

UN-
JAMES C. WALKER et al -vs- LAWRENCE TOWNSHIP et al

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

BS:8 A 26 8:59
2001

COMMONWEALTH OF PENNSYLVANIA
SUPREME COURT
RECEIVED
APR 30 2001

FILED

MAY 02 2001
12:00 PM
William A. Shaw
Prothonotary

X8

ress 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 ENGLEMANN
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

APR 23 2001

Attest.


William L. Haar
Prothonotary

CH

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)

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

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

00-1296-CD

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

Pro BY ATTY 80.00

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. Brown
 Prothonotary

Date: 06/22/2001

Time: 12:49 PM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

Case: 2000-01296-CD

User: JKENDRICK

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

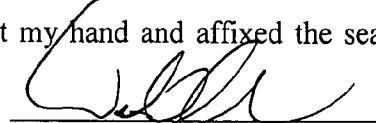
James C. Walker, Cory S. Mantini, Bunny Ann Sayers, Edward J. Olson, Susan M. Carl, Debbie J. Wisor, Kenneth M. Forcey, Jeffrey R. Engelmann, Alicelyn Francisko, Karen S. Eckstine

VS.

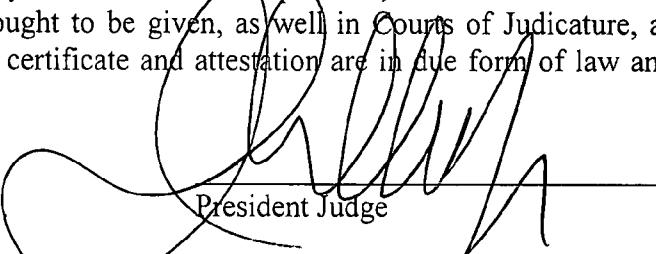
Lawrence Township, Clearfield County, & Bill Lawhead, & Lawrence Township Supervisors
00-1296-CD

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.

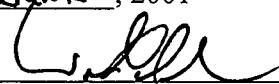

Prothonotary/Clerk of Courts

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 July, 2001


Prothonotary/Clerk of Courts

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

(5) JAMES C. WALKER,
(6) CORY S. MANTINI,
(7) BUNNY ANN SAYERS,
(8) EDWARD J. OLSON,
(9) SUSAN M. CARL,
(10) DEBBIE J. WISOR,
(11) KENNETH W. MENCER,
(12) ANNETTE M. FORCEY,
(13) JEFFERY R. ENGELMANN,
(14) ALICELYN FRANCISKO,
(15) KAREN S. ECKSTINE,
Plaintiff

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

vs.

(16) LAWRENCE TOWNSHIP,
Clearfield County
&
(17) BILL LAWHEAD
&
(18) 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)
#1

MITINGER & De BOEF

By:

Anthony G. De Boef, Esquire

Date: 10/17/04

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

JAMES C. WALKER,	:	
CORY S. MANTINI,	:	
BUNNY ANN SAYERS,	:	
EDWARD J. OLSON,	:	No. 2000-_____ 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 :		

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,	:	No. 2000-_____ C.D.
JEFFERY R. ENGELMANN,	:	CIVIL ACTION
ALICELYN FRANCISKO,	:	MANDAMUS
KAREN S. ECKSTINE,	:	
Plaintiffs	:	
vs.	:	
LAWRENCE TOWNSHIP,	:	
Clearfield County	:	
&	:	
BILL LAWHEAD	:	
&	:	
LAWRENCE TOWNSHIP SUPERVISORS,	:	
Defendants	:	

