to be Licensed <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Traffic-Control Signals <input type="checkbox"/> Careless Driving <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Traffic-Control Signals | | | | | |
| 25. Nature of Offense | | | | | |
| <input checked="" type="checkbox"/> Speeding <u>64</u> MPH Allowed <u>40</u> MPH <input type="checkbox"/> Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Violated 67 Pa. Code _____ Ref. 49 CFR _____ <input type="checkbox"/> Other <u>THE ABOVE NAMED ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 64 MPH IN A POSTED 40 MPH ZONE.</u> | | | | | |
| <input type="checkbox"/> Radar <input type="checkbox"/> Checked <input type="checkbox"/> A.O.V. <input type="checkbox"/> ESP <input checked="" type="checkbox"/> Vascar <input type="checkbox"/> Other _____ <input type="checkbox"/> Operated Vehicle without Valid License <input type="checkbox"/> Operated Unregistered Vehicle | | | | | |
| <input type="checkbox"/> Filed on Info. Received <input type="checkbox"/> Other <u>THE ABOVE NAMED ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 64 MPH IN A POSTED 40 MPH ZONE.</u> | | | | | |
| 35. Location <u>SR 352 GOLDENROD</u> | | | | | |
| 37. Route <u>SR 153</u> | | 38. Town/Boro/City <u>LAWRENCE</u> | | 39. Code <u>227</u> | |
| 41. Date <u>3-29-99</u> | | 42. Time <u>1:37 PM</u> | | 43. County <u>CLEARFIELD</u> | |
| 44. Defendant's Signature <u>REFUSED</u> | | | | | |
| 45. Date Issued <u>3-29-99</u> | | | | | |
| I verify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S.A. § 4904) relating to unsworn falsification to authorities. | | | | | |
| OFFICER'S SIGNATURE <u>Helmut Crystal Harebrance</u> | | | | | |
| 49. Station Address of Police Officer <u>P.O. BOX 250 HYDE, PA 16843</u> | | | | | |
| 51. Speeding Device Operator <u>JAIME</u> | | | | | |
| 52. Miles Followed <u>2</u> | | | | | |
| 53. Miles Timed <u>1206</u> | | | | | |
| 54. Secs. Timed <u>3:40</u> | | | | | |
| 55. Speed Equip. Serial No. <u>7407</u> | | | | | |
| 56. Section Equip. Tested <u>PM 2</u> | | | | | |
| 57. Date Equip. Tested <u>3-29-99</u> | | | | | |
| 58. Accident Report No. | | | | | |
| 59. 75 Pa. C.S.A. § 1543 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | | | | |
| 60. Comm. Veh. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | | | | |
| 61. Haz. Mat. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | | | | |
| 62. Remarks/Disposals Unit <u>CAL NO. 8020</u> | | | | | |
| Amend # <u>30 TO READ 410.</u> | | | | | |

NOTICE

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EXHIBIT

5

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625560-1

| | | | | | |
|---|--|--|--|---|--|
| 1. Plaintiff's Name 7/23/02 | | TRAFFIC CITATION | | 2. Defendant's Name 7/23/99 | |
| 3. Address 650 CEDAR ST. CIPD PA 16830 | | 4. Date 5/19/98 | | | |
| 5. C.D.L. PA | | 6. State PA | | 7. D.O.B. 5-6-64 | |
| 8. Sex M | | 9. Defendant's Name KENNETH WILLIAM MENCER | | 10. Defendant's Address 2436 ENCLAVE DR. FALLERTIMBER PA 16839 | |
| 11. Veh. No. 2A50486 | | 12. Reg. Yr. 99 | | 13. State PA | |
| 14. Make FORD | | 15. Type TK | | 16. Color D. GREEN | |
| 17. Owner/Lessee or Carrier Name & Address | | 18. Same as Defendant <input checked="" type="checkbox"/> Not Required <input type="checkbox"/> | | | |
| 19. Charge <input checked="" type="checkbox"/> Maximum Speed Limits <input type="checkbox"/> Scat Signs & Yield Signs <input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Driving while Operating Privilege Is Suspended or Revoked <input type="checkbox"/> Other | | 20. Drivers Required to be Licensed <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Traffic-Control Signals | | 21. Statute ORDINANCE | |
| 22. Name of Offense Speeding 40 MPH Allowed 40 MPH | | 23. Radar <input type="checkbox"/> Clipped <input type="checkbox"/> A.O.V. <input type="checkbox"/> ESP <input checked="" type="checkbox"/> Vascar <input type="checkbox"/> Other | | 24. Filed on Info. Received <input type="checkbox"/> | |
| 25. Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Operated Unregistered Vehicle | | 26. Operated Vehicle without Valid License <input type="checkbox"/> Operated Unregistered Vehicle | | 27. SEC. 3362 | |
| 28. Violated 67 Pa. Code <input type="checkbox"/> Other THE ABOVE NAMED ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 64 mph IN A POSTED 40 mph ZONE | | 29. FINE 73.- | | 30. E.M.S. 10.- | |
| 31. Location SR 322 Goldenrod | | 32. CAT 40.- | | 33. COSTS 26.50 | |
| 34. Date 4-2-99 | | 35. County CLEARFIELD | | 36. J.C.P. 1.50 | |
| 37. Defendant's Signature Kenneth W. Mencer | | 38. Date Signed 4-2-99 | | 39. TOTAL DUE \$151.- | |
| 40. I hereby certify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S.A. § 4904) relating to unsworn falsification to authorities. | | | | | |
| 41. Officer's Signature P. J. Cocca | | 42. Officer's Name P. J. Cocca | | 43. Date Signed 4-2-99 | |
| 44. Officer's Address P.O. BOX 250 HIDE PA 16839 | | 45. Officer's Phone 717-701-1100 | | 46. Officer's Title S.A.T.E. | |
| 47. Speed Limit 70 | | 48. Station Equip. Toned EM-2 | | 49. Date Signed 4-2-99 | |
| 50. Accident Report No. | | 51. 75 Pa. C.S.A. § 1543 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | 52. Comm. Veh. <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| 53. Remarks/Subpoena List CAL # 8020 | | 54. APR 05 1999 | | 55. Max. Max. <input type="checkbox"/> YES <input type="checkbox"/> NO | |

NOTICE

If you plead guilty or are found guilty, points may be assessed against your driver's record. Accumulation of 11 or more points will result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to driving while operating privilege is suspended or revoked, racing on highways, fleeing or attempting to elude police, driving without lights to avoid identification or arrest, accidents involving damage to attended vehicles or property, failure to stop for school bus with flashing lights, or subsequent convictions related to drivers required to be licensed.



A3021539-3

| | | | | | |
|--|--|--------------------|--|----------------------------------|--|
| 1. Municipal District No. 36-3-00 | | TRAFFIC CITATION | | 2. District Number 7P-2201-98 | |
| 3. Address of Magistrate's District Office 5500 Edward St. Clfd. Pa. 16830 | | | | | |
| 4. Driver Name 120982-056 | | 5. City PA | | 6. State PA | |
| 9. Defendant Name - First Debbie | | Middle J. | | Last Wisor | |
| 10. Defendant Address (Street, City, State, Zip Code) 201308 567 Woodland, Pa. 16881 | | | | | |
| 11. Veh. Reg. No. ANC 2147 | | 12. Reg. Yr. 99 | | 13. State PA | |
| 14. Make Saturn | | 15. Type CP | | 16. Color Black | |
| 17. Owner/Lessee or Corner Name & Address <input checked="" type="checkbox"/> Same as Defendant <input type="checkbox"/> Not Required | | | | | |
| 24. Charge <input checked="" type="checkbox"/> Maximum Speed Limits <input type="checkbox"/> Drivers Required to be Licensed <input type="checkbox"/> Careless Driving <input type="checkbox"/> Stop Signs & Yield Signs <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Traffic-Control Signals <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked <input type="checkbox"/> Other _____ | | | | | |
| 25. Nature of Offense <input checked="" type="checkbox"/> Speeding: MPH Allowed 40 MPH <input type="checkbox"/> Radar <input type="checkbox"/> Closed <input type="checkbox"/> A.O.V. <input type="checkbox"/> Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle without Valid License <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Operated Unregistered Vehicle <input type="checkbox"/> Violated 67 Pa. Code _____ Ref. 49 CFR <input checked="" type="checkbox"/> Other <u>Motorist did drive 69.7 mph in a posted 40 mph zone</u> | | | | | |
| 26. <input checked="" type="checkbox"/> STATUTE <input type="checkbox"/> ORDINANCE Veh | | | | | |
| 27. SEC. 2362 | | | | | |
| 28. SUB SEC. A3 | | | | | |
| 29. FINE 83.- | | | | | |
| 30. E.M.S. 10.- | | | | | |
| 31. CAT 30.- | | | | | |
| 32. COSTS 50.- | | | | | |
| 33. J.C.P. 1.50 | | | | | |
| 34. TOTAL DUE \$174.50 | | | | | |
| 35. Location SR 322 Goldenrod | | | | | |
| 36. Route 322 | | | | | |
| 37. County Lawrence | | | | | |
| 38. Code 223 | | | | | |
| 39. Dir. of Tr. N S E W | | | | | |
| 40. Date 10-23-98 | | | | | |
| 41. Time 1612 | | | | | |
| 42. County Clearfield | | | | | |
| 43. Court 17 | | | | | |
| 44. Defendant's Signature Debbie Wisor | | | | | |
| 45. Date 10-23-98 | | | | | |
| 46. I verify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S.A. § 4904) relating to unsworn falsification to authorities. | | | | | |
| 47. Officer's Signature Det. M. Panebranco | | | | | |
| 48. Badge No. 223-09 | | | | | |
| 49. Station Address of Police Office 201308 250 Hyde, Pa. 16843 | | | | | |
| 50. Station Number PA 0171100 | | | | | |
| 51. Station Timing Device Operator Det. M. Panebranco | | | | | |
| 52. Miles Followed 0606 | | | | | |
| 53. Date Equip. Tested 10-19-98 | | | | | |
| 54. Specs. Tested 3.12 | | | | | |
| 55. Speed Equip. Serial No. #7407 | | | | | |
| 56. Station Equip. Tested EM2 | | | | | |
| 57. Date Equip. Tested 10-19-98 | | | | | |
| 58. Accident Report No. | | | | | |
| 59. 75 Pa. C.S.A. § 1543 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 60. Comm. Veh. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 61. Haz. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 62. Remarks/Subpoena List Cal # 7964 signs Arrowhead Rich OCT 28 1998 | | | | | |

NOTICE

If you plead guilty or are found guilty, points may be assessed against your driver's record. Accumulation of 11 or more points will result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to driving while operating privilege is suspended or revoked, racing on highways, fleeing or attempting to elude police, driving without lights to avoid identification or arrest, accidents involving damage to attended vehicles or property, failure to stop for school bus with flashing lights, or subsequent convictions related to drivers required to be licensed.

EXHIBIT

6

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3021538-2

| | | | | | |
|--|------------------------|---|-------------------------|---|---|
| 1. Pl. Serial Entry No. 163-02 | | TRAFFIC CITATION | | 2. Booking Number 11-2204-98 | |
| 3. Address of Registrar's Office 650 Leonard St. Cyd. Pa. 16830 | | | | | |
| 4. Driver Number 15-591-705 | | 5. C.D.L. <input type="checkbox"/> | 6. State PA | 7. O.B. 8-02-49 | 8. Sex <input type="checkbox"/> M <input checked="" type="checkbox"/> F |
| 9. Defendant Name - First Susan | | Middle Mary | | Last Carl | |
| 10. Defendant Address (Street-City-State-Zip Code) 1730 Fairview ST. Reading, Pa. 19606 | | | | | |
| 11. Veh. Reg. No. BGP-0735 | 12. Exp. Yr. 99 | 13. State PA | 14. Make Mercury | 15. Type SEDAN | 16. Color GREEN |
| 17. Veh. Reg. No. | 18. Reg. Yr. | 19. State <input type="checkbox"/> PA | 20. Make | 21. Type | 22. Color |
| 23. Owner/Lessee or Carrier Name & Address Don Len Corp. 2315 Sanders Rd. North Brook IL 60062 | | | | | |
| 24. Charge | | | | | |
| <input checked="" type="checkbox"/> Maximum Speed Limits <input type="checkbox"/> Drivers Required to be Licensed <input type="checkbox"/> Careless Driving <input type="checkbox"/> Stop Signs & Yield Signs <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Traffic-Control Signals <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked <input type="checkbox"/> Other _____ | | | | | |
| 25. Nature of Offense 40 <input type="checkbox"/> Radar <input type="checkbox"/> Clock <input type="checkbox"/> A.O.V. <input checked="" type="checkbox"/> Speeding 60 MPH Allowed 40 MPH <input type="checkbox"/> ESP <input checked="" type="checkbox"/> Vascar <input type="checkbox"/> Other <input type="checkbox"/> Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle without Valid License <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Operated Unregistered Vehicle <input type="checkbox"/> Violated 67 Pa. Code Ref. 49 CFR <input checked="" type="checkbox"/> Other Actor did drive said vehicle 60 mph in a posted 40 mph zone <input type="checkbox"/> Filed on Info. Received | | | | | |
| 26. STATUTE VEL <input type="checkbox"/> ORDINANCE 27. SEC. 3362 28. SUB SEC. A3 29. FINE 15.- 30. E.M.S. 10.- 31. CAT 40. 32. COSTS 26.- 33. J.C.P. 1.50 34. TOTAL DUE \$142.50 | | | | | |
| 15. Location SR 322 Goldenrod 36. Zone RES. | | | | | |
| 37. Route SR 322 | | 38. Town/Boro/City Lawrence | | 39. Code 227 | |
| 40. Dir. of Travel N S E W | | 41. Date 10-23-98 | | 42. Time 1256 | |
| 43. Day FRI | | 44. County Clearfield | | 45. Code 17 | |
| 46. Defendant's Signature - Acknowledges Receipt of Citation 10-23-98 | | | | | |
| 47. Disposition 10-23-98 | | | | | |
| 48. I hereby that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This verification is made subject to the provisions of Section 4904 of the Crimes Code (18 Pa. C.S.A. § 4904) relating to unsworn falsification to authorities. | | | | | |
| 49. OFFICER'S SIGNATURE Henna Pareljancic BADGE NO. 220-09 | | | | | |
| 50. Address of Police Officer PO Box 250 Hyde, Pa. 16843 51. PIN Number PA0171100 | | | | | |
| 52. Miles Followed | | 53. Miles Timed 0606 | | 54. Secs. Timed 3:59 | |
| 55. Equip. Serial No. 17407 | | 56. Station Equip. Test EM-2 | | 57. Date Equip. Tested 10-19-98 | |
| 58. Accident Report No. OCT 26 1998 | | 59. 75 Pa. C.S.A. § 1543 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | 60. Comm. Veh. <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| 61. Haz. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO | | 62. Remarks/Subpoena Signs Arrowhead Rich's Amend # 31 Should Be \$40.- | | | |

NOTICE

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AOPC 406-95 (REV. 10/96)

DISTRICT JUSTICE

A3021538-2

EXHIBIT

7

EXHIBIT

8

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625500-4

| | | | | | |
|--|--|------------------------------------|--|------------------------------------|---|
| 1. District No. 16-302 | | TRAFFIC CITATION | | 2. Docket Number 16-2286-98 | |
| 3. Address of Offender 652 Clemonard St. Clearfield Pa 16830 | | | | | |
| 4. Driver Number 17-1784/070 | | 5. C.D.L. <input type="checkbox"/> | 6. State <input type="checkbox"/> PA | 7. D.O.B. 2-16-56 | 8. Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F |
| 9. Defendant Name: First Edward Middle J. Last Olson | | | | | |
| 10. Defendant Address (Street, City, State, Zip Code) 511 E 4th St. Clfd. Pa. 16830 | | | | | |
| 11. Veh. Reg. No. 2C52823 | | 12. Reg. Yr. 99 | 13. State <input checked="" type="checkbox"/> PA | 14. Make Chery | 15. Color Black |
| 23. Owner/Lessee or Carrier Name & Address <input checked="" type="checkbox"/> Same as Defendant <input type="checkbox"/> Not Required | | | | | |
| 24. Charge <input checked="" type="checkbox"/> Maximum Speed Limits <input type="checkbox"/> Drivers Required to be Licensed <input type="checkbox"/> Careless Driving <input type="checkbox"/> Stop Signs & Yield Signs <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Traffic-Control Signals <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked <input type="checkbox"/> Other _____ | | | | | |
| 25. Nature of Offense 40 <input checked="" type="checkbox"/> Speeding 61.7 MPH Allowed 40 MPH <input type="checkbox"/> Radar <input type="checkbox"/> Clock <input type="checkbox"/> A.O.V. <input type="checkbox"/> Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle without Valid License <input type="checkbox"/> ESP <input checked="" type="checkbox"/> Pascar <input type="checkbox"/> Other <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Operated Unregistered Vehicle <input type="checkbox"/> Violated 67 Pa. Code Ref. 49 CFR <input checked="" type="checkbox"/> Other Actor did drive paid vehicle 61.7 mph in a posted 40 mph zone. | | | | | |
| 26. <input checked="" type="checkbox"/> STATUTE <input type="checkbox"/> ORDINANCE Ver | | | | | |
| 27. SEC. 3362 SUB SEC. A-3 | | | | | |
| 29. FINE 67.- | | | | | |
| 30. E.M.S. 10.- | | | | | |
| 31. CAT 40.- | | | | | |
| 32. COSTS 26.- | | | | | |
| 33. J.C.P. 1.50 | | | | | |
| 34. TOTAL DUE \$144.50 | | | | | |
| 35. Location SR 322 Goldenrod | | | | | |
| 36. Code RES. | | | | | |
| 37. Route SR 322 38. Twp. Boro. City Lawrence | | | | | |
| 39. Code 723 40. Dir. of Travel N S E W | | | | | |
| 41. Date 11-14-98 42. Time 3:14 43. County SAT Clearfield | | | | | |
| 44. Copied 17 | | | | | |
| 45. Date Issued 11-14-98 | | | | | |
| 46. Defendant's Signature - Acknowledges Receipt of Citation Edward J. Olson | | | | | |
| 47. Officer's Signature Helm N. Panabianco | | | | | |
| 48. Station Address of Police Officer P.O. SOV. 250 Hyde, Pa. 16843 | | | | | |
| 49. Speed Limiting Device Operator Same | | | | | |
| 50. Badge No. 223-09 | | | | | |
| 51. Station Equipment Serial No. #7407 | | | | | |
| 52. Station Equipment Tagged EMJ | | | | | |
| 53. Miles Followed 0006 | | | | | |
| 54. Miles Timed 3.53 | | | | | |
| 55. Date Equipment Tagged 10-19-98 | | | | | |
| 56. Comm. Veh. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 57. Haz. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 58. Accident Report No. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 59. 75 Pa. C.S.A. § 1543 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 60. Remarks/Subpoena List #9 | | | | | |
| 61. Cat # 7972 | | | | | |
| 62. NOV 16 1998 | | | | | |

NOTICE

If you plead guilty or are found guilty, points may be assessed against your driver's record. Accumulation of 11 or more points will result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to driving while operating privilege is suspended or revoked, racing on highways, fleeing or attempting to elude police, driving without lights to avoid identification or arrest, accidents involving damage to attended vehicles or property, failure to stop for school bus with flashing lights, or subsequent convictions related to drivers required to be licensed.

TRAFFIC CITATION

COMMONWEALTH OF PENNSYLVANIA

TRAFFIC CITATION

1. Plaintiff's District No. **46-3-02**

3. Address of Municipal District Office **6501 Leonard St. Clearfield, Pa. 16830**

4. Driver's Number **20-471-544**

5. C.D.L. ☐ 6. State ☒ PA 7. D.O.B. **11-29-63** 8. Sex ☐ M ☒ F

9. Defendant's Name First **Bunny** Middle **Ann** Last **Sayers**

10. Defendant's Address (Street, City, State, Zip Code) **RD 1 Box 181-B Woodland, Pa. 16881**

11. Year **BFB-4920** 12. Reg. No. **98** 13. State **PA** 14. Make **Chery** 15. Type **SW** 16. Color **Silver**

17. Veh. Reg. No. **BFB-4920** 18. Reg. Yr. **98** 19. State **PA** 20. Make **Chery** 21. Type **SW** 22. Color **Silver**

23. Owner/Lessee or Corner Name & Address **Same as Defendant** ☒ Same as Defendant ☐ Not Required

24. Charge ☒ Maximum Speed Limits ☐ Drivers Required to be Licensed ☐ Careless Driving
☒ Stop Signs & Yield Signs ☐ Registration & Certification of Title Required
☐ Driving Vehicle at Safe Speed ☐ Unlawful Activities ☐ Traffic-Control Signals
☐ Operation of Vehicle without Official Certificate of Inspection
☐ Driving while Operating Privilege is Suspended or Revoked
☐ Other

25. Nature of Offense ☒ Speeding **60 MPH** Allowed **40 MPH** ☐ Radar ☐ Clock ☐ A.O.V.
☐ Operated Vehicle with Expired Inspection ☐ Operated Vehicle without Valid License ☐ ESP ☒ Viscar ☐ Other
☐ Operated Vehicle with Suspended/Revoked License ☐ Operated Unregistered Vehicle

26. STATUTE **veh**
27. SEC. **3362** 28. SUB SEC. **A3**
29. FINE **65.-**
30. E.M.S. **10.-**
31. CAT **40.-**
32. COSTS **26.-**
33. J.C.P. **1.50**
34. TOTAL DUE **\$42.50**

35. Location **SR322 Goldenrod** 36. Res. **223**

37. Loc. **SR322** 38. Twp./Coro-City **Lawrence** 39. Loc. **223** 40. Dir. of T. **N 5 E 1/4**

41. Date **10-12-98** 42. Time **1:17 PM** 43. Day **Mon** 44. City **Clearfield** 45. Loc. **223**

46. Defendant's Signature **Bunny Sayers** 47. Date Issued **10-12-98**

48. I verify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S.A. § 4904) relating to unsworn falsification to authorities.