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.	TRAFFIC CITATION			2. Citation Number
650 LEONARD ST. C.I.F.D. PA 16830			7K-398-99	
3. Magisterial District Office	4. Driver's Number	5. C.D.L.	6. State	7. B.O.B.
	21718 401	<input type="checkbox"/>	PA	3550 <input type="checkbox"/> M <input checked="" type="checkbox"/> F
8. Defendant Name	9. Defendant Name	10. Middle Name	11. Address	
	KAREN	J	ECKSTINE	
12. Defendant Address	13. State	14. Make	15. Type	16. Color
58 NEWENSTAD YORK, PA 17404	PA	DODGE	SW	WHITE
17. Veh. Reg. No.	18. Reg. Yr.	19. State	20. Make	21. Type
ANP 1204	99	PA		
22. Owner/Lessee or Carrier Name & Address	<input type="checkbox"/> Same as Defendant <input type="checkbox"/> Not Required			
24. Charge <input 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 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 _____				
26. STATUTE <input type="checkbox"/> ORDINANCE 154 27. SEC. 336a2 28. SUB SEC. A2 29. FINE 0 - 30. E.M.S. 10 - 31. CAT 40 32. COSTS 26.50 33. J.C.P. 1.50 34. TOTAL DUE \$10				
25. Nature of Offense <input type="checkbox"/> Speeding 58.1 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"/> Motorized 67 Pa. Code _____ <input type="checkbox"/> Other ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 58.1 MPH IN A POSTED 40 MPH ZONE <small>Ref. 49 CFR</small>				
<input type="checkbox"/> Filed on Info. Received				
35. Location SR 322 GOLDENROD RES 36. Route SR 322 37. Twp., Boro, City LAURENCE 38. Zip Code 223 39. Dip. of Travel N.E.W 41. Date 3/28/99 42. Month 04 43. Year 99 44. County CLEARFIELD 45. Grid 147 46. Defendant's Signature - Acknowledgment Receipt of Citation D. M. Dugal, Pancras 3-09 47. Date Received 3-28-99 48. Date Filing 3-28-99 49. Station Address - 4 Police Officer 40. DR Number 100-00000000 51. Speed Test by Operator 52. Miles Followed 0006 3.75 53. Speed Equip. Serial No. 54. Station Equip. Serial No. 55. Date Equip. Tested 3-28-99 56. Accident Report No. 57. 75 Pa. C.S.A. § 1543 Violation-Juvenile 58. Comm. Veh. 61. Haz. Mat. <small>Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO</small> <small><input type="checkbox"/> YES <input type="checkbox"/> YES</small> 59. Lemons/Subpoena Dst. 60. Lemons/Subpoena Dst. 61. Haz. Mat. COL NO: 8020 Amount Box 22 to Read 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

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625597-3

1. Municipal District No.	2. TRAFFIC CITATION	3. Address of Municipal District Office
5003-02		400 CENTARD ST. CEDAR, PA. 16830
4. Driver Number	5. C.D.L.	6. State
21985355	<input type="checkbox"/> PA	7. B.P.S. 11. Sex
8. Defendant Name - First	9. Middle	10. Last
Francisco		Francisco
11. Veh. Reg. No.	12. Make	13. State
55008799	PONTIAC	PA
17. Veh. Reg. No.	18. Model	19. State
	1995	PA
23. Owner/Leasee or Carrier Name & Address	<input checked="" type="checkbox"/> Same as Defendant <input type="checkbox"/> Not Required	

24. Charge	26. STATUTE
<input 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	IEH
<input type="checkbox"/> Other _____	ORDINANCE

25. Nature of Offense	27. SEC.	28. SUB SEC.
<input type="checkbox"/> Speeding 40 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	3362	A-3
<input type="checkbox"/> Violated 67 Pa. Code	29. FINE	69 -
<input type="checkbox"/> Other _____	30. E.M.S.	10 -