49. Officer's Signature **Det. M. C. Lanebranco** 50. Date Number **223-09**

51. Station Address of Police Officer **PO Box 250 Hyde, Pa. 16843** 52. Miles Followed **PA 0171100**

53. Miles Traveled **0606** 54. Sec. Traveled **3.63**

55. Speed Equip. Serial No. **4979** 56. Station Equip. Test No. **8-17-98**

57. Accident Report No. **Amend- Cal NO: 9992** 58. Comm. Veh. ☐ YES ☐ NO 59. Max. Mal. ☐ YES ☐ NO

60. Parents Notified ☐ YES ☐ NO

61. Penalties/Subpoena List **#6**

62. Notice **NOTICE** **OCT 13 1998**

NOTICE

NOTICE

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DISTRICT JUSTICE

A3021953-4

DISTRICT JUSTICE

A3021953-4

AOPC 406-95 (REV. 10/96)

EXHIBIT

2

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625516-6

| | | | | | |
|--|--|---|--|--|--|
| 1. Plaintiff District No. <u>46-303</u> | | TRAFFIC CITATION | | 2. Defendant Number <u>77-2423-98</u> | |
| 3. Defendant Name (Last, First, Middle) <u>550 Leonard St. Cld. Pa. 16830</u> | | 4. Driver's License Number <u>24044 222</u> | | 5. C.B.L. <input type="checkbox"/> 6. M.P.A. <input type="checkbox"/> 7. O.B. <input type="checkbox"/> 8. S.A. <input type="checkbox"/> 9. F. <input type="checkbox"/> | |
| 10. Defendant's Address (Post Office City and Zip Code) <u>Box 18 Rochester Mills Pa 15071</u> | | 11. Date of Birth <u>11-4-55</u> | | 12. State <u>PA</u> | |
| 13. Reg. No. <u>99</u> | | 14. State <u>PA</u> | | 15. Date <u>11-14-98</u> | |
| 16. Veh. Reg. No. <u>99</u> | | 17. State <u>PA</u> | | 18. Plate <u>Oldsmobile SW Blue</u> | |
| 23. Owner/Lessee or Carrier Name & Address <input checked="" type="checkbox"/> Same as Defendant <input type="checkbox"/> Not Required | | | | | |
| 24. Charge | | | | | |
| <input checked="" type="checkbox"/> Maximum Speed Limits <input type="checkbox"/> Drivers Required to be Licensed <input type="checkbox"/> Careless Driving <input type="checkbox"/> Stop Signs & Yield Signs <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Traffic-Control Signals <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked <input type="checkbox"/> Other _____ | | | | | |
| 25. Nature of Offense <u>40</u> <input type="checkbox"/> Radar <input type="checkbox"/> Clock <input type="checkbox"/> A.O.V. <input checked="" type="checkbox"/> Speeding <u>66.3</u> MPH Allowed <u>40</u> MPH <input type="checkbox"/> ESP <input checked="" type="checkbox"/> Vascar <input type="checkbox"/> Other <input type="checkbox"/> Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle without Valid License <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Operated Unregistered Vehicle <input type="checkbox"/> Violated 67 Pa. Code <input type="checkbox"/> Ref. 49 CFR <input checked="" type="checkbox"/> Other <u>Actor did drive said vehicle at a rate of 66.3 mph in a posted 40 mph zone</u> <input type="checkbox"/> Filed on Info. Received | | | | | |
| 26. STATUTE <u>168</u> 27. ORDINANCE <u>362</u> 28. SEC. <u>43</u> 29. FINE <u>75</u> 30. E.M.S. <u>10</u> 31. CAT <u>50</u> 32. COSTS <u>26</u> 33. J.C.P. <u>1.50</u> 34. TOTAL DUE <u>161.50</u> | | | | | |
| 35. License <u>3322</u> <u>Quik-Fill Goldenrod</u> <u>25</u> 36. Zone <u>25</u> 37. Route <u>3322</u> <u>Lawrence</u> <u>223</u> 38. Twp./Boro/City <u>Clearfield</u> <u>17</u> 39. Code <u>223</u> <u>17</u> 40. Dir. of Travel <u>N</u> <u>W</u> 41. Date <u>12-13-98</u> <u>12-13-98</u> 42. County <u>Clearfield</u> 43. Defendant's Signature <u>S. Martini</u> 44. Officer's Signature <u>Det. Chantrelance</u> 45. Station Address <u>PO Box 250 Hyde Pa 16843</u> 46. Officer's Number <u>223-09</u> 47. Date Issued <u>12-13-98</u> 48. Miles Followed <u>830</u> 49. Date Temp. Forfeited <u>10-14-98</u> 50. Comm. Veh. <input type="checkbox"/> YES <input type="checkbox"/> NO 51. Haz. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO 52. Accident Report No. <u>7968</u> 53. 75 Pa. C.S.A. § 1543 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 54. Remarks/Subpoena List <u>Call # 7968</u> <u>DEC 14 1998</u> | | | | | |

NOTICE

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AOPC 406-95 (REV. 10/96)

DISTRICT JUSTICE

A3625516-6

EXHIBIT

10

EXHIBIT 11

COMMONWEALTH OF PENNSYLVANIA

TRAFFIC CITATION

CITATION NO. A3625537-6

1. Judicial District Name: 16B-02

2. District Number: 72-397-97

3. Address of Judicial District Office: 650 CEDAR ST. CPD. PA. 16830

4. Driver Number: 26006556

5. C.D.L. ☐ PA ☐ 6. State ☐ PA ☐ 7. D.O.B. 3-17-71

8. Defendant Name: GIFFERY R. ENGEIMANN

9. Defendant Address (Street-City-State Zip Code): 133 BOX 269 MURKIN PA 16860

10. Veh. Reg. No. 2L48508/99

11. State ☒ PA ☐ 12. Make MAZDA

13. Reg. Yr. 19

14. State ☒ PA ☐ 15. Make MAZDA

16. Type JK

17. Owner/Lessee or Carrier Name & Address: 22. Court

18. Charge

☒ Maximum Speed Limits ☐ Drivers Required to be Licensed ☐ Careless Driving

☐ Stop Signs & Yield Signs ☐ Registration & Certification of Title Required

☐ Driving Vehicle at Safe Speed ☐ Unlawful Activities ☐ Traffic-Control Signals

☐ Operation of Vehicle without Official Certificate of Inspection

☐ Driving while Operating Privilege is Suspended or Revoked

☐ Other

25. Nature of Offense

☒ Speeding 65.8 MPH Allowed 40 MPH ☐ Radar ☐ Clock ☐ A.O.V.

☐ Operated Vehicle with Expired Inspection ☐ Operated Vehicle without Valid License

☐ Operated Vehicle with Suspended/Revoked License ☐ Operated Unregistered Vehicle

☐ Violated 67 Pa. Code Ref. 49 CFR

26. Other: ABOVE NAMED ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 65.8 MPH IN A POSTED 40 MPH ZONE

27. FINE 3362

28. SUB SEC. A2

29. E.M.S. 10

30. CAT 40

31. COSTS 26.50

32. J.C.P. 1.50

33. TOTAL DUE \$153.75

34. Location: SB 328 GOLDENROD

35. Date: 328 99/1/15

36. County: CLEARFIELD

37. Defendant's Signature: [Signature]

38. Acknowledges Receipt of Citation

39. I hereby certify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of Section 4904 of the Criminal Code (18 Pa. C.S.A. § 4904) relating to unsworn falsification to authorities.

40. Officer's Signature: [Signature]

41. Officer's Address: PO BOX 250 H406, PA 16843

42. Speeding Device Operator: SAME

43. Speed Equipment No. 1407

44. Station Equipment Tested: EMT

45. Miles Followed: 0606

46. Miles Timed: 5.31

47. Date Equipment Tested: 2-7-99

48. Accident Report No.

49. 75 Pa. C.S.A. § 1543 Violation-Juvenile

50. Parents Notified ☐ YES ☐ NO

51. Comm. Veh. ☐ YES ☐ NO

52. Haz. Mat. ☐ YES ☐ NO

53. Remarks/Subpoena List: CAL. NO. 8000 General Box 28 To Road

NOTICE MAR 29 1999

If you plead guilty or are found guilty, points may be assessed against your driver's record. Accumulation of 11 or more points will result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to driving while operating privilege is suspended or revoked, racing on highways, fleeing or attempting to elude police, driving without lights to avoid identification or arrest, accidents involving damage to attended vehicles or property, failure to stop for school bus with flashing lights, or subsequent convictions related to drivers required to be licensed.

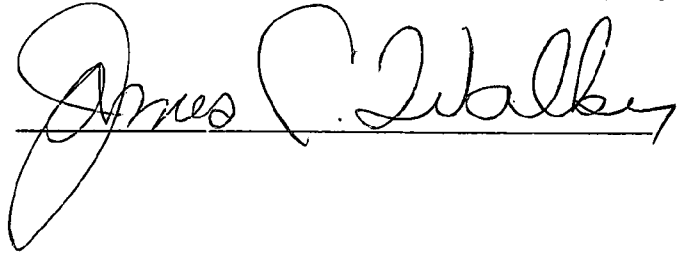
AOPC 406-95 (REV. 10/96)

DISTRICT JUSTICE

A3625537-6

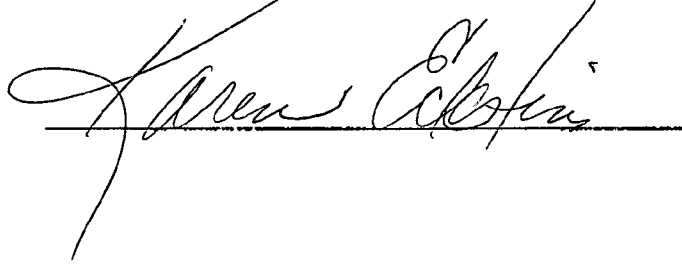
VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.



VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

A handwritten signature in cursive script, reading "Karen E. Clinton", is written over a horizontal line. The signature is fluid and extends above and below the line.

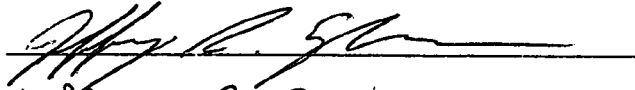
VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

Cory S. Mantini

VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.


Jeffery R. Engelmann

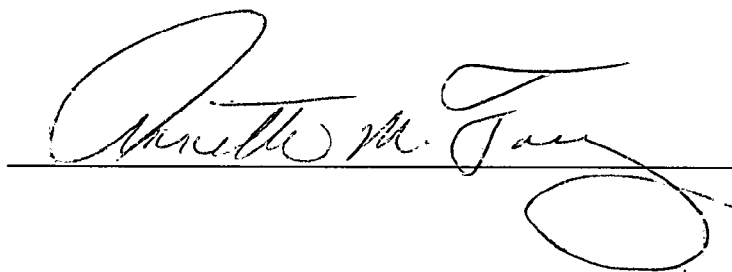
VERIFICATION

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VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

A handwritten signature in cursive script, reading "Kenneth M. Jones", is written over a horizontal line. The signature is fluid and stylized, with a large loop at the end of the last name.

VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

Edward J. Olson

VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

Berny a. Layano

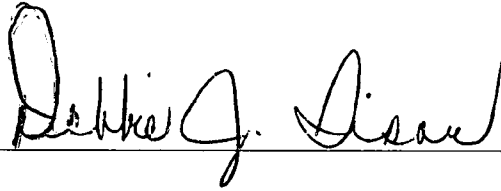
VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

L Susan M. Carl 9/22/00

VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.



VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

Kenneth W. Menner

FILED

OCT 19 2000

William A. Shaw
Prothonotary

pd \$80.00

Acc atty DeBor

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

JAMES C. WALKER,
CORY S. MANTINI,
BUNNY ANN SAYERS,
EDWARD J. OLSON,
SUSAN MARY CARL,
DEBBIE J. WISOR,
KENNETH WILLIAM MENCER,
ANNETTE M. FORCEY,
JEFFERY R. ENGELMANN,
ALICELYN FRANCISKO,
KAREN S. ECKSTINE,
Plaintiffs,

v.

LAWRENCE TOWNSHIP,
Clearfield County,
&
BILL LAWHEAD,
&
LAWRENCE TOWNSHIP SUPERVISORS,
Defendants.

No. 00-1296-CD

Type of Pleading:

Acceptance of Service

Filed on behalf of:
Defendants

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

NOV 03 2000

William A. Shaw
Prothonotary

#2

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

JAMES C. WALKER, :
CORY S. MANTINI, :
BUNNY ANN SAYERS, :
EDWARD J. OLSON, : No. 00-1296 C.D.
SUSAN MARY CARL, : CIVIL ACTION
DEBBIE J. WISOR, : MANDAMUS
KENNETH WILLIAM MENCER, :
ANNETTE M. FORCEY, :
JEFFERY R. ENGELMANN, :
ALICELYN FRANCISKO, :
KAREN S. ECKSTINE, :
Plaintiffs :

v. :

LAWRENCE TOWNSHIP, :
Clearfield County :
& :
BILL LAWHEAD :
& :
LAWRENCE TOWNSHIP SUPERVISORS, :
Defendants :


ACCEPTANCE OF SERVICE

I, James Naddeo, accept service of the Plaintiffs' Complaint
on behalf of the Defendant, LAWRENCE TOWNSHIP.


James Naddeo, Esquire

Dated: 11/2/00

No. 00-1296-CD


James A. Naddeo
Attorney for Defendants

Nov 23
Olga S. S. / cc atty
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

JAMES C. WALKER,
CORY S. MANTINI,
BUNNY ANN SAYERS,
EDWARD J. OLSON,
SUSAN MARY CARL,
DEBBIE J. WISOR,
KENNETH WILLIAM MENCER,
ANNETTE M. FORCEY,
JEFFERY R. ENGELMANN,
ALICELYN FRANCISKO,
KAREN S. ECKSTINE,
Plaintiffs,

v.

LAWRENCE TOWNSHIP,
Clearfield County,
&
BILL LAWHEAD,
&
LAWRENCE TOWNSHIP SUPERVISORS,
Defendants.

FILED

NOV 17 2000

William A. Shaw
Prothonotary

No. 00-1296-CD

Type of Pleading:

Defendant's Preliminary
Objections to Plaintiff's
Complaint

Filed on behalf of:
Defendants

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
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3

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

JAMES C. WALKER,
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BUNNY ANN SAYERS,
EDWARD J. OLSON,
SUSAN M. CARL,
DEBBIE J. WISOR,
KENNETH W. MENCER,
ANNETTE M. FORCEY,
JEFFREY R. ENGLEMAN,
ALICELYN FRANCISKO,
KAREN S. ECKSTEIN,

Plaintiffs,

-vs-

LAWRENCE TOWNSHIP,
Clearfield County
&
BILL LAWHEAD
&
LAWRENCE TWSP SUPERVISORS,

Defendants.

No. 00- 1296 - CD
CIVIL ACTION - MANDAMUS

DEFENDANT'S PRELIMINARY OBJECTIONS
TO PLAINTIFF'S COMPLAINT

AND NOW COMES, the Defendants Lawrence Township, Bill Lawhead, and the Lawrence Township Supervisors, who by and through their attorney James A. Naddeo, Esquire, hereby submit the following Preliminary Objections to Plaintiff's Complaint pursuant to Pennsylvania Rule of Civil Procedure 1028(a) and 1509 and in support aver the following:

1. Plaintiffs James C. Walker, Cory S. Mantini, Bunny Ann Sayers, Edward J. Olson, Susan Mary Carl, Debbie J. Wisor, Kenneth William Mencer, Annette M. Forcey, Jeffery R. Englemann, Alicelyn Francisko, and Karen S. Eckstein initiated this action by filing a Complaint on October 19th, 2000. A true and correct copy of said Complaint is attached hereto as Exhibit "A".

2. The Complaint alleges, in summary, that the above-named Plaintiffs all received citations for operating their motor vehicles in excess of the posted speed limit on Route 322 in front of the Goldenrod Restaurant, Lawrence Township, Clearfield County.

3. All of the Plaintiffs, with the exception of James C. Walker, plead guilty to the citations they received as a result of the speed zone trap located in front of the Goldenrod Restaurant and have paid the appropriate fines and costs.

4. James C. Walker plead not guilty to the citation he received and at his summary hearing the charge was dismissed by District Justice Richard Ireland.

5. The Complaint further alleges that at some time subsequent to the Plaintiffs receiving their citations, Lawrence Township discontinued the "speed zone" trap used to apprehend the Plaintiffs because it was improperly marked and was being used in a manner that caused the speed zone to be too short.

6. As a result of the alleged "illegal citations" issued, Plaintiffs claim that Lawrence Township should be required to refund all monies expended by the Plaintiffs on fines, court costs, and attorney's fees, as well as having all points assessed on their individual driving records removed from the Pennsylvania Department of Transportation records.

COUNT I – FAILURE TO STATE A CLAIM (FINES AND COSTS)

7. Defendants incorporate by reference the averments of Paragraphs 1 through 6 above, as if set forth herein at length.

8. Plaintiffs' Complaint seeks mandamus relief by requesting that the Defendants return all monies spent on fines, costs, and attorney's fees, and removing all points assessed to each plaintiff's driving record.

9. Under Pennsylvania law, the remedy of mandamus will only lie to compel official performance of a ministerial act or mandatory duty where there exists a clear legal right in the plaintiff, a corresponding duty in the defendant, and a lack of any other adequate remedy at law.

10. By pleading guilty to the citation received and paying the corresponding fines and costs, Plaintiffs no longer have a legal right to the relief requested in the Complaint.

11. In addition, the relief sought by the Plaintiffs is not a ministerial act or mandatory duty required of the Defendants such that an action in mandamus will lie.

12. Because Plaintiffs no longer have a claim to the fines and costs previously paid and Defendants are not required to perform the "ministerial act" requested in the Complaint, Plaintiffs have failed to state a cause of action upon which relief may be granted.

WHEREFORE, Defendants respectfully request that this Honorable Court grant its Preliminary Objections by way of demurrer and dismiss Plaintiffs' Complaint.

**COUNT II – FAILURE TO STATE A CLAIM
(ATTORNEY'S FEES)**

13. Defendants incorporate by reference the averments of Paragraphs 1 through 12 above, as if set forth herein at length.

14. Plaintiffs' Complaint seeks mandamus relief by requesting that the Defendants return all monies spent on fines, costs, and attorney's fees, and removing all points assessed to each plaintiff's driving record.

15. Under Pennsylvania law, a criminal defendant is not entitled to reimbursement for their money spent on legal counsel hired to provide his/her defense.

16. Since the defense of a driving citation qualifies as a criminal proceeding, Plaintiffs have failed to state a claim for which relief may be granted and are not entitled to the attorney's fees that resulted from these proceedings.

WHEREFORE, Defendants respectfully request that this Honorable Court grant its Preliminary Objections by way of demurrer and dismiss Plaintiffs' Complaint.

**COUNT III – FAILURE TO STATE A CLAIM
(REMOVAL OF POINTS)**

17. Defendants incorporate by reference the averments of Paragraphs 1 through 16 above, as if set forth herein at length.

18. Plaintiffs' Complaint seeks mandamus relief by requesting that the Defendants return all monies spent on fines, costs, and attorney's fees, and removing all points assessed to each plaintiff's driving record.

19. Under Pennsylvania law, the remedy of mandamus will only lie to compel official performance of a ministerial act or mandatory duty where there exists a clear legal right in the plaintiff, a corresponding duty in the defendant, and a lack of any other adequate remedy at law.

20. The assessment and removal of points to an individual's driving record is within the sole and exclusive province of the Pennsylvania Department of Transportation.

21. The Plaintiffs' request that Defendants cause all points assessed to their driving records associated with the aforementioned citations be removed, is not a "ministerial act" or "mandatory duty" within the Defendants control to support the remedy of mandamus.

22. As such, the Plaintiffs' have failed to state a cause of action for which the requested relief may be granted.

WHEREFORE, Defendants respectfully request that this Honorable Court grant its Preliminary Objections by way of demurrer and dismiss Plaintiffs' Complaint.

COUNT IV – FAILURE TO EXERCISE A STATUTORY REMEDY

23. Defendants incorporate by reference the averments of Paragraphs 1 through 22 above, as if set forth herein at length.

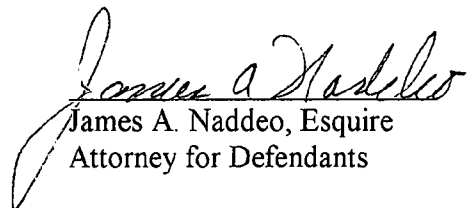
24. Plaintiffs' Complaint seeks mandamus relief by requesting that the Defendants return all monies spent on fines, costs, and attorney's fees, and removing all points assessed to each plaintiff's driving record.

25. Under Pennsylvania law, the remedy of mandamus will only lie to compel official performance of a ministerial act or mandatory duty where there exists a clear legal right in the plaintiff, a corresponding duty in the defendant, and a lack of any other adequate remedy at law.

26. By pleading guilty to the citation received, Plaintiffs failed to exhaust the statutorily provided remedies available to them, namely a hearing before the District Justice to determine innocence or guilt and subsequently an appeal to the Clearfield County Court of Common Pleas.

27. A plaintiff's failure to exhaust all clear and adequate remedies at law exists precludes the granting of mandamus relief.

WHEREFORE, Defendants respectfully request that this Honorable Court grant its Preliminary Objections by way of demurrer and dismiss Plaintiffs' Complaint.


James A. Naddeo, Esquire
Attorney for Defendants

Dated: November 16, 2000

No. 00-1296-CD

James A. Naddeo
Attorney for Defendants

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

JAMES C. WALKER,
CORY S. MANTINI,
BUNNY ANN SAYERS,
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SUSAN M. CARL,
DEBBIE J. WISOR,
KENNETH W. MENCER,
ANNETTE M. FORCEY,
JEFFERY R. ENGELMANN,
ALICELYN FRANCISKO,
KAREN S. ECKSTINE,
Plaintiff

vs.

LAWRENCE TOWNSHIP,
Clearfield County
&
BILL LAWHEAD
&
LAWRENCE TOWNSHIP SUPERVISORS,
Defendants

OCT 25 2000

No. 00-1296 C.D.
CIVIL ACTION
MANDAMUS

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator's Office
One N. 2nd St.
Clearfield, PA 16830

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

OCT 19 2000

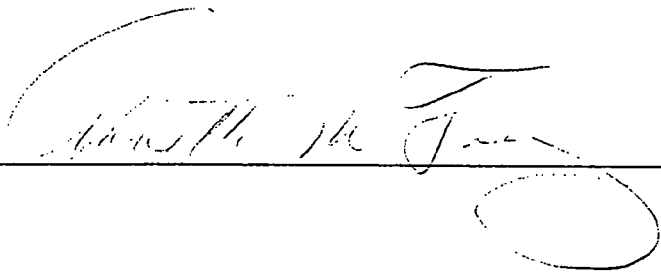
Attest:

William L. Shaw
Prothonotary

EXHIBIT "A"

VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.



VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

Edward J. Brown

VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

Bruce A. Sayers

VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

James M Carl 9/22/00

VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

Debbie J. Shaw

VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

Kenneth W. Mencer

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625560-1

| | | | |
|--|--|--|--|
| TRAFFIC CITATION | | 77C-457-99 | |
| 1. Driver's License No. 1201918 POS | | 2. State PA | |
| 3. Defendant Name WILLIAM MERCER | | 4. Date 15-6-64 | |
| 5. Street Address 21506 EVOLUTION DR. FAIRVIEW PA 15123 | | 6. City FAIRVIEW | |
| 7. State PA | | 8. Zip 15123 | |
| 9. Vehicle Make FORD | | 10. Vehicle Model TK | |
| 11. Year 1999 | | 12. Color | |
| 13. Owner/Lessee or Carrier Name & Address | | | |
| 14. Same as Defendant <input checked="" type="checkbox"/> Not Required <input type="checkbox"/> | | | |
| 15. Statute/Ordinance 3362 A3 | | 16. Fine 73.00 | |
| 17. E.M.S. 10.00 | | 18. CAT 40.00 | |
| 19. COSTS 26.50 | | 20. J.C.P. 1.50 | |
| 21. TOTAL DUE \$151.00 | | 22. Filed on info. Received <input type="checkbox"/> | |
| 23. Nature of Offense | | | |
| <input checked="" type="checkbox"/> Speeding 40 MPH Allowed 30 MPH <input type="checkbox"/> Operating Vehicle with Expired Inspection <input type="checkbox"/> Operating Vehicle without Valid License <input type="checkbox"/> Operating Vehicle with Suspended/Revoked License <input type="checkbox"/> Operating Unregistered Vehicle <input type="checkbox"/> Violated 67 Pa. Code Ref. 49 CFR <input type="checkbox"/> Other THE ABOVE NAMED MOTOR DID EXCEED SAID VEHICLE AT A RATE OF 64 MPH IN A POSTED 40MPH ZONE | | | |
| 24. Location SR 322 GOLDENROD | | 25. Date 2-23-99 | |
| 26. County CLEARFIELD | | 27. Year 1999 | |
| 28. Officer's Signature - Acknowledges Accrual of Citation | | | |
| 29. Officer's Signature [Signature] 2-23-99 | | | |
| 30. Driver's Signature [Signature] 2-23-99 | | | |
| 31. Speed 64 MPH | | | |
| 32. Miles followed 2.90 | | | |
| 33. Speed Limit 30 MPH | | | |
| 34. Accident Report No. | | | |
| 35. Remarks/Suspensions List | | | |
| CAL # 8020 | | | |
| APR 03 1999 | | | |

NOTICE

If you plead guilty or are found guilty, points may be assessed against your driver's record. Accumulation of 11 or more points will result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to driving while operating privilege is suspended or revoked, racing on highways, fleeing or attempting to elude police, driving without lights to avoid identification or arrest, accidents involving damage to attended vehicles or property, failure to stop for school bus with flashing lights, or subsequent convictions related to drivers required to be licensed.

EXHIBIT

5



A3021539-3

| | | | | | |
|---|--|----------------------|--|--------------------------|--|
| 1. Motor Vehicle Citation No. 26-3-02 | | TRAFFIC CITATION | | 77-2201-98 | |
| 2. Address: Goldenrod St. Clearfield, Pa. 16830 | | | | | |
| 3. Driver: WISOR, J. | | 4. State: PA | | 5. Date: 10-27-98 | |
| 6. Defendant Name: WISOR, J. | | 7. Middle: J. | | 8. Last: WISOR | |
| 9. Defendant Address: 1308 567 Woodland, Pa. 16831 | | | | | |
| 10. Plate: ANC 347 | | 11. Year: 99 | | 12. Make: Saturn | |
| 13. State: PA | | 14. Model: CP | | 15. Color: Black | |
| 16. Reg. No.: | | 17. Reg. Tr.: | | 18. State: PA | |
| 19. Make: | | 20. Type: | | 21. Color: | |
| 22. Owner/Lessee or Carrier Name & Address: Same as Defendant | | | | | |
| 23. Charge: | | | | | |
| <input checked="" type="checkbox"/> Maximum Speed Limit <input type="checkbox"/> Stop Signs & Yield Signs <input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked <input type="checkbox"/> Other: | | | | | |
| <input type="checkbox"/> Drivers Required to be Licensed <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Traffic Control Signals | | | | | |
| 24. STATUTE: Ver | | | | | |
| 25. SEC: 3362 | | | | | |
| 26. FINE: 83.- | | | | | |
| 27. E.M.S.: 10.- | | | | | |
| 28. CAT: 20.- | | | | | |
| 29. COSTS: 50.- | | | | | |
| 30. J.C.P.: 1.50 | | | | | |
| 31. TOTAL DUE: \$174.50 | | | | | |
| 32. Nature of Offense: 7 | | | | | |
| <input checked="" type="checkbox"/> Speeding: 40 MPH Allowed 40 MPH <input type="checkbox"/> Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Operated Unregistered Vehicle | | | | | |
| <input type="checkbox"/> Radar <input type="checkbox"/> Clocks <input type="checkbox"/> A.O.V. <input type="checkbox"/> ESP <input type="checkbox"/> Vascar <input type="checkbox"/> Other | | | | | |
| <input type="checkbox"/> Violated 57 Pa. Code Ref. 49 CFR <input checked="" type="checkbox"/> Other: Operator did drive 69.7 mph in a posted 40 mph zone | | | | | |
| 33. Section: 3322 | | | | | |
| 34. Vehicle: Goldenrod | | | | | |
| 35. Make: Lawrence | | | | | |
| 36. Year: 1998 | | | | | |
| 37. Model: Clearfield | | | | | |
| 38. Date: 10-23-98 | | | | | |
| 39. Time: 10:23 | | | | | |
| 40. Dir. of Tr.: | | | | | |
| 41. Officer's Signature: Panelbranco | | | | | |
| 42. Station Address: 10150 250 Hilde, Pa. 16833 | | | | | |
| 43. Station Phone: 7407 | | | | | |
| 44. Station Fax: 7407 | | | | | |
| 45. Station Email: EMO | | | | | |
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| 182. Station Address: 10150 250 Hilde, Pa. 16833 | | | | | |
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| 331. Station Web: 10-19-98 | | | | | |
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| 338. Station Phone: 7407 | | | | | |
| 339. Station Fax: 7407 | | | | | |
| 340. Station Email: EMO | | | | | |
| 341. Station Web: 10-19-98 | | | | | |
| 342. Station Address: 10150 250 Hilde, Pa. 16 | | | | | |



A3021538-2

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|--|--|------------------------------------|--|-----------------------------------|--|
| 1. General District No. <u>10-3-02</u> | | TRAFFIC CITATION | | 77-2204-9 | |
| 2. Address of Registrar's Office <u>1600 Diamond St. Clarks, Pa. 16830</u> | | | | | |
| 3. Driver's License No. <u>15-591-705</u> | | 3. C.D.C. <u>E</u> | | 3. Sex <u>M</u> | |
| 4. Date of Birth <u>8-03-49</u> | | 5. State <u>PA</u> | | 6. Make <u>Mercury</u> | |
| 7. Owner's Name - First <u>Susan</u> | | 8. Owner's Name - Last <u>Carl</u> | | 9. Type <u>SED</u> | |
| 10. Owner's Address (Street, City, State, Zip Code) <u>1730 Fairview St. Reading, Pa. 19606</u> | | | | | |
| 11. Reg. No. <u>BGP-0735</u> | | 12. Year <u>99</u> | | 13. State <u>PA</u> | |
| 14. Reg. No. <u>PA</u> | | 15. State <u>PA</u> | | 16. Color <u>Green</u> | |
| 23. Owner/Lessee or Carrier Name & Address <u>Don Len Corp. 2315 Sanders Rd. North Branch, IL 60062</u> | | | | | |
| 24. Check all that apply: <input checked="" type="checkbox"/> Maximum Speed Limits <input type="checkbox"/> Drivers Required to be Licensed <input type="checkbox"/> Careless Driving <input type="checkbox"/> Statute <input type="checkbox"/> Ordinance <input type="checkbox"/> Sec. <input type="checkbox"/> Sub Sec. <input type="checkbox"/> FINE <input type="checkbox"/> E.M.S. <input type="checkbox"/> CAT <input type="checkbox"/> COSTS <input type="checkbox"/> J.C.P. <input type="checkbox"/> TOTAL DUE <input type="checkbox"/> Other <input type="checkbox"/> Filed on Info. Received | | | | | |
| 25. Nature of Offense: <u>Speeding 60 MPH Allowed 40 MPH</u> <input type="checkbox"/> Radar <input type="checkbox"/> Checked <input type="checkbox"/> A.O.V. <input type="checkbox"/> ESP <input type="checkbox"/> Vascar <input type="checkbox"/> Other <input type="checkbox"/> Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle without Valid License <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Operated Unregistered Vehicle | | | | | |
| 26. Other: <u>Driver did drive said vehicle 60 mph in a posted 40 mph zone</u> | | | | | |
| 27. Location <u>SR 322 Goldenrod</u> <input type="checkbox"/> Zone <u>Yes</u> | | | | | |
| 28. Date <u>10-23-98</u> | | 29. Time <u>12:50</u> | | 30. Dir. of Travel <u>N S E W</u> | |
| 31. County <u>Clearfield</u> | | 32. Precinct <u>17</u> | | 33. Precinct <u>17</u> | |
| 34. Officer's Signature: <u>Thomas Tambianca</u> <u>10-23-98</u> | | | | | |
| 35. Officer's Address: <u>PO Box 250 Hyde, Pa. 16853</u> <u>10-23-98</u> | | | | | |
| 36. Officer's Phone: <u>1606</u> <u>359</u> | | | | | |
| 37. Date of Citation: <u>10-23-98</u> | | | | | |
| 38. Date of Arrest: <u>10-23-98</u> | | | | | |
| 39. Date of Release: <u>10-23-98</u> | | | | | |
| 40. Date of Release: <u>10-23-98</u> | | | | | |
| 41. Date of Release: <u>10-23-98</u> | | | | | |
| 42. Date of Release: <u>10-23-98</u> | | | | | |
| 43. Date of Release: <u>10-23-98</u> | | | | | |
| 44. Date of Release: <u>10-23-98</u> | | | | | |
| 45. Date of Release: <u>10-23-98</u> | | | | | |
| 46. Date of Release: <u>10-23-98</u> | | | | | |
| 47. Date of Release: <u>10-23-98</u> | | | | | |
| 48. Date of Release: <u>10-23-98</u> | | | | | |
| 49. Date of Release: <u>10-23-98</u> | | | | | |
| 50. Date of Release: <u>10-23-98</u> | | | | | |
| 51. Date of Release: <u>10-23-98</u> | | | | | |
| 52. Date of Release: <u>10-23-98</u> | | | | | |
| 53. Date of Release: <u>10-23-98</u> | | | | | |
| 54. Date of Release: <u>10-23-98</u> | | | | | |
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| 99. Date of Release: <u>10-23-98</u> | | | | | |
| 100. Date of Release: <u>10-23-98</u> | | | | | |

NOTICE

If you plead guilty or are found guilty, points may be assessed against your driver's record. Accumulation of 11 or more points will result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to driving while operating privilege is suspended or revoked, racing on highways, fleeing or attempting to elude police, driving without lights to avoid identification or arrest, accidents involving damage to attended vehicles or property, failure to stop for school bus with flashing lights, or subsequent convictions related to drivers required to be licensed.

EXHIBIT

7

EXHIBIT

8

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625500-4

| | | | | | |
|--|--|-----------------------|--|-----------------------------------|--|
| 1. Driver's License No. <u>17-17841070</u> | | TRAFFIC CITATION | | 2. Ticket Number <u>12-236-98</u> | |
| 3. Address <u>652 Leonard St. Clearfield Pa 16830</u> | | | | | |
| 4. Driver's Name <u>Edward J. Blum</u> | | 5. C.S.L. <u>PA</u> | | 6. State <u>PA</u> | |
| 7. Defendant's Name <u>Edward J. Blum</u> | | 8. Middle <u>J.</u> | | 9. Last <u>Blum</u> | |
| 10. Defendant's Address (Street, City, State, Zip) <u>511 E. 4th St. Clearfield Pa. 16830</u> | | | | | |
| 11. Vehicle No. <u>2C52823</u> | | 12. Year <u>99</u> | | 13. State <u>PA</u> | |
| 14. Make <u>Chery</u> | | 15. Type <u>Truck</u> | | 16. Color <u>Black</u> | |
| 17. Owner/Lessee or Carrier Name & Address <u>Same as Defendant</u> | | | | | |
| 24. Charge <input checked="" type="checkbox"/> Maximum Speed Limits <input type="checkbox"/> Stop Signs & Yield Signs <input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked <input type="checkbox"/> Other _____ | | | | | |
| 25. Nature of Offense <input checked="" type="checkbox"/> Speeding <u>61.7</u> MPH Allowed <u>40</u> MPH <input type="checkbox"/> Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle without Valid License <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Violated 67 Pa Code <input type="checkbox"/> Other <u>Actm did drive said vehicle 61.7 mph in a posted 40 mph zone.</u> | | | | | |
| 26. Statute <u>122</u> | | | | | |
| 27. Sec. <u>3362 A-3</u> | | | | | |
| 28. FINE <u>67.-</u> | | | | | |
| 29. E.M.S. <u>10.-</u> | | | | | |
| 30. CAT <u>40.-</u> | | | | | |
| 31. COSTS <u>26.-</u> | | | | | |
| 32. J.C.P. <u>1.50</u> | | | | | |
| 33. TOTAL DUE <u>\$141.50</u> | | | | | |
| 34. Location <u>SR 322 Goldenrod</u> | | | | | |
| 35. Road <u>SR 322</u> | | | | | |
| 36. Town or City <u>Lawrence</u> | | | | | |
| 37. Date <u>11-14-98</u> | | | | | |
| 38. Time <u>1:34</u> | | | | | |
| 39. County <u>Clearfield</u> | | | | | |
| 40. Defendant's Signature <u>Edward J. Blum</u> | | | | | |
| 41. Date Issued <u>11-14-98</u> | | | | | |
| 42. Officer's Signature <u>Edm. H. Harebranco</u> | | | | | |
| 43. Station Address <u>P.O. Box 250 Hyde, Pa 16843</u> | | | | | |
| 44. Station Phone <u>717-507-1407</u> | | | | | |
| 45. Station Fax <u>717-507-1407</u> | | | | | |
| 46. Station Email <u>EMJ</u> | | | | | |
| 47. Station Hours <u>70-19-98</u> | | | | | |
| 48. Accident Report No. _____ | | | | | |
| 49. 75 Pa. C.S.A. § 1541 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 50. Comm. Ven. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 51. Max. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 52. 75 Pa. C.S.A. § 1541 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 53. Comm. Ven. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 54. Max. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 55. 75 Pa. C.S.A. § 1541 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 56. Comm. Ven. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 57. Max. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 58. 75 Pa. C.S.A. § 1541 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 59. Comm. Ven. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 60. Max. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 61. 75 Pa. C.S.A. § 1541 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 62. Comm. Ven. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 63. Max. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
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| 65. Comm. Ven. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
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| 68. Comm. Ven. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 69. Max. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 70. 75 Pa. C.S.A. § 1541 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 71. Comm. Ven. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 72. Max. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 73. 75 Pa. C.S.A. § 1541 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 74. Comm. Ven. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 75. Max. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 76. 75 Pa. C.S.A. § 1541 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 77. Comm. Ven. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 78. Max. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
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| 80. Comm. Ven. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 81. Max. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 82. 75 Pa. C.S.A. § 1541 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 83. Comm. Ven. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 84. Max. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
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NOTICE

If you plead guilty or are found guilty, points may be assessed against your driver's record. Accumulation of 11 or more points will result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to driving while operating privilege is suspended or revoked, racing on highways, fleeing or attempting to elude police, driving without lights to avoid identification or arrest, accidents involving damage to attended vehicles or property, failure to stop for school bus with flashing lights, or subsequent convictions related to drivers required to be licensed.

AOPC 406-95 (REV. 10/96)

DISTRICT JUSTICE

A3625500-4

TRAFFIC CITATION

1. Driver's License No. 6501 Woodland St. Clearfield, Pa. 16830

2. Address 6501 Woodland St. Clearfield, Pa. 16830

3. Date of Birth 11-29-63

4. Driver's License No. 6501

5. Date of Issue 11-29-63

6. Date of Expiration 11-29-93

7. Date of Renewal 11-29-93

8. Date of Suspension 11-29-93

9. Date of Revocation 11-29-93

10. Date of License 11-29-93

11. Date of License 11-29-93

12. Date of License 11-29-93

13. Date of License 11-29-93

14. Date of License 11-29-93

15. Date of License 11-29-93

16. Date of License 11-29-93

17. Date of License 11-29-93

18. Date of License 11-29-93

19. Date of License 11-29-93

20. Date of License 11-29-93

21. Date of License 11-29-93

22. Date of License 11-29-93

23. Owner/Lessee or Owner Name & Address

24. Charge

25. Nature of Offense

26. Statute

27. Ordinance

28. Sub Sec.

29. Fine

30. E.M.S.

31. CAT

32. Costs

33. J.C.P.

34. Total Due

35. Location

36. Date

37. Date

38. Date

39. Date

40. Date

41. Date

42. Date

43. Date

44. Date

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EXHIBIT

9

NOTICE

If you plead guilty or are found guilty, points may be assessed against your driver's record. Accumulation of 11 or more points will result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to driving while operating privilege is suspended or revoked, racing on highways, fleeing or attempting to elude police, driving without lights to avoid identification or arrest, accidents involving damage to attended vehicles or property, failure to stop for school bus with flashing lights, or subsequent convictions related to drivers required to be licensed.

DISTRICT JUSTICE

A3021953-4

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625516-6

| | | | | | |
|---|--|------------------------------------|--|-------------------------------------|--|
| 1. Driver's License No. <u>46-3-02</u> | | TRAFFIC CITATION | | 2. Driving Number <u>41-2422-98</u> | |
| 3. Location <u>650 Leonard St. Clf Pa 16820</u> | | | | | |
| 4. Driver's Name <u>27044 22</u> | | 5. C.D.L. <input type="checkbox"/> | | 6. State <u>PA</u> | |
| 7. License Plate <u>27044 22</u> | | 8. Date <u>8-10-76</u> | | 9. Time <u>PM</u> | |
| 10. Defendant's Name <u>Martini</u> | | | | | |
| 11. Address <u>18 Rochester Mills Pa 15071</u> | | | | | |
| 12. City <u>Allegheny</u> | | 13. State <u>PA</u> | | 14. Zip <u>15071</u> | |
| 15. Vehicle No. <u>4655 99</u> | | 16. State <u>PA</u> | | 17. Year <u>SW</u> | |
| 18. Color <u>Blue</u> | | | | | |
| 19. Owner/Lessee or Carrier Name & Address <u>Same as Defendant</u> | | | | | |
| 20. Offense | | | | | |
| <input checked="" type="checkbox"/> Maximum Speed Limits <input type="checkbox"/> Stop Signs & Yield Signs <input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked <input type="checkbox"/> Other | | | | | |
| <input type="checkbox"/> Drivers Required to be Licensed <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Traffic-Control Signals | | | | | |
| <input type="checkbox"/> Careless Driving <input type="checkbox"/> Statute <input type="checkbox"/> Ordinance | | | | | |
| 21. FINE <u>75</u> | | | | | |
| 22. E.M.S. <u>10</u> | | | | | |
| 23. CAT <u>50</u> | | | | | |
| 24. COSTS <u>26</u> | | | | | |
| 25. J.C.P. <u>1.50</u> | | | | | |
| 26. TOTAL DUE <u>\$162.50</u> | | | | | |
| 27. Nature of Offense <u>40</u> | | | | | |
| <input checked="" type="checkbox"/> Speeding <u>40</u> MPH Allowed <u>40</u> MPH <input type="checkbox"/> Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Operated Vehicle without Valid License <input type="checkbox"/> Operated Unregistered Vehicle | | | | | |
| <input type="checkbox"/> Violated 67 Pa. Code <input type="checkbox"/> Radar <input type="checkbox"/> Cocked <input type="checkbox"/> A.C.V. <input type="checkbox"/> ESP <input type="checkbox"/> Vascar <input type="checkbox"/> Other | | | | | |
| 28. Other <u>Actor did drive</u> | | | | | |
| <input type="checkbox"/> Filed on Info. Received <input checked="" type="checkbox"/> Said Vehicle at a rate of <u>66.3 mph</u> in a posted <u>40 mph</u> zone | | | | | |
| 29. License <u>3322</u> | | | | | |
| 30. Name <u>Lawrence</u> | | | | | |
| 31. Address <u>1213 98th St</u> | | | | | |
| 32. City <u>Clearfield</u> | | | | | |
| 33. State <u>PA</u> | | | | | |
| 34. Zip <u>16820</u> | | | | | |
| 35. Date Issued <u>12-13-98</u> | | | | | |
| 36. Signature <u>223-09</u> | | | | | |
| 37. Officer's Signature <u>223-09</u> | | | | | |
| 38. Title <u>PA 0171100</u> | | | | | |
| 39. Date <u>10-19-98</u> | | | | | |
| 40. Time <u>10:19</u> | | | | | |
| 41. Speed Equip. Serial No. <u>27407</u> | | | | | |
| 42. Miles Followed <u>EM-2</u> | | | | | |
| 43. Speed Limit <u>40</u> | | | | | |
| 44. Accidents Report No. <u>8661 71330</u> | | | | | |
| 45. 75 Pa. C.S.A. § 1543 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 46. Comm. Ven. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 47. Max. Mtl. <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| 48. Remarks/Suspense List <u>Call # 7968</u> | | | | | |

NOTICE

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ACPC 406-95 (REV. 10/96)

DISTRICT JUSTICE

A3625516-6

EXHIBIT

10

VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 16 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

James C. Walker

VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

Karen A. [Signature]

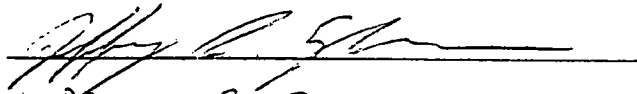
VERIFICATION

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Cory S. Mantini

VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.