ABOVE NAMED ACTOR
 DID DRIVE SAID VEHICLE AT A RATE
 OF 62.4 mph IN A POSTED 40 mph
 ZONE

35. Location	36. Route	37. Twp. Boro-City	38. Code	39. Code	40. Dir. of Travel
SR 322	SR 322	GOLDENROD	523	523	N E W
41. Date	42. Time	43. Day	44. Month	45. Year	
9/12/99	204100	MON	CLEARFIELD	99	
46. Defendant's Signature - Acknowledges Receipt of Citation	47. Date Issued				
John Panchiaro	9-12-99				
48. I 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.J.A. § 4904) relating to unsworn falsification to authorities.	BADGE NO. 52309				
49. Station Address of Police Officer	50. ORI. No.				
POLICE 250 HYDE, PA 16830	51. Speed Tracing Device Operator				
SAME	52. Miles Followed				
53. Speed Equipment Serial No.	54. Speed Equipment Tested				
29979	55. Speed Equipment Serial No. 56. Speed Equipment Tested				
57. Date Equipment Tested	58. Accident Report No.				
9-12-99	59. 75 Pa. C.J.A. § 1543 Violation-Juvenile				
	Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO				
60. Comm. Veh.	61. Max. Pen.				
	<input type="checkbox"/> YES <input type="checkbox"/> YES				

62. Remarks/Subpoena List

CAL # 1004
 MARRERS-RICHES - RESTR 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

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A362553-6

1. Magisterial District Name 9123-023	2. Magisterial District Name OSA GOLDBARD ST CPT. PA. 16830	3. Address of Magisterial District 16830	4. Driver's Number 006 556	5. Col. 6. State <input type="checkbox"/> PA	7. D.O.B. 3.17.71	8. Last R
9. Defendant Name GEFFERY R.	10. Defendant Address (Street-City-State-Zip Code) 1132 BOR 269 MUNSON PA 16100	11. Veh. Reg. No. 2148508 199	12. State <input type="checkbox"/> PA	13. Make MAZDA	14. Model TK	15. Type U6
16. Veh. Reg. No. 199	17. Veh. Reg. Yr. 1999	18. State <input type="checkbox"/> PA	19. State <input type="checkbox"/> PA	20. Make MAZDA	21. Model TK	22. Type U6
23. Owner/Leasee or Carrier Name & Address Same as Defendant <input type="checkbox"/> Not Required						
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						
25. Nature of Offense <input type="checkbox"/> Speeding 65.8 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 _____ <input type="checkbox"/> Other ABOVE NAMED ACTOR DID DRIVE SR 322 VEHICLE AT A RATE OF 65.8 mph. IN A POSTED 40 mph. ZONE <input type="checkbox"/> Filed on Info. Received						
Ref. 49 CFR						
26. STATUTE VEH						
27. ORDINANCE 3363 AD						
28. SEC. 10						
29. SUB SEC. -						
30. FINE 10						
31. E.M.S. 10						
32. CAT 90						
33. COSTS 26.50						
34. J.C.P. 1.50						
35. TOTAL DUE \$153.50						
36. Location SR 322 GOLDBARD RES						
37. State PA						
38. Zip Code 16830						
39. Code 233						
40. Dir. of Travel N S E W						
41. Date 228 901715						
42. Day MON						
43. Month APR						
44. Year 2000						
45. County CLEARFIELD						
46. Defendant's Signature - Acknowledges Receipt of Citation Officer's Signature						
47. Charge Issued 228.99						
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 Crime Code (18 Pa. C.S.A. § 4904) relating to untrue fabrication to authorities. Officer's Signature						
49. Station Addressed Police Officer Officer Crystal Farberman						
50. Badge No. 223.09						
51. Speed Trap Device Operator SAME						
52. Off. Name 44017100						
53. Miles Followed 0.06						
54. Miles Timed 0.31						
55. Speed Equipment No. 7407						
56. Speed Equipment Tested EN71						
57. Date Equipment Tested 2-9-99						
58. Accident Report No. 000						
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						
61. Haz Mat. <input type="checkbox"/> YES						
62. Permits/Subpoena List CAL. NO. 8000 Remand Box 28 to Board AS						