Jeffery R. Engelmann

VERIFICATION

The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

Nicolino Francisco

MITINGER & De BOEF

By: 

Anthony G. De Boef, Esquire

Date: 10/17/02

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

CIVIL DIVISION

JAMES C. WALKER,
CORY S. MANTINI,
BUNNY ANN SAYERS,
EDWARD J. OLSON,
SUSAN MARY CARL,
DEBBIE J. WISOR,
KENNETH WILLIAM MENCER,
ANNETTE M. FORCEY,
JEFFERY R. ENGELMANN,
ALICELYN FRANCISKO,
KAREN S. ECKSTINE,
Plaintiffs

v.

LAWRENCE TOWNSHIP,
Clearfield County
&
BILL LAWHEAD
&
LAWRENCE TOWNSHIP SUPERVISORS,
Defendants :

No. 2000-_____ C.D.
CIVIL ACTION
MANDAMUS

COMPLAINT

AND NOW, comes the Plaintiffs, JAMES WALKER, CORY MANTINI, BUNNY SAYERS, EDWARD OLSON, SUSAN CARL, DEBBIE WISOR, KENNETH MENCER, ANNETTE FORCEY, JEFFERY ENGELMANN, ALICELYN FRANCISKO and KAREN ECKSTINE, by and through their Attorneys, MITINGER & De BOEF, and brings this Complaint upon a cause of action whereof the following is a statement:

1. Plaintiff KAREN S. ECKSTINE, is an adult individual who resides at 815 South George Street, Apt 1A, York, PA 17403.
2. Plaintiff ALICELYN FRANCISKO, is an adult individual who resides at P.O. Box 55,

Harbison Street, Wallaceton, Pennsylvania, 16876.

3. Plaintiff JEFFERY ENGELMANN, is an adult individual who resides at RR 2. Box 269, Munson, Pennsylvania, 16860.

4. Plaintiff ANNETTE FORCEY, is an adult individual who resides at RD #1, Box 86 B. Woodland, Pennsylvania, 16881.

5. Plaintiff KENNETH MENCER, is an adult individual who resides at 2436 Executive Drive, Fallentimber, Pennsylvania, 16639.

6. Plaintiff JAMES WALKER. is an adult individual who resides at P.O. Box 82, 1001 Walker Road, Bigler, Pennsylvania, 16825.

7. Plaintiff DEBBIE WISOR is an adult individual who resides at R.D. #1, Box 567, Woodland, Pennsylvania, 16881.

8. Plaintiff SUSAN CARL, is an adult individual who resides at 1730 Fairview Street, Reading, Pennsylvania, 19606.

9. Plaintiff EDWARD J. OLSON, is an adult individual who resides at 511 E. 4th Street, Clearfield, Pennsylvania, 16830.

10. Plaintiff BUNNY SAYERS, is an adult individual who resides at RD #1 Box 181-B, Woodland, Pennsylvania, 16881.

11. Plaintiff CORY MANTINI, is an adult individual who resides at RD #1, Box 18. Rochester Mills, Pennsylvania, 15771.

12. Plaintiffs were all given speeding citations in the area of Route 322, in front of the Goldenrod Restaurant, in Clearfield County.

13. Officer Crystal Panebianco issued all 11 violations based on a speed zone set up in front of the Goldenrod Restaurant on Route 322, by the Lawrence Township Police Department.

See Exhibits 1-11.

14. Plaintiffs have learned that the speed zone at Route 322 and Goldenrod was discontinued by Lawrence Township subsequent to the issuance of the above 11 citations, due to the fact that it was improperly marked and being used in a manner that caused the speed zone to be too short.

15. JAMES WALKER did incur attorney's fees and litigation expenses only, as a result of an illegal citation given by the Lawrence Township Police Department.

16. All of the above Plaintiffs', other than JAMES WALKER, have incurred attorney's fees, fines as a result of the citations, and they have accumulated points on their driving record as a result of the erroneous and illegal speeding tickets issued by Officer Panebianco of the Lawrence Township Police Department.

17. Defendant has a duty to return to JAMES WALKER his attorney's fees and litigation expenses and to return to all of the other Plaintiffs' their attorney's fees, court costs, and to cause to be removed all points on their driving record with PennDot as a result of the illegal, improper speed zone set up by Lawrence Township at Route 322 and Goldenrod. As of this date, Lawrence Township has refused to perform this duty.

WHEREFORE, Plaintiff demands judgment against Defendants commanding that the Defendants perform their duty by returning to Plaintiff JAMES WALKER, his attorney's fees and litigation expenses and to return to all of the other Plaintiffs their attorney's fees, court costs and to remove all points on their driving record with PennDot.

Respectfully submitted,

MITINGER & De BOEF

By: 

Anthony G. De Boef, Esquire

Atty. I.D. #71582

Attorney for Plaintiffs

2147 East College Avenue

State College, PA 16801

(814) 231-4050

Dated: 10/17/00

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

JAMES C. WALKER,
CORY S. MANTINI,
BUNNY ANN SAYERS,
EDWARD J. OLSON
SUSAN M. CARL,
DEBBIE J. WISOR,
KENNETH W. MENCER,
ANNETTE M. FORCEY,
JEFFERY R. ENGELMANN,
ALICELYN FRANCISKO,
KAREN S. ECKSTINE,
Plaintiffs

vs.

LAWRENCE TOWNSHIP,
Clearfield County
&
BILL LAWHEAD
&
LAWRENCE TOWNSHIP SUPERVISORS,
Defendants

No. 2000-_____ C.D.
CIVIL ACTION
MANDAMUS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Complaint was hereby served by
depositing the same within the custody of the United States Postal Service, First Class, postage
prepaid, addressed to the following:

James A. Naddeo, Esquire
211 ½ E. Locust St.
P.O. Box 552
Clearfield, PA 16830

MITINGER & DE BOEF

BY:


Anthony G. De Boef, Esquire
Attorney for Plaintiff

Date:

10/17/00

EXHIBIT 11

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

TRAFFIC CITATION

1. Judicial District Name: 463.02

2. Date of Citation: 3-17-99

3. Address: 650 CEDAR ST. CPD. PA. 16830

4. Driver Number: 26006556

5. C.D.L. ☐ PA ☐ Other ☐

6. State: PA

7. Date of Birth: 3-17-71

8. Sex: M

9. Defendant Name: JEFFERY R. ENGELMANN

10. Defendant Address (Street-City-State Zip Code): Box 269 Munson PA 16801

11. Ven. Reg. No.: 48508

12. State: PA

13. Year: 99

14. Make: MAZDA

15. Model: TR

16. Year: 96

17. Owner/Lessee or Carrier Name & Address: Same as Defendant

18. Charge:

- ☒ Maximum Speed Limit
- ☐ Stop Signs & Yield Signs
- ☐ Driving Vehicle at Safe Speed
- ☐ Operation of Vehicle without Official Certificate of Inspection
- ☐ Driving while Operating Privilege is Suspended or Revoked
- ☐ Other
- ☐ Drivers Required to be Licensed
- ☐ Registration & Certification of Title Required
- ☐ Unlawful Activities
- ☐ Traffic-Control Signals
- ☐ Careless Driving

19. Nature of Offense:

- ☒ Speeding 65.8 Allowed 40 MPH
- ☐ Operated Vehicle with Expired Inspection
- ☐ Operated Vehicle with Suspended/Revoked License
- ☐ Violated 67 Pa. Code
- ☐ Other
- ☐ Radar
- ☐ ESP
- ☐ Vascar
- ☐ Other
- ☐ A.O.V.
- ☐ Operated Unregistered Vehicle

20. FINE: 33.62

21. E.M.S.: 10

22. CAT: 40

23. COSTS: 26.50

24. J.C.P.: 1.50

25. TOTAL DUE: \$153.12

26. Nature of Offense: ABOVE NAMED ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 65.8 MPH. IN A POSTED 40 MPH. ZONE

27. Location: SR 322 - GOLDENROD

28. County: Lawrence

29. Township: CLAREFIELD

30. Date of Citation: 3-17-99

31. Officer's Signature: [Signature]

32. Address of Police Officer: Box 250 H9DG, PA 16843

33. Speed Equipment No.: 1407

34. Station/Unit: EM 1

35. 75 Pa. C.S.A. § 1543 Violation-Juvenile Parents Notified ☐ YES ☐ NO

36. Comm. Veh. ☐ YES ☐ NO

37. Max. Fze. ☐ YES ☐ NO

38. CAL. No. 8000

39. Amend Box 28 To Read AS

NOTICE MAR 29 1999

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AOPC 406-95 (REV. 10/96)

DISTRICT JUSTICE

A3625537-6

EXHIBIT

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

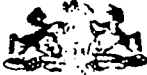
A3625536-5

| | | | | | |
|---|--|-------------------------------|--|-------------------------------|--|
| 1. Citation No. 402 | | TRAFFIC CITATION | | 2. Date 7-28-99 | |
| 3. Location 630 CEDAR ST. CTD PA-16830 | | | | | |
| 4. Defendant Name CAREN | | 5. License No. 5 | | 6. Date of Birth 5-550 | |
| 7. Defendant Address 218 401 ECKSTINE | | | | | |
| 8. Defendant City YORK PA 17404 | | | | | |
| 9. Vehicle Make FORD | | 10. Vehicle Model 1264 | | 11. Vehicle Year 99 | |
| 12. Vehicle Color SW | | 13. Vehicle Type WHITE | | 14. Vehicle License PA | |
| 15. Owner/Driver Name & Address Same as Defendant | | | | | |
| 16. Statute/Circumstance 15ET | | | | | |
| 17. FINE 3362 | | | | | |
| 18. E.M.S. 10 | | | | | |
| 19. CAT 40 | | | | | |
| 20. COSTS 26.50 | | | | | |
| 21. J.C.P. 1.50 | | | | | |
| 22. TOTAL DUE 350 | | | | | |
| 23. Other ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 58 MPH IN A POSTED 40 MPH ZONE | | | | | |
| 24. Location SR 322 GOLDENROD | | | | | |
| 25. Date 7-28-99 | | | | | |
| 26. County CLARK | | | | | |
| 27. Defendant Signature CAREN | | | | | |
| 28. Officer Signature PAUL H. HUGHES | | | | | |
| 29. Date 7-28-99 | | | | | |
| 30. Station 223 | | | | | |
| 31. Speed 58 | | | | | |
| 32. Date 7-28-99 | | | | | |
| 33. Comm. PA | | | | | |
| 34. Date 7-28-99 | | | | | |
| 35. Date 7-28-99 | | | | | |
| 36. Date 7-28-99 | | | | | |
| 37. Date 7-28-99 | | | | | |
| 38. Date 7-28-99 | | | | | |
| 39. Date 7-28-99 | | | | | |
| 40. Date 7-28-99 | | | | | |
| 41. Date 7-28-99 | | | | | |
| 42. Date 7-28-99 | | | | | |
| 43. Date 7-28-99 | | | | | |
| 44. Date 7-28-99 | | | | | |
| 45. Date 7-28-99 | | | | | |
| 46. Date 7-28-99 | | | | | |
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| 98. Date 7-28-99 | | | | | |
| 99. Date 7-28-99 | | | | | |
| 100. Date 7-28-99 | | | | | |

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COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625597-3

| | | | | | |
|--|--|---------------------------------------|-------------------------|---|-----------------------|
| 1. Judicial District No. 23-021 | | TRAFFIC CITATION | | 2. Corrected Citation No. 1-560-99 | |
| 3. Address (Street, City, State, Zip) 650 CENTARD ST. CIRD. PA. 16830 | | | | | |
| 4. Driver Number 24 985 3SS | | 5. C.O.L. <input type="checkbox"/> PA | 6. State PA | 7. Date 11-25-99 | 8. Age 24 |
| 9. Detendant Name: First Francisco | | Middle Francisco | | Last Francisco | |
| 10. Detendant Address (Street, City, State, Zip) P.O. Box 55 HARDISON ST. WALKERTON | | | | | |
| 11. Sex M | 12. Race PA | 13. State PA | 14. City PONTIAC | 15. State CP | 16. Zip 4806 |
| 17. Van. Reg. No. SSA 087 99 | 18. Reg. Tr. <input type="checkbox"/> PA | 19. State PA | 20. Make PONTIAC | 21. Type CP | 22. Color PINK |
| 23. Owner/Lessee or Carrier Name & Address <input checked="" type="checkbox"/> Same as Detendant <input type="checkbox"/> Not Required | | | | | |
| 24. Charge | | | | | |
| <input checked="" type="checkbox"/> Maximum Speed Limit <input type="checkbox"/> Drivers Required to be Licensed <input type="checkbox"/> Careless Driving <input type="checkbox"/> Stop Signs & Yield Signs <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Unlawful Accidents <input type="checkbox"/> Traffic-Control Signals <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked <input type="checkbox"/> Other _____ | | | | | |
| 25. Nature of Offense | | | | | |
| <input checked="" type="checkbox"/> Speeding 62.4 MPH Allowed 40 MPH <input type="checkbox"/> Radar <input type="checkbox"/> Clock <input type="checkbox"/> A.O.V. <input type="checkbox"/> Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle without Valid License <input type="checkbox"/> ESP <input type="checkbox"/> Escalator <input type="checkbox"/> Other <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Operated Unregistered Vehicle <input type="checkbox"/> Violated 67 Pa. Code Ref. 49 CFR <input type="checkbox"/> Other ABOVE NAMED ACTOR | | | | | |
| 26. STATUTE OR ORDINANCE 11E4 | | | | | |
| 27. FINE 3362 A-3 | | | | | |
| 28. E.M.S. 109 | | | | | |
| 29. CAT 140 | | | | | |
| 30. COSTS 26.50 | | | | | |
| 31. J.C.P. 1.50 | | | | | |
| 32. TOTAL DUE 347.00 | | | | | |
| 33. Filed on Info. Received <input type="checkbox"/> | | | | | |
| 34. Location SR322 GOLDENROD | | | | | |
| 35. City SR322 LAWRENCE | | | | | |
| 36. State PA | | | | | |
| 37. Date 4-12-99 | | | | | |
| 38. Signature Francisco | | | | | |
| 39. Officer's Signature Francisco | | | | | |
| 40. Station Address of Police Officer P.O. Box 250 HYLE PA 16888 | | | | | |
| 41. Speed Limit 40 | | | | | |
| 42. State PA | | | | | |
| 43. City PONTIAC | | | | | |
| 44. State CP | | | | | |
| 45. Zip 4806 | | | | | |
| 46. Accident Report No. 7979 | | | | | |
| 47. State PA | | | | | |
| 48. City PONTIAC | | | | | |
| 49. State CP | | | | | |
| 50. Zip 4806 | | | | | |
| 51. Remarks/Supplies List | | | | | |
| 52. CAL # 1004 | | | | | |
| 53. MARKERS-RICH'S - RESTAPR 13 1999 | | | | | |

NOTICE

If you plead guilty or are found guilty, points may be assessed against your driver's record. Accumulation of 11 or more points will result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to driving while operating privilege is suspended or revoked, racing on highways, fleeing or attempting to elude police, driving without lights to avoid identification or arrest, accidents involving damage to attended vehicles or property, failure to stop for school bus with flashing lights, or subsequent convictions related to drivers required to be licensed.

EXHIBIT

2

CITATION N-3

A362553

TRAFFIC CITATION

[illegible]

| | |
|---|--|
| <input type="checkbox"/> Same as Operator <input type="checkbox"/> Not Required | |
| <input type="checkbox"/> Maximum Speed Limits <input type="checkbox"/> Stop Sign & Yield Signs <input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked <input type="checkbox"/> Other _____ | <input type="checkbox"/> Drivers Required to be Licensed <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Traffic Control Signals <input type="checkbox"/> Careless Driving <input type="checkbox"/> Certificate of Title Required |

| | |
|--|--|
| Nature of Offense Operating _____ MPH Allowed <u>40</u> <input type="checkbox"/> Coerced Vehicle with Expired Inspection <input type="checkbox"/> Coerced Vehicle with Suspended/Revoked License <input type="checkbox"/> Voiced 67% Cops <input type="checkbox"/> Other <u>ALICE NAMED KATIE'S</u> | <input type="checkbox"/> Radar <input type="checkbox"/> ESP <input type="checkbox"/> Coerced Vehicle without Valid License <input type="checkbox"/> Coerced Unregistered Vehicle <input type="checkbox"/> A.O.V. <input type="checkbox"/> VESAP <input type="checkbox"/> Other |
|--|--|

| | |
|---------------|----------|
| 26. STATUTE | VE 11 |
| 27. SEC | 3362 A2 |
| 28. FINE | 25.00 |
| 29. E.M.S. | 10.00 |
| 30. CAT | 40.00 |
| 31. COSTS | 26.00 |
| 32. J.C.P. | 1.50 |
| 33. TOTAL DUE | \$153.50 |

23. Nature of Offense Exceeding 65 MPH Allowed 40 ☒ Radar ☐ Clock ☐ A.O.V.
☒ Operated Vehicle with Expired Inspection ☐ MPH ☐ ESP ☐ Vessel ☐ Other
☐ Operated Vehicle with Suspended/Revoked License ☐ Operated Vehicle without Valid License
☐ Operated Unregistered Vehicle
☐ Violated 67 Pa. Code _____ Ref. 49 CFR _____
 Driver ALICE NAMED ACTOR DID
DRIVE SAID VEHICLE AT A RATE OF
65.8 MPH. IN A POSTED 40 MPH.
ZONE
 24. Location _____

| | |
|---------------|-------|
| 30. E.M.S. | 10 |
| 31. CAT | 40 |
| 32. COSTS | 26.50 |
| 33. J.C.P. | 1.50 |
| 34. TOTAL DUE | \$153 |

☐ Filed on Info. Received

| | |
|--------------|-----------------|
| 35. Location | 36. Res |
| SR. 322 | RES |
| 37. Sec | 38. Township |
| 322 | 23 |
| 39. Range | 40. Dir. of Hwy |
| 23 | N E W |
| 41. County | 42. State |
| CLAREFIELD | PA |
| 43. Section | 44. Section |
| 23 | 23 |
| 45. Section | 46. Section |
| 23 | 23 |

I certify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This certification is made subject to the penalties of Section 4904 of the Criminal Code (18 Pa. C.S. § 4904) relating to unlawful furnishing to nonattorneys.

OFFICER'S SIGNATURE *James Cristofalo* 47. *528.99*

| | | | | | |
|---|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|
| 49. Vehicle Addressed Police Officer 20 50K 250 H406, 1A 16843 | 50. Officer's Name SPRINE | 51. Officer's Rank SPRINE | 52. Officer's Agency SPRINE | 53. Officer's Date 12/3/09 | 54. Officer's Time 11:00 |
| 55. Speed Camera Entry No. 7407 | 56. Speed Camera Entry No. 7407 | 57. Speed Camera Entry No. 7407 | 58. Speed Camera Entry No. 7407 | 59. Speed Camera Entry No. 7407 | 60. Speed Camera Entry No. 7407 |
| 61. Accident Report No. EAT 2 | 62. Accident Report No. EAT 2 | 63. Accident Report No. EAT 2 | 64. Accident Report No. EAT 2 | 65. Accident Report No. EAT 2 | 66. Accident Report No. EAT 2 |
| 67. Accident Report No. EAT 2 | 68. Accident Report No. EAT 2 | 69. Accident Report No. EAT 2 | 70. Accident Report No. EAT 2 | 71. Accident Report No. EAT 2 | 72. Accident Report No. EAT 2 |

CHIL. No. 8000 Amend Box 23 To Road
A3

NOTICE MAR 29 1999

NOTICE MAR 29 1999

If you plead guilty or are found guilty, points may be assessed against your driver's record. Accumulation of 11 or more points will result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to driving while operating privilege is suspended or revoked, racing on highways, fleeing or attempting to elude police, driving without lights to avoid identification or arrest, accidents involving damage to attended vehicles or property, failure to stop for school bus with flashing lights, or subsequent convictions related to drivers required to be licensed.

AOPC 406-95 (REV. 10/94) DISTRICT JUSTICE

AOPC 406-95 (REV. 10/96)

DISTRICT JUSTICE

A3625537-6

EXHIBIT

EXHIBIT

4

COMMONWEALTH OF PENNSYLVANIA

CITATION NO. A3625538-0

TRAFFIC CITATION

650 CEDAR ST CLINTON PA 16830

Driver Number 1-713006

Vehicle Make, Model, Year, Color, License Plate

EDVETTE M FORCEV

RD1 BOX 86 B WOODLAND PA 16881

EC-3587 99 PA JAGUAR SUN L TFW

Owner/Lessor or Carrier Name & Address

FORCED LUMBER CO. INC. RD1 BOX 214 WOODLAND

Charge

Maximum Speed Limits

Scop Signs & Yield Signs

Driving Vehicle at Safe Speed

Operation of Vehicle without Official Certificate of Inspection

Driving while Operating Privilege is Suspended or Revoked

Other

25. Nature of Offense

Exceeding 27 MPH Allowed 40 MPH

Coerced Vehicle with Expired Inspection

Coerced Vehicle with Suspended/Revoked License

Violated 57 Pa. Code

Ref. 49 CFR

Other THE ABOVE NAMED ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 64MPH IN A POSTED 40MPH ZONE.

26. Location

SR 352 GARDENWOOD

SR 153 LAWRENCE

3500 11777 RD CLEARFIELD

27. Date

3-29-99

28. Time

3:29 PM

29. Mileage

227

30. Dir. of Travel

N S E W

31. Officer's Signature

James Crystal Harbison

32. Officer's License Number

223-09

33. Date of Citation

3-29-99

34. Time of Citation

3:40 PM

35. Speed Limit

40

36. Section of Law

75 Pa. C.S.A. § 1541

37. Accident Report No.

8020

38. Remarks/Disposals List

AMEND #30 TO READ 40

39. Parents Notified

YES NO

40. Comm. Pen.

YES NO

41. Max. Fine

YES NO

42. Total Due

\$151.00

43. Filing Info. Received

YES NO

MAR 30 1999

NOTICE

If you plead guilty or are found guilty, points may be assessed against your driver's record. Accumulation of 11 or more points will result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to driving while operating privilege is suspended or revoked, racing on highways, fleeing or attempting to elude police, driving without lights to avoid identification or arrest, accidents involving damage to attended vehicles or property, failure to stop for school bus with flashing lights, or subsequent convictions related to drivers required to be licensed.

ACPC 406-95 (REV. 10/96) DISTRICT JUSTICE A3625538-0

NOV 17 2000
013341
Proclamation

Naddao

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

| | | |
|----------------------------|---|-----------------------------|
| JAMES C. WALKER, | : | |
| CORY S. MANTINI, | : | |
| BUNNY ANN SAYERS, | : | |
| EDWARD J. OLSON, | : | |
| SUSAN M. CARL, | : | No. 00-1296-CD |
| DEBBIE J. WISOR, | : | CIVIL ACTION - MANDAMUS |
| KENNETH W. MENCER, | : | |
| ANNETTE M. FORCEY, | : | |
| JEFFREY R. ENGLEMAN, | : | |
| ALICELYN FRANCISKO, | : | |
| KAREN S. ECKSTEIN, | : | |
| Plaintiffs | : | |
| | : | Amended Complaint |
| vs. | : | |
| | : | |
| LAWRENCE TOWNSHIP, | : | |
| Clearfield County | : | Counsel of Record: |
| & | : | |
| BILL LAWHEAD, | : | Anthony G. De Boef, Esquire |
| & | : | Pa. ID #71532 |
| LAWRENCE TWP. SUPERVISORS, | : | |
| Defendants | : | Mitinger & De Boef |
| | : | 2147 East College Avenue |
| | : | State College, PA 16801 |
| | : | (814) 231-4050 |

FILED

FEB 26 2001

William A. Shaw
Prothonotary

#4

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

| | | |
|----------------------------|---|-------------------------------|
| JAMES C. WALKER, | : | |
| CORY S. MANTINI, | : | |
| BUNNY ANN SAYERS, | : | |
| EDWARD J. OLSON, | : | |
| SUSAN M. CARL, | : | No. 00-1296-CD |
| DEBBIE J. WISOR, | : | CIVIL ACTION - MANDAMUS |
| KENNETH W. MENCER, | : | |
| ANNETTE M. FORCEY, | : | |
| JEFFREY R. ENGLEMAN, | : | |
| ALICELYN FRANCISKO, | : | |
| KAREN S. ECKSTEIN, | : | Brief in Opposition of |
| Plaintiffs | : | Preliminary Objections |
| | : | filed on behalf of Plaintiffs |
| vs. | : | |
| | : | |
| LAWRENCE TOWNSHIP, | : | |
| Clearfield County | : | Counsel of Record: |
| & | : | |
| BILL LAWHEAD, | : | Anthony G. De Boef, Esquire |
| & | : | Pa. ID #71532 |
| LAWRENCE TWP. SUPERVISORS, | : | |
| Defendants | : | Mitinger & De Boef |
| | : | 2147 East College Avenue |
| | : | State College, PA 16801 |
| | : | (814) 231-4050 |

AMENDED COMPLAINT

AND NOW, comes the Plaintiffs, JAMES C. WALKER, CORY S.
MANTINI, BUNNY ANN SAYERS, EDWARD J. OLSON, SUSAN M. CARL, DEBBIE
J. WISOR, KENNETH W. MENCER, ANNETTE M. FORCEY, JEFFREY R.
ENGLEMAN, ALICELYN FRANCISKO, AND KAREN S. ECKSTEIN, by and
through, Anthony G. De Boef, Esquire, to file this Amended
Complaint:

1. Paragraphs 1 thru 17 of the original Complaint would be adopted in this Amended Complaint in their entireties.

2. Plaintiffs would amend their Complaint by noting that they had originally demanded the return of their monies from the attorneys for the Lawrence Township Supervisors. The demand was denied as noted by attachment 1 and 2.

WHEREFORE, Plaintiffs demand judgment against Defendants commanding that the Defendants perform their duty by returning to Plaintiff James C. Walker, his attorney's fees and litigation expenses and to return to all of the other Plaintiffs their attorney's fees, court costs and remove all points on their driving record with PennDot.

Respectfully submitted,

MITINGER & De BOEF

By: 

Anthony G. De Boef, Esquire
Attorney For Plaintiffs
Atty. ID #71532
2147 East College Avenue
State College, PA 16801
(814) 231-4050

Dated: 2/21/01

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

| | | |
|----------------------------|---|-----------------------------|
| JAMES C. WALKER, | : | |
| CORY S. MANTINI, | : | |
| BUNNY ANN SAYERS, | : | |
| EDWARD J. OLSON, | : | |
| SUSAN M. CARL, | : | No. 00-1296-CD |
| DEBBIE J. WISOR, | : | CIVIL ACTION - MANDAMUS |
| KENNETH W. MENCER, | : | |
| ANNETTE M. FORCEY, | : | |
| JEFFREY R. ENGLEMAN, | : | |
| ALICELYN FRANCISKO, | : | |
| KAREN S. ECKSTEIN, | : | |
| Plaintiffs | : | |
| vs. | : | Amended Complaint |
| LAWRENCE TOWNSHIP, | : | |
| Clearfield County | : | Counsel of Record: |
| & | : | |
| BILL LAWHEAD, | : | Anthony G. De Boef, Esquire |
| & | : | Pa. ID #71532 |
| LAWRENCE TWP. SUPERVISORS, | : | |
| Defendants | : | Mitinger & De Boef |
| | : | 2147 East College Avenue |
| | : | State College, PA 16801 |
| | : | (814) 231-4050 |

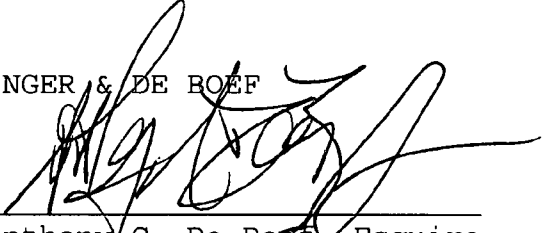
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within instrument was hereby served by depositing the same within the custody of the United States Postal Service, First Class, postage prepaid, addressed to the following:

James A. Naddeo, Esquire
Naddeo & Associates
211 ½ Locus Street
PO Box 52
Clearfield, PA 16830

Dated: 2/24/01

MITINGER & DE BOEF

By: 
Anthony G. De Boef, Esquire
Attorney for Plaintiffs

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA

P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
TELECOPIER (814) 765-9893

March 6, 2000

Anthony G. De Boef, Esquire
Mitinger & De Boef
2147 East College Avenue
State College, PA 16801

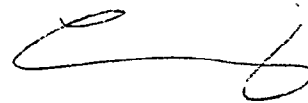
In re: Lawrence Township Speed Zone at
Route 322 and Goldenrod

Dear Mr. De Boef:

I received your letter of March 2, 2000. I understand from your letter that you represent a client that was found not guilty of a speeding violation in Lawrence Township. From the tenor of your letter, you are suggesting that action should be taken regarding other individuals who were found guilty or pled guilty and paid their fines. As I indicated to the Supervisors, even if a mistake was made in the prosecution, that mistake would have been waived by either a plea or a conviction. I do not intend to take any further action in this regard and would suggest to you that James Walker has no standing to bring an action against the Township on behalf of third parties. I hope this closes the matter.

Very truly yours,

BELIN & KUBISTA



Carl A. Belin, Jr.

CABjr:smh

cc: Lawrence Township Supervisors

Attachment "1"

JAMES A. NADDEO

ATTORNEY AT LAW
211½ EAST LOCUST STREET
MARINO BUILDING
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

ASSOCIATE
LINDA C. LEWIS

TELEPHONE
(814) 765-1601
TELECOPIER
(814) 765-8142

August 22, 2000

Anthony G. De Boef, Esquire
Mitinger & De Boef
2147 East College Avenue
State College, PA 16801

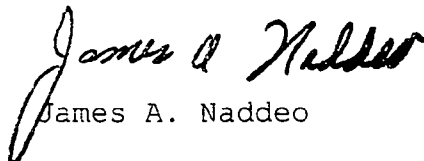
Re: Lawrence Township Speed Zone at
Route 322 and Goldenrod

Dear Mr. De Boef:

I presented your position to the Lawrence Township Supervisors at their regular meeting on August 15, 2000. I confess that I was unclear as to whom you are representing. I know you were originally employed by Jimmy Walker. I was fuzzy on your relationship to the other alleged "victims" of the speed trap.

The Supervisors were, very familiar with this situation. It is their position that it had been resolved by the prior solicitor. In other words, their decision not to refund the traffic fines remains firm.

Sincerely,


James A. Naddeo

JAN:srw

cc: Lawrence Township Supervisors

Attachment "2"

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

JAMES C. WALKER, CORY S. MANTINI,:
BUNNY ANN SAYERS, EDWARD J. :
OLSON, SUSAN MARY CARL, DEBBIE :
J. WISOR, KENNETH WILLIAM :
MENCER, ANNETTE M. FORCEY, :
JEFFREY R. ENGELMANN, :
ALICELYN FRANCISKO, KAREN S. :
ECKSTINE :

-vs-

No. 00 - 1296 - CD

LAWRENCE TOWNSHIP, Clearfield
County

AND

BILL LAWHEAD

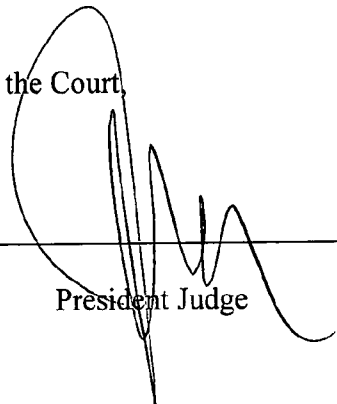
AND

LAWRENCE TOWNSHIP SUPERVISORS:

ORDER

NOW, this 23rd day of March, 2001, following consideration of Defendants' Preliminary Objections in the nature of Demurrers, to Plaintiffs' Complaint, and argument and briefs thereon, this Court being satisfied that no legal authority exists from which Plaintiffs can recover, and a suit for mandamus, it is the ORDER of this Court that Defendants' Preliminary Objections be and are hereby sustained and Plaintiffs' Complaint dismissed with prejudice.

By the Court,



President Judge

FILED

MAR 26 2001

William A. Shaw
Prothonotary

#5

FILED

ad
cc
MAR 26 2001

William A. Shaw
Prothonotary

2cc

1 - Ally
1 - Ally

Naddeo
De Boef

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

JAMES C. WALKER,
CORY S. MANTINI,
BUNNY ANN SAYERS,
EDWARD J. OLSON,
SUSAN MARY CARL,
DEBBIE J. WISOR,
KENNETH WILLIAM MENCER,
ANNETTE M. FORCEY,
JEFFERY R. ENGELMANN,
ALICELYN FRANCISKO,
KAREN S. ECKSTINE,
Plaintiffs,

v.

LAWRENCE TOWNSHIP,
Clearfield County,
&
BILL LAWHEAD,
&
LAWRENCE TOWNSHIP SUPERVISORS,
Defendants.

FILED

MAR 27 2001

William A. Shaw
Prothonotary

No. 00-1296-CD

Type of Pleading:

Praecipe for
Judgment

Filed on behalf of:
Defendants

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

#6

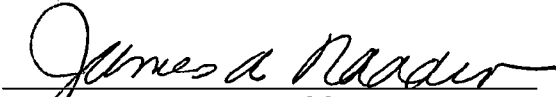
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

| | | |
|------------------------------------|---|----------------|
| JAMES C. WALKER, CORY S. MANTINI, | * | |
| BUNNY ANN SAYERS, EDWARD J. OLSON, | * | |
| SUSAN MARY CARL, DEBBIE J. WISOR, | * | No. 00-1296-CD |
| KENNETH WILLIAM MENCER, | * | |
| ANNETTE M. FORCEY, | * | |
| JEFFERY R. ENGELMANN, | * | |
| ALICELYN FRANCISKO, | * | |
| KAREN S. ECKSTINE, | * | |
| Plaintiffs, | * | |
| | * | |
| v. | * | |
| | * | |
| LAWRENCE TOWNSHIP, | * | |
| Clearfield County, and | * | |
| BILL LAWHEAD, and | * | |
| LAWRENCE TCWNSHIP SUPERVISORS, | * | |
| Defendants. | * | |


PRAECIPE

TO THE PROTHONOTARY:

Please enter judgment in favor of the Defendants and
against Plaintiff in accordance with Order of Court dated March
23, 2001.


James A. Naddeo
Attorney for Defendants

No. 00-1296-CD


James A. Naddeo
Attorney for Defendants

FILED

MAR 27 2001
O 11:12:18 AM
William A. Shaw
Prothonotary

Maddeo pd

\$20.00

notice to pay. ~~8~~

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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

JAMES C. WALKER
CORY S. MANTINI
BUNNY ANN SAYERS
EDWARD J. OLSON
SUSAN M. CARL
DEBBIE J. WISOR
KENNETH W. MENCER,
ANNETTE M. FORCEY
JEFFREY ENGLEMAN
ALICELYN FRANCISKO
KAREN S. ECKSTEIN
Plaintiffs

vs.

LAWRENCE TOWNSHIP,
Clearfield County
&
BILL LAWHEAD,
&
LAWRENCE TWP. SUPERVISORS
Defendants

No. 00-1296-CD
CIVIL ACTION - MANDAMUS

Order for Transcript

Counsel of Record:

Anthony G. De Boef, Esquire
I.D.# 71532

Mitinger & De Boef
2147 East College Avenue
State College, PA 16801
(814) 231-4050

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs above named hereby appeal to the Commonwealth Court of Pennsylvania from the Order entered in the above captioned action on March 23, 2001. This Order has been entered in the docket as evidenced by the attached copy of the docket entries.

Respectfully submitted,

MITINGER & DE BOEF

BY:

Anthony G. De Boef, Esquire
Attorney for Plaintiffs

FILED

APR 23 2001

William A. Shaw
Prothonotary

#7

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

JAMES C. WALKER, CORY S. MANTINI,:
BUNNY ANN SAYERS, EDWARD J. :
OLSON, SUSAN MARY CARL, DEBBIE :
J. WISOR, KENNETH WILLIAM :
MENCER, ANNETTE M. FORCEY, :
JEFFREY R. ENGELMANN, :
ALICELYN FRANCISKO, KAREN S. :
ECKSTINE :

-vs-

No. 00 - 1296 - CD

LAWRENCE TOWNSHIP, Clearfield
County

AND

BILL LAWHEAD

AND

LAWRENCE TOWNSHIP SUPERVISORS:

ORDER

NOW, this 23rd day of March, 2001, following consideration of Defendants' Preliminary Objections in the nature of Demurrers, to Plaintiffs' Complaint, and argument and briefs thereon, this Court being satisfied that no legal authority exists from which Plaintiffs can recover, and a suit for mandamus, it is the ORDER of this Court that Defendants' Preliminary Objections be and are hereby sustained and Plaintiffs' Complaint dismissed with prejudice.

By the Court,

/s/ JOHN K. REILLY, JR.

I hereby certify this to be a true and attested copy of the original statement filed in this case.
President Judge

MAR 26 2001

Attest:

William L. Prothro
Prothonotary

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

JAMES C. WALKER
CORY S. MANTINI
BUNNY ANN SAYERS
EDWARD J. OLSON
SUSAN M. CARL
DEBBIE J. WISOR
KENNETH W. MENCER,
ANNETTE M. FORCEY
JEFFREY ENGLEMAN
ALICELYN FRANCISKO
KAREN S. ECKSTEIN
Plaintiffs

vs.

LAWRENCE TOWNSHIP,
Clearfield County
&
BILL LAWHEAD,
&
LAWRENCE TWP. SUPERVISORS
Defendants

No. 00-1296-CD
CIVIL ACTION - MANDAMUS

Order for Transcript

Counsel of Record:

Anthony G. De Boef, Esquire
I.D.# 71532

Mitinger & De Boef
2147 East College Avenue
State College, PA 16801
(814) 231-4050

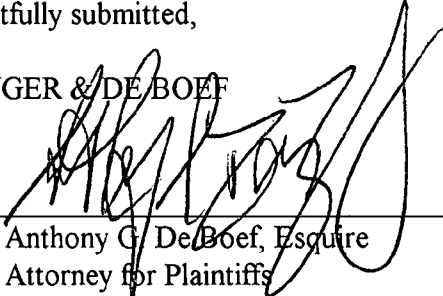
ORDER FOR TRANSCRIPT

A Notice of Appeal having been filed in this matter, the official court reporter is hereby ordered to produce, certify and file the transcript in this matter, if any, in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.

Respectfully submitted,

MITINGER & DE BOEF

BY:


Anthony G. De Boef, Esquire
Attorney for Plaintiffs

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

| | | |
|---------------------------|---|-----------------------------|
| JAMES C. WALKER | : | |
| CORY S. MANTINI | : | |
| BUNNY ANN SAYERS | : | No. 00-1296-CD |
| EDWARD J. OLSON | : | CIVIL ACTION - MANDAMUS |
| SUSAN M. CARL | : | |
| DEBBIE J. WISOR | : | |
| KENNETH W. MENCER, | : | |
| ANNETTE M. FORCEY | : | |
| JEFFREY ENGLEMAN | : | |
| ALICELYN FRANCISKO | : | |
| KAREN S. ECKSTEIN | : | |
| Plaintiffs | : | Order for Transcript |
| vs. | : | Counsel of Record: |
| LAWRENCE TOWNSHIP, | : | Anthony G. De Boef, Esquire |
| Clearfield County | : | I.D.# 71532 |
| & | : | |
| BILL LAWHEAD, | : | Mitinger & De Boef |
| & | : | 2147 East College Avenue |
| LAWRENCE TWP. SUPERVISORS | : | State College, PA 16801 |
| Defendants | : | (814) 231-4050 |

PROOF OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the persons and in the manner indicated below which service satisfies the requirements of Pa. R.A.P. 121:

Service by First Class Mail
addressed as follows:

James Naddeo, Esquire n
211 and ½ East Locust Street
P.O. Box 552
Clearfield, PA 16830

Honorable John K. Reilly, Jr.
President Judge
Clearfield County Courthouse
Clearfield, PA 16830

Prothonotary
Clearfield County Courthouse
Clearfield, PA 16830

Continued

Proof of Service
Page 2

Lawrence Township Supervisors
Lawrence Township Building
Clearfield, PA 16830

MITINGER & DE BOEF

BY: 

Anthony G. De Boef, Esquire
Attorney for Plaintiffs

Date

4/23/01

Anthony G.
DeBoef, Esq.

JAMES C. WALKER,
CORY S. MANTINI,
BUNNY ANN SAYERS,
EDWARD J. OLSON,
SUSAN M. CARL,
DEBBIE J. WISOR,
KENNETH W. MENCER,
ANNETTE M. FORCEY,
JEFFERY R. ENGELMANN,
ALICELYN FRANCISKO,
KAREN S. ECKSTINE

00-1296-CD

LAWRENCE TOWNSHIP, Clearfield
County,
BILL LAWHEAD, and
LAWRENCE TOWNSHIP SUPERVISORS

Pro BY ATTY 80.00

OCTOBER 19, 2000, COMPLAINT IN MANDAMUS, filed by Anthony G.
DeBoef, Esq., Attorney for the Plaintiffs
Four Certified Copies to Attorney DeBoef
CERTIFICATE OF SERVICE, /s/Anthony G. DeBoef, Esq.

PLEASE REFER TO COMPUTER
FOR FURTHER ENTRIES

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 23 2001

Attest.

William L. DeBoef
Prothonotary

Date: 04/23/2001

Time: 02:34 PM

Page 1 of 1

Clarendon County Court of Common Pleas

ROA Report

Case: 2000-01296-CD

Current judge: John K. Reilly Jr.