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 4

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625538-0

1. Defendant District No.	2. Defendant Name	3. Address of Defendant District Office	4. Driver Number	5. CDL	6. State	7. DOB	8. Sex
463-02	TRAFFIC CITATION	77-432-99	650 LEONARD ST. CIDA PA. 16830	<input type="checkbox"/>	PA	7/25/50	M
9. Defendant Name, First	10. Defendant Name, Middle	11. Defendant Name, Last	12. Veh. Reg. No.	13. State	14. Make	15. Type	16. Color
ANNE	M	FORCEY	PA0A3587	PA	JAGUAR	SDN	BLACK
17. Veh. Reg. No.	18. Reg. H.	19. State	20. Make	21. Type	22. Color		
PA0A3587	99	PA					
23. Owner/Leasee or Carrier Name & Address							
FORCEY LUMBER CO. INC. RD1 BOX 214 WOODLAND							
24. Charge							
<input 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 type="checkbox"/> Speeding 67 MPH Allowed 40 MPH Radar <input type="checkbox"/> Checked <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"/> Radar <input type="checkbox"/> Vascar <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. 19 CFR _____ <input type="checkbox"/> Other THE ABOVE NAMED ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 64 MPH IN A POSTED 40 MPH ZONE.							
26. <input type="checkbox"/> STATUTE <input type="checkbox"/> ORDINANCE VEH							
27. SEC. 33/32 <input type="checkbox"/> SUB-SEC. A3							
28. FINE 73. <input type="checkbox"/>							
29. E.M.S. 70 <input type="checkbox"/>							
30. CAT 40							
31. COSTS 26.50							
32. J.C.P. 1.50							
33. TOTAL DUE \$151. <input type="checkbox"/> Filed on Info. Received							
34. 329.99							
35. Location SR 153 GOLDENROD RES							
36. SR 153 LAWRENCE 207							
37. Name SR 153 Twp. Ambridge							
38. Code 207							
39. Dir. of Travel N S E W							
40. Date 7/29/99							
41. Date 7/29/99							
42. County 7/29/99							
43. Code 77							
44. Officer's Signature REFUSED							
45. Date Issued 329.99							
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 Plum Crystal Firebands							
48. Badge No. 23-09							
49. Station Address of Police Officer PO. Box 250 HYDE, PA 16843							
50. Office Number PA0171100							
51. Name of Police Operator JANE							
52. Miles Followed 3.40							
53. Miles Traced 3.40							
54. Speed Equip. Serial No. 7507							
55. Station Equip. tested EM-2							
56. Date Equip. tested 29-99							
57. Date Equip. tested 29-99							
58. Accident Report No. 75 Pa. C.S.A. § 1543 Violation-Juvenile							
59. Parents Notified YES NO							
60. Comm. Veh. YES							
61. Haz. Mat. YES							
62. Remarks/Supplementary NO. 8020							
63. Date MAR 30 1999							
64. Amend # 30 TO READ 40.							