User: JPEPPERDAY

| Date | | Judge |
|------------|---|--------------------|
| 10/19/2000 | New Case filed. | No Judge |
| | Complaint in Mandamus, filed by Anthony G. DeBoef, Esq., Attorney for the Plaintiffs | No Judge |
| | Four Certified Copies to Attorney DeBoef | |
| | Certificate of Service, /s/Anthony G. DeBoef, Esq. | |
| 11/03/2000 | Acceptance of Service, Plaintiff's Complaint by s/JAMES A. NADDEO, ESQ. ONE CC ATTY NADDEO | No Judge |
| 11/17/2000 | Defendant's Preliminary Objections to Plaintiff's Complaint, filed by /s/James A. Naddeo, Esq. | No Judge |
| | Certificate of Service, filed. | |
| | One Certified Copy to Attorney Naddeo | |
| 02/26/2001 | Amended Complaint. Filed by s/Anthony G. De Boef, Esq. no cc | John K. Reilly Jr. |
| 03/26/2001 | Order, NOW, this 23rd day of March, 2001, Defendants' Preliminary Objections be and are hereby sustained and Plaintiffs' Complaint dismissed with prejudice. BY THE COURT: /s/John K. Reilly, Jr., P.J. One CC to Attorney Naddeo One CC to Attorney DeBoef | John K. Reilly Jr. |
| 03/27/2001 | Filing: Praecipe for Judgment Entered in Favor of the Defendants and against Plaintiff. Notice to Defendants. Cert of Svc Paid by: Naddeo, James A (attorney for Lawrence Township) Receipt number: 1822468 Dated: 03/27/2001 Amount: \$20.00 (Check). | John K. Reilly Jr. |

FILED

APR 23 2001

0 / 3:40 / 425
William A. Shaw
Prothonotary

E. Shaw

1 CENT TO Comm. Ct 4/ 55. - C102
1 CENT TO ATTY.

Commonwealth Court of Pennsylvania

April 30, 2001

RE: Walker, et al v. Lawrence Twp., et al
No.: 995 CD 2001
Agency Docket Number: 00-1296-CD
Filed Date: April 23, 2001

Notice of Docketing Appeal

A Notice of Appeal, a copy of which is enclosed, from an order of your court has been docketed in the Commonwealth Court of Pennsylvania. The docket number in the Commonwealth Court is endorsed on this notice. The Commonwealth Court docket number must be on all correspondence and documents filed with the court.

Under Chapter 19 of the Pennsylvania Rules of Appellate Procedure, the Notice of Appeal has the effect of directing the Court to transmit the certified record in the matter to the Prothonotary of the Commonwealth Court.

The complete record, including the opinion of the trial judge, should be forwarded to the Commonwealth Court within forty (40) days of the date of filing of the Notice of Appeal. Do not transmit a partial record.

Pa.R.A.P. 1921 to 1933 provides the standards for preparation, certification and transmission of the record.

The address to which the Court is to transmit the record is set forth on Page 2 of this notice.

Notice to Counsel

A copy of this notice is being sent to all parties or their counsel indicated on the proof of service accompanying the Notice of Appeal. The appearance of all counsel has been entered on the record in the Commonwealth Court. Counsel has thirty (30) days from the date of filing of the Notice of Appeal to file a praecipe to withdraw their appearance pursuant to Pa. R.A.P. 907 (b).

Appellant or Appellant's attorney should review the record of the trial court, in order to insure that it is complete, prior to certification to this Court. (Note: A copy of the Zoning Ordinance must accompany records in Zoning Appeal cases).

The addresses to which you are to transmit documents to this Court are set forth on Page 2 of this Notice.

If you have special needs, please contact this court in writing as soon as possible.

| Attorney Name | Party Name | Party Type |
|----------------------------|--------------------------------------|-------------------|
| Anthony Gene De Boef, Esq. | James C. Walker | Appellant |
| James A. Naddeo, Esq. | Lawrence Township, Clearfield County | Appellee |

FILED

MAY 02 2001
m (2:00 PM)
William A. Shaw
Prothonotary

#7

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

JAMES C. WALKER, CORY S. MANTINI :
BUNNY ANN SAYERS, EDWARD J. :
OLSON, SUSAN M. CARL, DEBBIE J. :
WISOR, KENNETH W. MENCER, :
ANNETTE M. FORCEY, JEFFREY :
ENGLEMANN, ALICELYN FRANCISKO :
AND KAREN S. ECKSTEIN :

-vs-

No. 00- 1296CD

LAWRENCE TOWNSHIP, Clearfield :
County and BILL LAWHEAD and :
LAWRENCE TWP. SUPERVISORS :

ORDER

NOW, this 2nd day of May, 2001, the Court having been notified of Appeal to the Commonwealth Court of Pennsylvania in the above-captioned matter, it is the ORDER of this Court that Anthony G. DeBoef, Attorney for Appellant above-named, file a concise statement of the matters complained of on Appeal as set forth in Rule 1925(b) of the Rules of Appellate Procedure.

By the Court,

President Judge

FILED

MAY 03 2001

William A. Shaw
Prothonotary

#9

FILED

MAY 03 2001

0/11.06/2001
William A. Shaw
Prothonotary

Neckles

~~for~~ 1cc atty R. B. B.

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

| | | |
|----------------------------|---|-------------------------------|
| JAMES C. WALKER, | : | |
| CORY S. MANTINI, | : | |
| BUNNY ANN SAYERS, | : | |
| EDWARD J. OLSON, | : | |
| SUSAN M. CARL, | : | No. 00-1296-CD |
| DEBBIE J. WISOR, | : | CIVIL ACTION - MANDAMUS |
| KENNETH W. MENCER, | : | |
| ANNETTE M. FORCEY, | : | |
| JEFFREY R. ENGLEMAN, | : | |
| ALICELYN FRANCISKO, | : | |
| KAREN S. ECKSTEIN, | : | Brief in Opposition of |
| Plaintiffs | : | Preliminary Objections |
| | : | filed on behalf of Plaintiffs |
| vs. | : | |
| | : | |
| LAWRENCE TOWNSHIP, | : | |
| Clearfield County | : | Counsel of Record: |
| & | : | |
| BILL LAWHEAD, | : | Anthony G. De Boef, Esquire |
| & | : | Pa. ID #71532 |
| LAWRENCE TWP. SUPERVISORS, | : | |
| Defendants | : | Mitinger & De Boef |
| | : | 2147 East College Avenue |
| | : | State College, PA 16801 |
| | : | (814) 231-4050 |
| | : | |

PLAINTIFFS' STATEMENT OF MATTERS COMPLAINED OF ON APPEAL

As set forth in Rule 1925(b) of the Rules of Appellate Procedure, NOW COMES the Plaintiffs by and through their attorney, Anthony G. De Boef, Esquire, to state the following in conjunction with this Statement of Matters Complained of on Appeal:

FILED

JUN 01 2001

William A. Shaw
Prothonotary

1. This Honorable Court on the 23rd day of March, 2001, entered an Order that dealt with the Preliminary Objections filed by Defendants.

2. The Order does not give any legal discussion or basis for the Court's ruling.

3. Plaintiffs were ordered by the Court to file a Brief on the Civil Action in Mandamus.

4. The Brief was filed by Plaintiffs giving the Court ample legal authority showing how the Plaintiffs could recover.

5. The Preliminary Objections filed by Defendant must be reviewed by the Court in a light most favorable to the Plaintiffs. All pleadings and information that the Court has before the time of the Preliminary Objections must be viewed in a manner such that if anything remains for the Court to consider the Preliminary Objections must be dismissed.

6. Plaintiffs contend that the Brief gave the Court a very real and supportable legal authority for the case to continue and for the Preliminary Objections to be denied.

7. Plaintiffs' Brief and Opposition of Preliminary Objections is again renewed in this document and is attached as Exhibit "A".

WHEREFORE, the precise statement of matters complained of an appeal will be that the Court granted the Preliminary Objections for the Defendants in violation of the standards that the Court is to apply with regards to a Preliminary Objection.

Respectfully submitted,

MITINGER & De BOEF

By: 

Anthony G. De Boef, Esquire
Attorney For Plaintiffs
Atty. ID #71532
2147 East College Avenue
State College, PA 16801
(814) 231-4050

Dated: 5/30/01

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

| | | |
|----------------------------|---|-------------------------------|
| JAMES C. WALKER, | : | |
| CORY S. MANTINI, | : | |
| BUNNY ANN SAYERS, | : | |
| EDWARD J. OLSON, | : | |
| SUSAN M. CARL, | : | No. 00-1296-CD |
| DEBBIE J. WISOR, | : | CIVIL ACTION - MANDAMUS |
| KENNETH W. MENCER, | : | |
| ANNETTE M. FORCEY, | : | |
| JEFFREY R. ENGLEMAN, | : | |
| ALICELYN FRANCISKO, | : | |
| KAREN S. ECKSTEIN, | : | Brief in Opposition of |
| Plaintiffs | : | Preliminary Objections |
| | : | filed on behalf of Plaintiffs |
| vs. | : | |
| | : | |
| LAWRENCE TOWNSHIP, | : | |
| Clearfield County | : | Counsel of Record: |
| & | : | |
| BILL LAWHEAD, | : | Anthony G. De Boef, Esquire |
| & | : | Pa. ID #71532 |
| LAWRENCE TWP. SUPERVISORS, | : | |
| Defendants | : | Mitinger & De Boef |
| | : | 2147 East College Avenue |
| | : | State College, PA 16801 |
| | : | (814) 231-4050 |
| | : | |

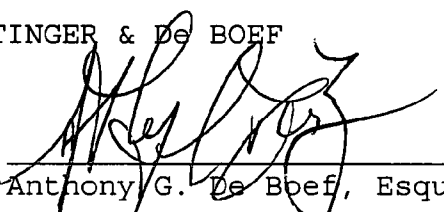
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within instrument was hereby served by depositing the same within the custody of the United States Postal Service, First Class, postage prepaid, addressed to the following:

James A. Naddeo, Esquire
Naddeo & Associates
211 ½ Locus Street
PO Box 52
Clearfield, PA 16830

MITINGER & De BOEF

By:


Anthony G. De Boef, Esquire
Attorney for Plaintiffs

Dated: 5/30/01

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

| | | |
|----------------------------|---|-------------------------------|
| JAMES C. WALKER, | : | |
| CORY S. MANTINI, | : | |
| BUNNY ANN SAYERS, | : | |
| EDWARD J. OLSON, | : | |
| SUSAN M. CARL, | : | No. 00-1296-CD |
| DEBBIE J. WISOR, | : | CIVIL ACTION - MANDAMUS |
| KENNETH W. MENCER, | : | |
| ANNETTE M. FORCEY, | : | |
| JEFFREY R. ENGLEMAN, | : | |
| ALICELYN FRANCISKO, | : | |
| KAREN S. ECKSTEIN, | : | Brief in Opposition of |
| Plaintiffs | : | Preliminary Objections |
| | : | filed on behalf of Plaintiffs |
| vs. | : | |
| | : | |
| LAWRENCE TOWNSHIP, | : | |
| Clearfield County | : | Counsel of Record: |
| & | : | |
| BILL LAWHEAD, | : | Anthony G. De Boef, Esquire |
| & | : | Pa. ID #71532 |
| LAWRENCE TWP. SUPERVISORS, | : | |
| Defendants | : | Mitinger & De Boef |
| | : | 2147 East College Avenue |
| | : | State College, PA 16801 |
| | : | (814) 231-4050 |
| | : | |

EXHIBIT

"A"

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

| | | |
|----------------------------|---|-------------------------------|
| JAMES C. WALKER, | : | |
| CORY S. MANTINI, | : | |
| BUNNY ANN SAYERS, | : | |
| EDWARD J. OLSON, | : | |
| SUSAN M. CARL, | : | No. 00-1296-CD |
| DEBBIE J. WISOR, | : | CIVIL ACTION - MANDAMUS |
| KENNETH W. MENCER, | : | |
| ANNETTE M. FORCEY, | : | |
| JEFFREY R. ENGLEMAN, | : | |
| ALICELYN FRANCISKO, | : | |
| KAREN S. ECKSTEIN, | : | Brief in Opposition of |
| Plaintiffs | : | Preliminary Objections |
| | : | filed on behalf of Plaintiffs |
| vs. | : | |
| | : | |
| LAWRENCE TOWNSHIP, | : | |
| Clearfield County | : | Counsel of Record: |
| & | : | |
| BILL LAWHEAD, | : | Anthony G. De Boef, Esquire |
| & | : | Pa. ID #71532 |
| LAWRENCE TWP. SUPERVISORS, | : | |
| Defendants | : | Mitinger & De Boef |
| | : | 2147 East College Avenue |
| | : | State College, PA 16801 |
| | : | (814) 231-4050 |
| | : | |

PLAINTIFF'S BRIEF IN OPPOSITION TO PRELIMINARY OBJECTIONS
FILED BY DEFENDANTS

AND NOW COMES the Plaintiffs by and through their attorney,
Anthony G. De Boef, Esquire, to state the following in
conjunction with this Brief of Opposition:

I. FACTUAL AND PROCEDURE BACKGROUND

Plaintiffs do not deny that the citations in question were
issued between October 23, 1998 and April 12, 1999. However,

James C. Walker was not issued a citation as noted by Defendants. His wife, Carol Walker, was issued a citation for speeding under Section 3362(a) of the Pennsylvania Vehicle Code.

Furthermore, Carol Walker's citation was not brought to a hearing and subsequent acquittal. The District Justice in chambers with counsel for the Walkers and the Police Officer withdrew the citation prior to the hearing on the date of hearing.

The Lawrence Township Police Department did not admit that the speed zone trap at the Golden Rod location in Lawrence Township was too short until March of 2000. None of the other Plaintiffs in these traffic citations knew of their flawed citations until well past their thirty (30) day summary appeal period. All of the Plaintiffs learned of this Lawrence Township Police Department's error in the Spring of 2000.

The Plaintiffs have filed this action in Mandamus so that their monies can be returned to them and their speeding tickets voided so that this information can be sent back to PennDot.

II. WRIT OF MANDAMUS PENNSYLVANIA RULES OF CIVIL PROCEDURE

NO. 1091 - 1099

This Honorable Court is fully aware of the rules of civil procedure surrounding a Writ of Mandamus; however, a short review

of this legal remedy is included with this Brief.

Mandamus is an extraordinary remedy, which is available to compel the performance of a ministerial act for mandatory duty where there is: 1. A clear legal right to the Plaintiff; 2. A corresponding duty in the Defendant; and 3. A lack of any other adequate, appropriate and specific remedy. Maute vs. Frank, 670 A.2d 737 (PA Commonwealth 1996).

Although granted by the law side of the court, Mandamus is essentially equitable in nature and requires the application of equitable principals. Unlike an injunction, Mandamus is not preventative but remedial and is a present remedy for a present injury; it does not act on anticipated acts or threatened injuries, but is resorted to as remedy for wrongs that have already been committed. The remedy is ordinarily used to compel action, and not prevent action. However, Mandamus is not available to compel performance of a duty until there is a clear refusal to perform.

As you can see through attachments A and B, both letters addressed to me, first letter being from Carl A. Belin, Jr. dated March 6, 2000, and then a second letter dated August 22, 2000 from James A. Naddeo, Esquire; both Attorneys for the Lawrence Township have refused to perform the duty on behalf of the

Plaintiffs' that they requested them to do.

It has also been found in the Commonwealth of Pennsylvania that a Writ of Mandamus stands for the further proposition that a public official can be compelled to perform a legal duty even if the existence and/or scope of the duty must be founded and defined in the Mandamus action itself. Philadelphia vs. Shapp, 403 A.2d 1043 (PA Commonwealth Court 1979).

III. ELEMENTS OF MANDAMUS

As noted by the Defendants Preliminary Objections and then in their Brief; the issues plead in the Writ need to show some information about each of the elements of a Writ of Mandamus.

Therefore, do the Plaintiffs have a clear legal right?

As noted above the Plaintiffs have a very specific well defined, clear and complete legal right to the relief sought. Each person listed as Plaintiff, paid a specific sum of money to District Justice Ireland for a citation issued by the Lawrence Township Police Department. Those monies were then paid to the Lawrence Township Supervisors. As pled in the Writ; because the speed trap was flawed in its measurement and the money should not have been paid by Plaintiffs; the money should be returned to the Plaintiffs.

Do the Defendants have a corresponding duty?

Again the duty in question is a specific one. The Plaintiffs do not seek for the Court to compel a general course of official conduct or a series of continuous acts; rather Plaintiffs are asking this Court to compel the Defendants to pay back the monies that the Plaintiffs gave to the Township in the form of a speeding ticket.

Furthermore, although a remedy of Mandamus does not lie to compel the Defendants to perform an act when such performance is within the discretion of the Defendant. See MacNeal vs. ICOA, Inc. 555 A.2d (Pa Super 1989). Mandamus does lie to review discretion where its exercised or not exercises are arbitrary, fraudulent or based upon mistaken view of the law. Valley Forge Racing Association, Inc. vs. State Horse Racing Commission 297 A.2d 823 (1972). This general principal is applicable to the exercise of discretion by a public official or by an administrative or judicial tribunal.

Obviously, Plaintiffs at this time would submit to this Court that the action of the Police Department which is controlled and supervised and given authority to operate by the Lawrence Township Supervisors acted in an arbitrary and

fraudulent manner based upon their mistake in setting up the speed trap.

Finally, there is no adequate remedy at law for the Plaintiffs. Defendants allege that Plaintiffs had an alterative remedy at law; the De Novo Appeal for their criminal summary citations.

Obviously, the thirty (30) day statute of limitations ran a great deal of time before this error in the vascar speed zone was discovered by the Plaintiffs. There is no appeal nor any right for the Plaintiffs other than this Writ of Mandamus.

IV. FAILURE TO STATE A CLAIM

Plaintiffs understand that they can no longer appeal under the Rules of Criminal Procedure in their summary action. None of the Plaintiffs appealed their summary conviction by entry of plea of guilt for a hearing De Novo before the Clearfield County Court of Common Pleas.

That is why the Plaintiffs have not filed an action in the Court of Common Pleas of Clearfield in Criminal Court.

Defendants appear to have missed the point in their first discussion of the Failure to State a Claim. Plaintiffs have filed this Writ of Mandamus against the Supervisors of Lawrence Township specifically because it was the only claim available to

them at this time.

As noted above for all of the stated reasons as previously written; Plaintiffs respectfully requests the Court at this time to find in a light most favorable to the Plaintiffs that there is an issue for the trial of fact in each element as put forward by the Plaintiffs.

Finally, Defendants note that a criminal Defendant does not get reimbursed for his or her legal fees. Again, Defendants have misunderstood Plaintiffs' request. Plaintiffs are simply asking the Court to reimburse them for the costs of this civil action. Plaintiffs would respectfully request to this Court that upon a successful completion to this matter as requested by the Plaintiffs that the Court could reward attorney fees. If the Supervisors are found to have known that the vascar speed zone was too short for a proper use and therefore stop using it; then continued to refuse to pay the monies back to the parties aggrieved by this faulty speed zone; the Court could find that attorney fees should be repaid to the Plaintiffs for this action.

V. CONCLUSION

Therefore, the Plaintiffs would respectfully request to this Court that the Preliminary Objections filed in this matter be denied in their entirety.

MITINGER & De BOEF

By: 

Anthony G. De Boef, Esquire
Attorney For Plaintiffs
Atty. ID #71532
2147 East College Avenue
State College, PA 16801
(814) 231-4050

Dated: 2/21/01

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

| | | |
|----------------------------|---|-------------------------------|
| JAMES C. WALKER, | : | |
| CORY S. MANTINI, | : | |
| BUNNY ANN SAYERS, | : | |
| EDWARD J. OLSON, | : | |
| SUSAN M. CARL, | : | No. 00-1296-CD |
| DEBBIE J. WISOR, | : | CIVIL ACTION - MANDAMUS |
| KENNETH W. MENCER, | : | |
| ANNETTE M. FORCEY, | : | |
| JEFFREY R. ENGLEMAN, | : | |
| ALICELYN FRANCISKO, | : | |
| KAREN S. ECKSTEIN, | : | Brief in Opposition of |
| Plaintiffs | : | Preliminary Objections |
| | : | filed on behalf of Plaintiffs |
| vs. | : | |
| | : | |
| LAWRENCE TOWNSHIP, | : | |
| Clearfield County | : | Counsel of Record: |
| & | : | |
| BILL LAWHEAD, | : | Anthony G. De Boef, Esquire |
| & | : | Pa. ID #71532 |
| LAWRENCE TWP. SUPERVISORS, | : | |
| Defendants | : | Mitinger & De Boef |
| | : | 2147 East College Avenue |
| | : | State College, PA 16801 |
| | : | (814) 231-4050 |
| | : | |

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within instrument was hereby served by depositing the same within the custody of the United States Postal Service, First Class, postage prepaid, addressed to the following:

Peter J. Carfley, Esquire
Naddeo & Associates
211 ½ Locus Street
PO Box 52
Clearfield, PA 16830

MITINGER & DE BOEF

By:

Anthony G. De Boef, Esquire
Attorney for Plaintiffs

Dated: 2/21/01

BELIN & KUBISTA

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P.O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA

CARL A. BELIN
1901-1897

AREA CODE 314
TELEPHONE 755-8972
TELECOPIER (314) 755-9893

March 6, 2000

Anthony G. De Boef, Esquire
Mitinger & De Boef
2147 East College Avenue
State College, PA 16801

In re: Lawrence Township Speed Zone at
Route 322 and Goldenrod

Dear Mr. De Boef:

I received your letter of March 2, 2000. I understand from your letter that you represent a client that was found not guilty of a speeding violation in Lawrence Township. From the tenor of your letter, you are suggesting that action should be taken regarding other individuals who were found guilty or pled guilty and paid their fines. As I indicated to the Supervisors, even if a mistake was made in the prosecution, that mistake would have been waived by either a plea or a conviction. I do not intend to take any further action in this regard and would suggest to you that James Walker has no standing to bring an action against the Township on behalf of third parties. I hope this closes the matter.

Very truly yours,

BELIN & KUBISTA



Carl A. Belin, Jr.

CABjr:smh

cc: Lawrence Township Supervisors

A Hachment "A"

JAMES A. NADDEO
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
MARINO BUILDING
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

ASSOCIATE
LINDA C. LEWIS

TELEPHONE
(814) 765-1601
TELECOPIER
(814) 765-3142

August 22, 2000

Anthony G. De Boef, Esquire
Mitinger & De Boef
2147 East College Avenue
State College, PA 16801

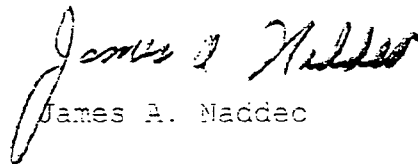
Re: Lawrence Township Speed Zone at
Route 322 and Goldenrod

Dear Mr. De Boef:

I presented your position to the Lawrence Township Supervisors at their regular meeting on August 15, 2000. I confess that I was unclear as to whom you are representing. I know you were originally employed by Jimmy Walker. I was fuzzy on your relationship to the other alleged "victims" of the speed trap.

The Supervisors were very familiar with this situation. It is their position that it had been resolved by the prior solicitor. In other words, their decision not to refund the traffic fines remains firm.

Sincerely,


James A. Naddeo

JAN:srw
cc: Lawrence Township Supervisors

Attachment "B"

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

JAMES C. WALKER, CORY S. MANTINI,:
BUNNY ANN SAYERS, EDWARD J. :
OLSON, SUSAN M. CARL, DEBBIE J. :
WISOR, KENNETH W. MENCER, :
ANNETTE M. FORCEY, JEFFREY R. :
ENGLEMANN, ALICELYN FRANCISKO,:
KAREN S. ECKSTEIN :

-vs-

No. 00 - 1296 - CD

LAWRENCE TOWNSHIP,
Clearfield County

AND

BILL LAWHEAD

AND

LAWRENCE TOWNSHIP SUPERVISORS:

OPINION

Between October 23, 1998, and April 12, 1999, Plaintiffs-Appellants above-named received traffic citations under section 3362(a) of the Pennsylvania Vehicle Code for speeding based upon speed zone traps set up by the Lawrence Township Police Department. Each of the Plaintiff-Appellants, with the exception of James Walker, plead guilty, paid the applicable costs and were assessed points on their driving record by the Department of Transportation. Plaintiff-Appellant Walker plead not guilty and was acquitted at a hearing before the District Justice.

Subsequent to the above, the Lawrence Township Police Department discontinued the speed trap because it had been improperly set up. Upon learning of this, the above Plaintiffs-Appellants have filed an action in mandamus against Lawrence Township, Bill

FILED

JUN 22 2001

William A. Shaw
Prothonotary

11

Lawhead and the Lawrence Township Supervisors seeking to recover the fines and costs they paid as a result of the guilty pleas and to have their driving records cleared of the points assessed by the Department of Transportation and to recover attorney's fees and costs. This matter comes before the Court on Preliminary Objections in the nature of a demurrer filed on behalf of Defendants-Appellees.

This Court first notes that Plaintiff-Appellant James C. Walker has no standing in this proceeding in view of the fact that he was acquitted at a hearing before the District Justice.

In the case at bar, all of the other Plaintiffs-Appellants were cited under section 3362 of the Motor Vehicle Code for failure to obey the maximum speed limits. Unless otherwise indicated within the Code, all violations of the provisions of the Motor Vehicle Code are considered summary offenses. 75 Pa. C.S.a. §6501(a). Summary offenses are the least serious crimes in Pennsylvania and are prosecuted under a special set of procedural rules. Pa. R. Crim. Proc. 50-90. Summary proceedings are generally instituted by serving the accused with a citation. Upon receipt of the citation, the defendant has the choice of either entering a plea of guilty by mail and paying the fine that is specified by the citation or pleading not guilty and contesting the charges at a summary proceeding. Trials are held before the issuing authority (district justice or municipal court judges). Payments by any person charged with a violation of the Motor Vehicle Code of the fine prescribed for the violation is considered to be a plea of guilty. 75 pa. C.S.A. §6501(b).

Once a finding of guilt has been entered, Pennsylvania Rule of Civil Procedure 86(A) and (H) provide that:

(A) When an appeal is authorized by law in a summary proceeding..., an appeal shall be perfected by filing a notice of appeal within 30 days after the conviction or other final order from which the appeal is taken...

(H) This rule shall provide the exclusive means of appealing a summary conviction. Courts of Common Pleas shall not issue writs of certiorari in such cases.

In the present case, the Plaintiffs challenging their convictions have failed to state a cause of action upon which this Court may grant relief. All of the Plaintiffs, with the exception of James Walker, plead guilty to the charges leveled against them. Although an appeal process was present, they did not avail themselves of the opportunity to contest the charges. As previously mentioned, Rule 86 of the Pennsylvania Rules of Criminal Procedure sets forth the exclusive means for appealing a summary conviction. The Plaintiffs had the opportunity to challenge their citations at a Summary Trial before District Justice Ireland. None of the Plaintiffs except Mr. Walker chose to use that remedy. Following their guilty pleas, the Plaintiffs had the chance to appeal the final order and receive a hearing de novo before the Clearfield County Court of Common Pleas. The Plaintiffs also bypassed that opportunity. Once the Plaintiffs failed to exercise an appeal as outlined in the rules, they waived any right that might have existed to challenge their driving convictions. To now attempt to attack the legality of their convictions, violates the clear rules of Criminal Procedure and also invokes the principle of collateral estoppel. Since all of the Plaintiffs except Mr. Walker had a prior opportunity to defend against the violation and opted not to do so by failing to exhaust the appeal process, they are barred from challenging the conviction through a later civil action.

Furthermore, Plaintiffs' complaint seeks mandamus relief by requesting that the Defendants return to Plaintiffs all monies spent on fines, attorney's fees and costs as well as removing all the "points" assessed to each Plaintiff's individual driving record.

Mandamus is an extraordinary remedy, which is designed to compel the performance of a purely ministerial act or mandatory duty on the party of the public officer. Flaherty v. City of Pittsburgh, 515 A.2d 91 (Pa. Cmwlth. 1986). In order to prevail in an action for mandamus, Plaintiffs must establish that they have a clear legal right to the relief requested, that the Defendants have a corresponding duty to perform a ministerial act or mandatory duty, and that no other adequate remedy at law is available. Borough of Plum v. Tresco, 606 A.2d 951 (Pa. Cmwlth. 1992). A writ of mandamus cannot be used to review or compel the undoing of an action taken by a public official or tribunal that was completed in good faith and in exercise of legitimate jurisdiction, even if the decision was wrong. Moreover, mandamus cannot be used to perform the function of an appeal or writ of error. Frisch v. Penn Tp. Perry County, 684 A.2d 559 (Pa. Cmwlth. 1995). Existence of available administrative remedies and the failure to exhaust those remedies will bar an action in mandamus. Mueller v. Com., Pennsylvania State Police Headquarters, 532 A.2d 900 (Pa. Cmwlth. 1987).

In the case at bar as previously noted, the Plaintiffs attempt, under the umbrella of a mandamus action, to force the Defendants to reimburse them for the fines and costs paid in association with their driving convictions that they claim were "illegal" based on the shorter-than-required speed zone trap. They also attempt to collect their attorney's fees spent in this proceeding as well as a removal of the "points" from their individual driving records. However, even assuming that the speed zone trap was short and the citations were wrongfully issued, the Plaintiffs current action in mandamus for the relief sought must fail. Once again,

the Plaintiffs had every opportunity to challenge their convictions through the appeal process. They opted not to and instead chose to plead guilty. As noted, a writ of mandamus is not a substitute for the function of an appeal. The actions taken by the Defendants were completed in good faith and done based upon the Plaintiffs' guilty pleas. By pleading guilty and failing to file a timely appeal, the Plaintiffs no longer have a legal right to their money expended on fines and costs. A mandamus action will not lie to correct Plaintiffs' earlier failure to use the statutory remedies available to them.

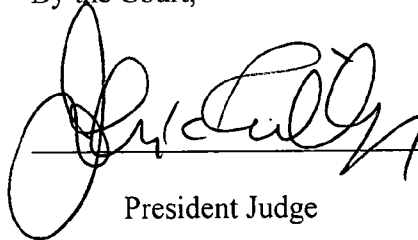
In addition, the relief sought by Plaintiffs does not constitute a "ministerial act" that would allow an action in mandamus to succeed. A ministerial act whose performance by a public official may be compelled by mandamus is one which a public officer is required to perform upon a given state of facts and in a prescribed manner in obedience to the mandate of legal authority. County of Allegheny Deputy Sheriff Ass'n v. County of Allegheny, 730 A.2d 1065 (Pa. Cmwlth. 1999). Clearly, Lawrence Township and its Supervisors are not in a position to refund fines paid to the Department of Transportation or to correct the Plaintiffs' driving records. Not only are the Defendants not required to perform such acts, but in all likelihood even if they wished to perform them, they would not be able to. Those duties are within the exclusive province of the Department of Transportation itself, and do not constitute ministerial acts or mandatory duties upon the Defendants such that a mandamus action would be proper.

Finally, Plaintiffs' request for attorney's fees expended on this proceeding also fails to state a claim upon which this Court may grant relief. A criminal defendant is not entitled to reimbursement for the money spent on legal counsel hired to provide his/her defense, regardless of whether he/she is acquitted or found guilty. Similarly, in a civil action,

both parties remain responsible for the costs associated with the hiring of an attorney. Again, Plaintiffs' attempt to force the Defendants to perform the mandatory duty of reimbursing the attorney's fees does not satisfy the requirements of a mandamus action. The Defendants have at all times acted in good faith based on the belief that the citations issued were valid. The mandamus action advanced by the Plaintiffs cannot remake well established principles of Pennsylvania law that require each party to assume the burden of the attorney's fees associated with their case.

For the foregoing reasons, this Court granted the Preliminary Objections in the nature of a demurrer in favor of the Defendants-Appellees.

By the Court,

A handwritten signature in black ink, appearing to read "J. C. Lally", is written over a horizontal line.

President Judge

Dated: June 22, 2001

FILED

JUN 22 2001

o/ 12:05 / WRT

William A. Shaw
Prothonotary

CERT TO ATT: NADDEU
↓

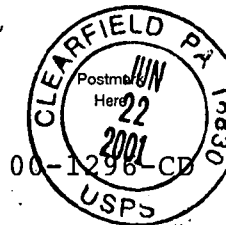
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Street, Apt. No., or PO Box No.

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City, State, ZIP+4

Harrisburg, PA 17130

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JUN 25 2001

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William A. Shaw *WAS*
Prothonotary



A



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Office of the Prothonotary
P.O. Box 11730
Harrisburg, PA 17130

00-1296-CD

2. Article Number (Copy from service label)

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☐ C.O.D.

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MR. WILLIAM A. SHAW
OFFICE OF THE PROTHONOTARY
P.O. BOX 549
CLEARFIELD, PA 16830

00-1296-CD

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00-1296-CO

FILED

JUN 28 2001

m 10:31 am

William A. Shaw

Prothonotary

E
K2B

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

2000-1296-CD

James C. Walker, Cory S. Mantini, :
Bunny Ann Sayers, Edward J. Olson, :
Susan M. Carl, Debbie J. Wisor, :
Kenneth W. Mencer, Annette M. :
Forcey, Jeffrey Englemann, Alicelyn :
Francisko, Karen S. Eckstein, :
Appellants :

v. :

Lawrence Township, Clearfield County :
and Bill Lawhead and Lawrence :
Township Supervisors :

FILED

JAN 29 2002

11/8:30/02
William A. Shaw *WAS*
Prothonotary

: No. 995 C.D. 2001
: Submitted: December 3, 2001

BEFORE: HONORABLE JAMES GARDNER COLINS, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Judge
HONORABLE JOSEPH F. McCLOSKEY, Senior Judge

OPINION BY JUDGE COLINS

FILED: January 25, 2002

Herein, we have been asked to address whether the Court of Common Pleas of Clearfield County (common pleas court) properly sustained the preliminary objections filed on behalf of Lawrence Township,¹ and properly dismissed the complaint filed on behalf of James Walker.² The underlying action is one seeking mandamus, necessitating that appellants establish that they have a

¹ In addition to Lawrence Township, the Lawrence Township Board of Supervisors, Clearfield County, and Bill Lawhead are the named appellants to which we collectively refer as Township.

² In addition to James Walker, Cory S. Mantini, Bunny Ann Sayers, Edward J. Olson, Susan M. Carl, Debbie J. Wisor, Kenneth W. Mencer, Annette M. Forcey, Jeffrey Englemann, Alicelyn Francisko, and Karen S. Eckstein are named as appellants in this action. Hereinafter this group shall be referred to as "appellants."

clear legal right to relief. Common pleas court determined that appellants presented no cognizable claim, and we have found no error in that decision, thus, the decision of common pleas court shall be affirmed.

The facts are quite simple. Appellants were caught in a speed trap. All but Walker³ pled guilty to the summary offense⁴ generally referred to as speeding, which is a violation of Section 3362 of the Motor Vehicle Code, 75 Pa. C.S. 3362, relating to failure to obey the maximum speed limits. With James Walker being the exception, each person paid the requisite fine which action equates to the entry of a guilty plea.⁵ A finding of guilt was entered upon the docket, whereupon the Department of Transportation assessed points against each individual's drivers' license. Subsequently, the Lawrence Township Police Department admitted that the speed trap had been improperly established. Appellants brought an action against the Township in the common pleas court seeking to recover the fines and costs they paid as a result of their guilty pleas, and to have their driving records cleared of the points assessed by the Department of Transportation.

The Township filed preliminary objections in the nature of a demurrer alleging that as pled the action is barred for failure to state a cause of action. The trial court sustained the preliminary objections concluding that appellants have no right to relief under the law. In sustaining the preliminary objections, the common

³ As noted by the common pleas court, and not argued before this Court, Walker has no standing in the proceeding before Commonwealth Court since he was acquitted of the speeding charge at the hearing before the district justice.

⁴ Generally, all violations of the Motor Vehicle Code are summary offenses. 75 Pa. C.S. §6502(a).

⁵ A payment by any person charged with a violation of the Motor Vehicle Code of the fine prescribed for the violation is a plea of guilty. 75 Pa. C.S. §6501(a).

pleas court noted that each appellant entered a guilty plea. The common pleas court noted that Pa. R. Crim. P. 460⁶ sets forth the exclusive means for taking an appeal from a summary conviction and that appellants failed to comply with the procedure set forth therein. Common pleas court concluded that once the appellants failed to exercise the appeal process set forth in Pa. R. Crim. P. 460, any right that might have existed to challenge the citation was waived. The common pleas court sustained the demurrer, and dismissed the complaint. Appellants then filed this appeal.

Appellants assert that in the absence of an available and adequate legal remedy that will grant them relief, equity compels the entry of a writ of mandamus. There is no authority to support the position advanced.

Initially, we note that when reviewing a common pleas court's decision sustaining preliminary objections, we look to determine whether on the facts alleged the law states with certainty that no recovery is possible. *Hawks by Hawks v. Livermore*, 629 A.2d 270, 271 n.3 (1993). We must accept as true all well-pled allegations and material facts averred in the complaint as well as inferences reasonably deducible therefrom, and any doubt should be resolved in favor of overruling the demurrer. *Id.* Additionally, where mandamus is requested, a court may issue a writ of mandamus to compel the performance of a ministerial act or a mandatory duty only where there is a clear legal right in the petitioner and a corresponding duty in the respondent, and want of any other adequate remedy. *Shaler Area School District v. Salakas*, 494 Pa. 630, 636, 432 A.2d 165, 168 (1981). Mandamus may not be used to direct retraction or reversal of an action

⁶ Formerly Pa. R. Crim. P. 86.

already taken in good faith and in the exercise of legitimate jurisdiction. *Majestic v. Maleski*, 624 A.2d 776, 778 (Pa. Cmwlth. 1993).

Herein, the availability of legal relief was predicated upon a successful challenge to the guilty plea each entered before the district justice. Pa. R. Crim. P. 460(a) provides the means to challenge the guilty plea entered by appellants. Appellants did not file a notice of appeal as required by the rules, but rather sought to challenge the guilty plea through the use of a writ of mandamus. That avenue is not available to appellants, since mandamus is not a means to challenge a guilty plea or attack summary conviction.

Accordingly, the order of the court of common pleas is affirmed.



JAMES GARDNER COLINS, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

James C. Walker, Cory S. Mantini,
Bunny Ann Sayers, Edward J. Olson,
Susan M. Carl, Debbie J. Wisor,
Kenneth W. Mencer, Annette M.
Forcey, Jeffrey Englemann, Alicelyn
Francisko, Karen S. Eckstein,
Appellants

v.

Lawrence Township, Clearfield County
and Bill Lawhead and Lawrence
Township Supervisors

No. 995 C.D. 2001

ORDER

AND NOW, this 25th day of January 2002, the order of the Court of
Common Pleas of Clearfield County is **AFFIRMED**.


JAMES GARDNER COLINS, Judge

Certified from the Record

JAN 25 2002
and Order Exit

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

James C. Walker, Cory S. Mantini, :
Bunny Ann Sayers, Edward J. :
Olson, Susan M. Carl, Debbie J. :
Wisor, Kenneth W. Mencer, Annette :
M. Forcey, Jeffrey Englemann, :
Alicelyn Francisko, Karen S. :
Eckstein, :
Appellants :

v. :

Lawrence Township, Clearfield :
County and Bill Lawhead and :
Lawrence Township Supervisors :

NO. 995 C.D. 2001

FILED

MAR 19 2002

mj/roll/noce

William A. Shaw
Prothonotary

ORDER

NOW, March 14, 2002, having considered appellants' application for reargument before the Court en banc, and appellees' answer, the application is denied.

BY THE COURT:


JAMES GARDNER COLINS, President Judge

Certified from the Record

MAR 15 2002
and Order Exit

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

James C. Walker, Cory S. Mantini, :
Bunny Ann Sayers, Edward J. Olson, :
Susan M. Carl, Debbie J. Wisor, :
Kenneth W. Mencer, Annette M. :
Forcey, Jeffrey Englemann, Alicelyn :
Francisko, Karen S. Eckstein, :
Appellants :

v. :

Lawrence Township, Clearfield County :
and Bill Lawhead and Lawrence :
Township Supervisors : No. 995 C.D. 2001
: Submitted: December 3, 2001

FILED

MAY 17 2002

M/12:15 PM
William A. Shaw
Clerk of Courts

BEFORE: HONORABLE JAMES GARDNER COLINS, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Judge
HONORABLE JOSEPH F. McCLOSKEY, Senior Judge

OPINION BY JUDGE COLINS

FILED: January 25, 2002

Herein, we have been asked to address whether the Court of Common Pleas of Clearfield County (common pleas court) properly sustained the preliminary objections filed on behalf of Lawrence Township,¹ and properly dismissed the complaint filed on behalf of James Walker.² The underlying action is one seeking mandamus, necessitating that appellants establish that they have a

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² In addition to James Walker, Cory S. Mantini, Bunny Ann Sayers, Edward J. Olson, Susan M. Carl, Debbie J. Wisor, Kenneth W. Mencer, Annette M. Forcey, Jeffrey Englemann, Alicelyn Francisko, and Karen S. Eckstein are named as appellants in this action. Hereinafter this group shall be referred to as "appellants."

clear legal right to relief. Common pleas court determined that appellants presented no cognizable claim, and we have found no error in that decision, thus, the decision of common pleas court shall be affirmed.

The facts are quite simple. Appellants were caught in a speed trap. All but Walker³ pled guilty to the summary offense⁴ generally referred to as speeding, which is a violation of Section 3362 of the Motor Vehicle Code, 75 Pa. C.S. 3362, relating to failure to obey the maximum speed limits. With James Walker being the exception, each person paid the requisite fine which action equates to the entry of a guilty plea.⁵ A finding of guilt was entered upon the docket, whereupon the Department of Transportation assessed points against each individual's drivers' license. Subsequently, the Lawrence Township Police Department admitted that the speed trap had been improperly established. Appellants brought an action against the Township in the common pleas court seeking to recover the fines and costs they paid as a result of their guilty pleas, and to have their driving records cleared of the points assessed by the Department of Transportation.

The Township filed preliminary objections in the nature of a demurrer alleging that as pled the action is barred for failure to state a cause of action. The trial court sustained the preliminary objections concluding that appellants have no right to relief under the law. In sustaining the preliminary objections, the common

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⁵ A payment by any person charged with a violation of the Motor Vehicle Code of the fine prescribed for the violation is a plea of guilty. 75 Pa. C.S. §6501(a).

pleas court noted that each appellant entered a guilty plea. The common pleas court noted that Pa R. Crim. P. 460⁶ sets forth the exclusive means for taking an appeal from a summary conviction and that appellants failed to comply with the procedure set forth therein. Common pleas court concluded that once the appellants failed to exercise the appeal process set forth in Pa. R. Crim. P. 460, any right that might have existed to challenge the citation was waived. The common pleas court sustained the demurrer, and dismissed the complaint. Appellants then filed this appeal.

Appellants assert that in the absence of an available and adequate legal remedy that will grant them relief, equity compels the entry of a writ of mandamus. There is no authority to support the position advanced.

Initially, we note that when reviewing a common pleas court's decision sustaining preliminary objections, we look to determine whether on the facts alleged the law states with certainty that no recovery is possible. *Hawks by Hawks v. Livermore*, 629 A.2d 270, 271 n.3 (1993). We must accept as true all well-pled allegations and material facts averred in the complaint as well as inferences reasonably deducible therefrom, and any doubt should be resolved in favor of overruling the demurrer. *Id.* Additionally, where mandamus is requested, a court may issue a writ of mandamus to compel the performance of a ministerial act or a mandatory duty only where there is a clear legal right in the petitioner and a corresponding duty in the respondent, and want of any other adequate remedy. *Shaler Area School District v. Salakas*, 494 Pa. 630, 636, 432 A.2d 165, 168 (1981). Mandamus may not be used to direct retraction or reversal of an action

⁶ Formerly Pa. R. Crim. P. 86.

already taken in good faith and in the exercise of legitimate jurisdiction. *Majestic v. Maleski*, 624 A.2d 776, 778 (Pa. Cmwlth. 1993).

Herein, the availability of legal relief was predicated upon a successful challenge to the guilty plea each entered before the district justice. Pa. R. Crim. P. 460(a) provides the means to challenge the guilty plea entered by appellants. Appellants did not file a notice of appeal as required by the rules, but rather sought to challenge the guilty plea through the use of a writ of mandamus. That avenue is not available to appellants, since mandamus is not a means to challenge a guilty plea or attack summary conviction.

Accordingly, the order of the court of common pleas is affirmed.



JAMES GARDNER COLINS, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

James C. Walker, Cory S. Mantini,
Bunny Ann Sayers, Edward J. Olson,
Susan M. Carl, Debbie J. Wisor,
Kenneth W. Mencer, Annette M.
Forcey, Jeffrey Englemann, Alicelyn
Francisko, Karen S. Eckstein,
Appellants

v.

Lawrence Township, Clearfield County
and Bill Lawhead and Lawrence
Township Supervisors

ORDER

AND NOW, this 25th day of January 2002, the order of the Court of
Common Pleas of Clearfield County is **AFFIRMED**.


JAMES GARDNER COLINS, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

James C. Walker, Cory S. Mantini, :
Bunny Ann Sayers, Edward J. :
Olson, Susan M. Carl, Debbie J. :
Wisor, Kenneth W. Mencer, Annette :
M. Forcey, Jeffrey Englemann, :
Alicelyn Francisko, Karen S. :
Eckstein, :
Appellants :

v. :

Lawrence Township, Clearfield :
County and Bill Lawhead and :
Lawrence Township Supervisors :

NO. 995 C.D. 2001

FILED

MAY 17 2002
m/12:15/w
William A. Shaw
Clerk of Courts

ORDER

NOW, March 14, 2002, having considered appellants' application for reargument before the Court en banc, and appellees' answer, the application is denied.

BY THE COURT:


JAMES GARDNER COLINS, President Judge

Certified from the Record

**MAR 15 2002
and Order Exit**



File Copy

Commonwealth Court of Pennsylvania

Charles R. Hostutler
Deputy Prothonotary/Chief Clerk

May 15, 2002

Room 624, Sixth Floor
Harrisburg, PA 17120
717-255-1650

TO:

RE: Walker, et al v. Lawrence Twp., et al

No.995 CD 2001

Trial Court/Agency Dkt. Number: 00-1296-CD

Trial Court/Agency Name: Clearfield-County-Court-of-Common-Pleas

Intermediate Appellate Court Number:

FILED

MAY 17 2002

William A. Shaw
Clerk of Courts

COPY TO SHAW
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Comm.

Annexed hereto pursuant to Pennsylvania Rules of Appellate Procedure 2571 and 2572 is the entire record for the above matter.

Contents of Original Record:

| Original Record Item | Filed Date | Description |
|---------------------------|---------------|-------------|
| original record | June 26, 2001 | 1 |
| Date of Remand of Record: | | |

Enclosed is an additional copy of the certificate. Please acknowledge receipt by signing, dating, and returning the enclosed copy to the Prothonotary Office or the Chief Clerk's office.

Commonwealth Court Filing Office

Signature

5-17-02

Date

Printed Name

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

CIVIL ACTION

DOCKET 282

OCTOBER 2000

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Anthony G.
DeBoef, Esq.

JAMES C. WALKER,
CORY S. MANTINI,
BUNNY ANN SAYERS,
EDWARD J. OLSON,
SUSAN M. CARL,
DEBBIE J. WISOR,
KENNETH W. MENCER,
ANNETTE M. FORCEY,
JEFFERY R. ENGELMANN,
ALICELYN FRANCISKO,
KAREN S. ECKSTINE

00-1296-CD

LAWRENCE TOWNSHIP, Clearfield
County,
BILL LAWHEAD, and
LAWRENCE TOWNSHIP SUPERVISORS

Pro BY ATTY 80.00

OCTOBER 19, 2000, COMPLAINT IN MANDAMUS, filed by Anthony G.
DeBoef, Esq., Attorney for the Plaintiffs
Four Certified Copies to Attorney DeBoef
CERTIFICATE OF SERVICE, /s/Anthony G. DeBoef, Esq.

PLEASE REFER TO COMPUTER
FOR FURTHER ENTRIES

Date: 05/10/2001

Clearfield County Court of Common Pleas

User: JPEPPERDAY

Time: 09:03 AM

ROA Report

Page 1 of 1

Case: 2000-01296-CD

Current judge: John K. Reilly Jr.

| Date | | Judge |
|------------|---|--------------------|
| 10/19/2000 | New Case filed. | No Judge |
| | Complaint in Mandamus, filed by Anthony G. DeBoef, Esq., Attorney for the Plaintiffs Four Certified Copies to Attorney DeBoef Certificate of Service, /s/Anthony G. DeBoef, Esq. | No Judge |
| 11/03/2000 | X Acceptance of Service, Plaintiff's Complaint by s/JAMES A. NADDEO, ESQ. ONE CC ATTY NADDEO | No Judge |
| 11/17/2000 | X Defendant's Preliminary Objections to Plaintiff's Complaint, filed by /s/James A. Naddeo, Esq. Certificate of Service, filed. One Certified Copy to Attorney Naddeo | No Judge |
| 02/26/2001 | X Amended Complaint. Filed by s/Anthony G. De Boef, Esq. no cc | John K. Reilly Jr. |
| 03/26/2001 | X Order, NOW, this 23rd day of March, 2001, Defendants' Preliminary Objections be and are hereby sustained and Plaintiffs' Complaint dismissed with prejudice. BY THE COURT: /s/John K. Reilly, Jr., P.J. One CC to Attorney Naddeo One CC to Attorney DeBoef | John K. Reilly Jr. |
| 03/27/2001 | X Filing: Praecipe for Judgment Entered in Favor of the Defendants and against Plaintiff. Notice to Defendants. Cert of Svc Paid by: Naddeo, James A (attorney for Lawrence Township) Receipt number: 1822468 Dated: 03/27/2001 Amount: \$20.00 (Check) | John K. Reilly Jr. |
| 04/23/2001 | X Filing: Appeal to High Court Paid by: DeBoef, Anthony G. (attorney for Mantini, Cory S.) Receipt number: 1824002 Dated: 04/23/2001 Amount: \$45.00 (Check) One Cert. to Commonwealth Court with \$55.00 Check and One Cert. to Atty. | John K. Reilly Jr. |
| 05/02/2001 | X Notice of Docketing Appeal from Commonwealth Court of Pennsylvania Filed. | John K. Reilly Jr. |
| 05/03/2001 | X ORDER, NOW, this 2nd day of May, 2001, re: Atty DeBoef to file a concise statement of the matters complained of on Appeal. by the Court, s/JKR, JR., P.J. 2 cc atty Naddeo, 1 atty DeBoef | John K. Reilly Jr. |

NO CONSIDER STATEMENT FIVE



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

I, **William A. Shaw**, Prothonotary/Clerk of Courts of Common Pleas in and for said County, do hereby certify that the foregoing is a full, true and correct copy of the whole record of the case therein stated, wherein .

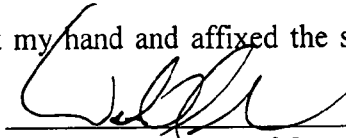
James C. Walker, Cory S. Mantini, Bunny Ann Sayers, Edward J. Olson, Susan M. Carl, Debbie J. Wisor, Kenneth M. Forcey, Jeffrey R. Engelmann, Alicelyn Francisko, Karen S. Eckstine

VS.

Lawrence Township, Clearfield County, & Bill Lawhead, & Lawrence Township Supervisors
00-1296-CD

so full and entire as the same remains of record before the said Court, at No. **00-1296-CD**

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 29th Day of MAY, 2001.


Prothonotary/Clerk of Courts

I, **John K. Reilly**, President Judge of the Forty-sixth Judicial District, do certify that **William A. Shaw** by whom the annexed record, certificate and attestation were made and given, and who, in his own proper handwriting, thereunto subscribed his name and affixed the seal of the Court of Common Pleas of said county, was at the time of so doing and now is Prothonotary/Clerk of Courts in and for said County of Clearfield, the Commonwealth of Pennsylvania, duly commissioned and qualified; to all of whose acts as such, full faith and credit are and ought to be given, as well in Courts of Judicature, as elsewhere, and that the said record, certificate and attestation are in due form of law and made by the proper officer.

President Judge

I, **William A. Shaw**, Prothonotary/Clerk of Courts of the Court of Common Pleas in and for said county, do certify that the Honorable **John K. Reilly, Jr.**, President Judge by whom the foregoing attestation was made and who has thereunto subscribed his name was at the time of making thereof and still is President Judge, in and for said county, duly commissioned and qualified; to all whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere.

In Testimony Whereof, I have
hereunto set my hand and affixed
the seal of said Court, this _____
day of _____, 2001

Prothonotary/Clerk of Courts

OFFICE OF PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW

PROTHONOTARY
AND
CLERK OF COURT

CLEARFIELD COUNTY



DAVID S. AMMERMAN

SOLICITOR

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

P.O. Box 549
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641 Ext. 1330

JOHN K. REILLY, JR., P.J.
COURT OF COMMON PLEAS
230 E. MARKET STREET
CLEARFIELD, PA 16830

JAMES NADDEO, ESQ.
211-1/2 E. LOCUST STREET
CLEARFIELD, PA 16830

ANTHONY G. DEBOEF

2147 E. COLLEGE AVENUE

STATE COLLEGE, PA 16801

RE: JAMES C. WALKER

VS.

LAWRENCE TOWNSHIP, CLEARFIELD COUNTY, & BILL LAWHEAD
& LAWRENCE TOWNSHIP SUPERVISORS
NO00-1296-CD, COMMONWEALTH NO., 995-CD-2001

DEAR COUNSEL:

PLEASE BE ADVISED THAT THE ABOVE REFERENCED RECORD WAS
FORWARDED TO COMMONWEALTH COURT OF PENNSYLVANIA ON JUNE
22, 2001.

SINCERELY,

WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

OFFICE OF PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW

PROTHONOTARY
AND
CLERK OF COURT

CLEARFIELD COUNTY



P.O. Box 549
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641 Ext. 1330

DAVID S. AMMERMAN

SOLICITOR

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

Copy

JUNE 22, 2001

COMMONWEALTH COURT OF PENNSYLVANIA
OFFICE OF THE PROTHONOTARY
P O BOX 11730
HARRISBURG, PA 17108

IN RE: JAMES C. WALKER

VS
LAWRENCE TOWNSHIP, CLEARFIELD COUNTY, & BILL LAWHEAD, &
LAWRENCE TOWNSHIP SUPERVISORS
CASE # 00-1296-CD. Commonwealth No. 955-CD-2001

DEAR PROTHONOTARY:

ENCLOSED YOU WILL FIND THE ABOVE REFERENCED COMPLETE RECORD
APPEALED TO YOUR OFFICE.

SINCERELY,

WILLIAM A. SHAW
PROTHONOTARY

WAS
ENCLOSURES

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

00-1296-CD

**James C. Walker, Cory S. Mantini, Bunny Ann Sayers, Edward J. Olson,
Susan M. Carl, Debbie J. Wisor, Kenneth M. Forcey, Jeffrey R. Engelmann,
Alicelyn Francisko, Karen S. Eckstine**

VS

**Lawrence Township, Clearfield County, & Bill Lawhead, & Lawrence
Township Supervisors**

| ITEM NO. | DATE of FILING | NAME of DOCUMENT | NO of PAGES |
|---------------------|---------------------------|--|------------------------|
| 01 | 10/19/00 | COMPLAINT IN MANDAMUS | 29 |
| 02 | 11/03/00 | ACCEPTANCE OF SERVICE | 03 |
| 03 | 11/17/00 | DEFENDANT'S PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT | 36 |
| 04 | 02/26/01 | AMENDED COMPLAINT | 06 |
| 05 | 03/26/01 | ORDER | 01 |
| 06 | 03/27/01 | PRAECIPE FOR JUDGMENT | 03 |
| 07 | 04/23/01 | CIVIL-ACTION MANDAMUS | 07 |
| 08 | 05/02/01 | NOTICE OF DOCKETING APPEAL FROM COMMONWEALTH COURT | 03 |
| 09 | 05/03/01 | ORDER | 01 |
| 10 | 06/01/01 | BRIEF IN OPPOSITION OF PRELIMINARY OBJECTIONS | 15 |
| 11 | 06/22/01 | OPINION | 06 |

CERTIFICATE AND TRANSMITTAL OF RECORD UNDER PENNSYLVANIA
RULE OF APPELLATE PROCEDURE 1931(C)

To the Prothonotary of the Appellate Court to which the within matter has been appealed:

THE UNDERSIGNED, Clerk (or Prothonotary) of the court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the original papers and exhibits, if any, on file, the transcript of the proceeding, if any, and the docket entries in the following matter:

00-1296-CD

**James C. Walker, Cory S. Mantini, Bunny Ann Sayers, Edward J. Olson,
Susan M. Carl, Debbie J. Wisor, Kenneth M. Forcey, Jeffrey R.
Engelmann, Alicelyn Francisko, Karen S. Eckstine
VS.**

**Lawrence Township, Clearfield County, & Bill Lawhead
& Lawrence Township Supervisors**

In compliance with Pa. R.A.P. 1931 (c).

The documents comprising the record have been numbered from **No. 1 to No. 11**, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages comprising the document.

The date on which the record had been transmitted to the Appellate Court is

_____, _____.

Prothonotary/Clerk of Courts

(seal)

| Date | | Judge |
|------------|---|--------------------|
| 10/19/2000 | New Case filed. | No Judge |
| | Complaint in Mandamus, filed by Anthony G. DeBoef, Esq., Attorney for the Plaintiffs | No Judge |
| | Four Certified Copies to Attorney DeBoef | |
| | Certificate of Service, /s/Anthony G. DeBoef, Esq. | |
| 11/03/2000 | Acceptance of Service, Plaintiff's Complaint by s/JAMES A. NADDEO, ESQ. ONE CC ATTY NADDEO | No Judge |
| 11/17/2000 | Defendant's Preliminary Objections to Plaintiff's Complaint, filed by /s/James A. Naddeo, Esq. | No Judge |
| | Certificate of Service, filed. | |
| | One Certified Copy to Attorney Naddeo | |
| 02/26/2001 | Amended Complaint. Filed by s/Anthony G. De Boef, Esq. no cc | John K. Reilly Jr. |
| 03/26/2001 | Order, NOW, this 23rd day of March, 2001, Defendants' Preliminary Objections be and are hereby sustained and Plaintiffs' Complaint dismissed with prejudice. BY THE COURT: /s/John K. Reilly, Jr., P.J. One CC to Attorney Naddeo One CC to Attorney DeBoef | John K. Reilly Jr. |
| 03/27/2001 | Filing: Praecipe for Judgment Entered in Favor of the Defendants and against Plaintiff. Notice to Defendants. Cert of Svc Paid by: Naddeo, James A (attorney for Lawrence Township) Receipt number: 1822468 Dated: 03/27/2001 Amount: \$20.00 (Check) | John K. Reilly Jr. |
| 04/23/2001 | Filing: Appeal to High Court Paid by: DeBoef, Anthony G. (attorney for Mantini, Cory S.) Receipt number: 1824002 Dated: 04/23/2001 Amount: \$45.00 (Check) One Cert. to Commonwealth Court with \$55.00 Check and One Cert. to Atty. | John K. Reilly Jr. |
| 05/02/2001 | Notice of Docketing Appeal from Commonwealth Court of Pennsylvania Filed. | John K. Reilly Jr. |
| 05/03/2001 | ORDER, NOW, this 2nd day of May, 2001, re: Atty DeBoef to file a concise statement of the matters complained of on Appeal. by the Court, s/JKR, JR., P.J. 2 cc atty Naddeo, 1 atty DeBoef | John K. Reilly Jr. |
| 06/01/2001 | Plaintiffs' Statement of Matters Complained of on Appeal. filed by s/Anthony G. De Boef, Esq. Cert of Svc no cc | John K. Reilly Jr. |
| 06/22/2001 | OPINION, filed. Cert. to Atty. Naddeo & Atty. DeBoef | John K. Reilly Jr. |

Anthony G.
DeBoef, Esq.

JAMES C. WALKER,
CORY S. MANTINI,
BUNNY ANN SAYERS,
EDWARD J. OLSON,
SUSAN M. CARL,
DEBBIE J. WISOR,
KENNETH W. MENCER,
ANNETTE M. FORCEY,
JEFFERY R. ENGELMANN,
ALICE LYN FRANCISCO,
KAREN S. ECKSTINE

00-1296-CD

LAWRENCE TOWNSHIP, Clearfield
County,
BILL LAWHEAD, and
LAWRENCE TOWNSHIP SUPERVISORS

Pro BY ATTY 80.00

OCTOBER 19, 2000, COMPLAINT IN MANDAMUS, filed by Anthony G.
DeBoef, Esq., Attorney for the Plaintiffs
Four Certified Copies to Attorney DeBoef
CERTIFICATE OF SERVICE, /s/Anthony G. DeBoef, Esq.

PLEASE REFER TO COMPUTER
FOR FURTHER ENTRIES

Commonwealth Court of Pennsylvania

April 30, 2001

RE: Walker, et al v. Lawrence Twp., et al
No.: 995 CD 2001
Agency Docket Number: 00-1296-CD
Filed Date: April 23, 2001

Notice of Docketing Appeal

A Notice of Appeal, a copy of which is enclosed, from an order of your court has been docketed in the Commonwealth Court of Pennsylvania. The docket number in the Commonwealth Court is endorsed on this notice. The Commonwealth Court docket number must be on all correspondence and documents filed with the court.

Under Chapter 19 of the Pennsylvania Rules of Appellate Procedure, the Notice of Appeal has the effect of directing the Court to transmit the certified record in the matter to the Prothonotary of the Commonwealth Court.

The complete record, including the opinion of the trial judge, should be forwarded to the Commonwealth Court within forty (40) days of the date of filing of the Notice of Appeal. Do not transmit a partial record.

Pa.R.A.P. 1921 to 1933 provides the standards for preparation, certification and transmission of the record.

The address to which the Court is to transmit the record is set forth on Page 2 of this notice.

Notice to Counsel

A copy of this notice is being sent to all parties or their counsel indicated on the proof of service accompanying the Notice of Appeal. The appearance of all counsel has been entered on the record in the Commonwealth Court. Counsel has thirty (30) days from the date of filing of the Notice of Appeal to file a praecipe to withdraw their appearance pursuant to Pa. R.A.P. 907 (b).

Appellant or Appellant's attorney should review the record of the trial court, in order to insure that it is complete, prior to certification to this Court. (Note: A copy of the Zoning Ordinance must accompany records in Zoning Appeal cases).

The addresses to which you are to transmit documents to this Court are set forth on Page 2 of this Notice.

If you have special needs, please contact this court in writing as soon as possible.

| Attorney Name | Party Name | Party Type |
|----------------------------|--------------------------------------|------------|
| Anthony Gene De Boef, Esq. | James C. Walker | Appellant |
| James A. Naddeo, Esq. | Lawrence Township, Clearfield County | Appellee |

FILED

MAY 02 2001
m (2:00/4:00)
William A. Shaw
Prothonotary

2

Address all written communications to:

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
P.O. Box 11730
Harrisburg, PA 17108
(717) 255-1650

Filings may be made in person at the following address (except on Saturdays, Sundays and holidays observed by Pennsylvania Courts) between 9:00 a.m. and 4:00 p.m.

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
Room 624
Sixth Floor
South Office Building
Harrisburg, PA 17120
(717) 255-1650

Pleadings and similar papers (but not paperbooks or certified records) may also be filed in person only at:

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
Filing Office
Suite 990
The Widener Building
One South Penn Square
Philadelphia, PA 19107
(215) 560-5742

The hours of the Philadelphia Filing Office are 9:00 a.m. to 4:00 p.m.

Under Pa.R.A.P. 3702, writs or other process issuing out of the Commonwealth Court shall exit only from the Harrisburg Office.

CL

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

JAMES C. WALKER
CORY S. MANTINI
BUNNY ANN SAYERS
EDWARD J. OLSON
SUSAN M. CARL
DEBBIE J. WISOR
KENNETH W. MENCER,
ANNETTE M. FORCEY
JEFFREY ENGLEMAN
ALICELYN FRANCISKO
KAREN S. ECKSTEIN

Plaintiffs

vs.

LAWRENCE TOWNSHIP,
Clearfield County
&
BILL LAWHEAD,
&
LAWRENCE TWP. SUPERVISORS
Defendants

995 CD 2001

No. 00-1296-CD
CIVIL ACTION - MANDAMUS

Order for Transcript

Counsel of Record:

Anthony G. De Boef, Esquire
I.D.# 71532

Mitinger & De Boef
2147 East College Avenue
State College, PA 16801
(814) 231-4050

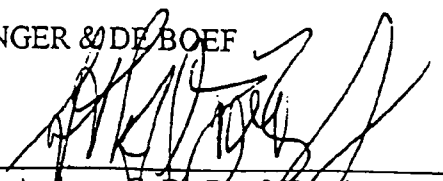
NOTICE OF APPEAL

Notice is hereby given that Plaintiffs above named hereby appeal to the Commonwealth Court of Pennsylvania from the Order entered in the above captioned action on March 23, 2001. This Order has been entered in the docket as evidenced by the attached copy of the docket entries.

Respectfully submitted,

MITINGER & DE BOEF

BY:


Anthony G. De Boef, Esquire
Attorney for Plaintiffs

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 23 2001

Attest.


Prothonotary