NOTICE

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EXHIBIT
5

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625560-1

1. Plaintiff's District No. 730302	2. Defendant's District No. 730302	3. Plaintiff's Address (Street, City, State, Zip Code) 1000 LEONARD ST. CEDAR PA 16830	4. Defendant's Address (Street, City, State, Zip Code) 2436 EXECUTIVE DR. FAILENTIMBER PA 16237	5. C.D.L. <input type="checkbox"/>	6. State <input checked="" type="checkbox"/> PA	7. D.O.B. 5-6-64	8. Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F
9. Defendant's First Name ROBERT	10. Defendant's Middle Name WILLIAM	11. Defendant's Last Name MENCER	12. Make FORD	13. Model 7K	14. Color WHITE	15. Type Passenger	16. Color White
17. Owner/Leasee or Carrier Name & Address THE ABOVE NAMED ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 64 MPH IN A POSTED 40 MPH ZONE							
18. 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 _____							
19. Drivers Required to be Licensed <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Traffic-Control Signals							
20. Radar <input type="checkbox"/> Clocker <input type="checkbox"/> A.O.V. <input type="checkbox"/> ESP <input checked="" type="checkbox"/> Radar <input type="checkbox"/> Other							
21. Ref. 49 CFR <input type="checkbox"/> Violated 67 Pa. Code <input type="checkbox"/> Other _____							
22. Filed on Info. Received							
23. Nature of Offense Speeding 44 MPH Allowed 30 MPH							
24. Radar <input type="checkbox"/> Clocker <input type="checkbox"/> A.O.V. <input type="checkbox"/> ESP <input checked="" type="checkbox"/> Radar <input type="checkbox"/> Other							
25. Operated Vehicle without Valid License <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Operated Unregistered Vehicle							
26. STATUTE <input checked="" type="checkbox"/> ORDINANCE 54							
27. SEC. 3302 A 3 28. SUB-SEC. 73							
29. FINE 10 30. E.M.S. 10							
31. CAT 40 32. COSTS 26.50							
33. J.C.P. 1.50 34. TOTAL DUE \$15.50							
35. Location SR 322 GOLDENROD 36. COMM. RES							
37. Route SR 322 38. Two-Lane-City 223 39. Code 223 40. Dir. of Travel N S E W							
41. Date 9-29-99 42. Time 13:45 43. County CLEARFIELD 44. Court 77							
45. Defendant's Signature - Acknowledges Receipt of Citation Robert W. Mencer 46. Date Issued 9-29-99							
47. 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 untrue verification to authorities. OFFICER'S SIGNATURE Pamela Crutal Hernandez 48. BADGE NO. 203-09							
49. Mailing Address of Police Officer P.O. BOX 250 HYDE PA 16882 50. ORI Number 010171100							
51. Speed Trap Detector Counter 0 52. Miles Followed 0 53. Miles Traced 0 54. Sec. Traced 0							
55. Speed Trap Serial No. 707 56. Station Equip. Traced EMT 57. Date Equipment 9-29-99							
58. Accident Report No. 0 59. 75 Pa. C.S.A. § 1543 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO 60. Comm. Veh. 0 61. Haz. Mat. 0 <input type="checkbox"/> YES							
62. Remarks/Subpoena List CAL. # 8020 APR 05 1999							

NOTICE

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A3021539-3

1. Magisterial District No. <u>36-302</u>		TRAFFIC CITATION			2. Dockets Number <u>77-2201-98</u>	
3. Address of Magisterial District Office <u>659 Leonard St. Clear Pa. 16830</u>						
4. Driver Number <u>14982-056</u>		5. CPK <input type="checkbox"/>	6. State <u>PA</u>	7. DOB <u>5-27-51</u>	8. Sex <input type="checkbox"/> M <input checked="" type="checkbox"/> F	
9. Defendant's Name - First <u>Debbie</u>		10. Middle <u>J.</u>	Last <u>WISOR</u>			
11. Defendant's Address (Street, City, State, Zip Code) <u>20730x 567 Woodland, Pa. 16881</u>		12. Reg. No. <u>ANC 347</u>	13. State <u>PA</u>	14. Make <u>Saturn</u>	15. Type <u>CP</u>	16. Color <u>Black</u>
17. Veh. Registration		18. Reg. Yr. <u>99</u>	19. State <u>PA</u>	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 _____						
26. <input checked="" type="checkbox"/> STATUTE <input type="checkbox"/> ORDINANCE <u>veh</u> 27. SEC. <u>3362</u> A3 28. SUB SEC. 29. FINE <u>83.-</u> 30. E.M.S. <u>10.-</u> 31. CAT <u>30.-</u> 32. COSTS <u>50.-</u> 33. J.C.P. <u>1.50</u> 34. TOTAL DUE <u>\$174.50</u> <input type="checkbox"/> Filed on Info. Received						
25. Nature of Offense <input checked="" type="checkbox"/> Speeding <u>69.7</u> MPH Allowed <u>40</u> 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 <input type="checkbox"/> Other <u>Actor did drive 69.7 mph in a posted 40 mph zone.</u> Ref. 49 CFR						
35. Location <u>SR 322</u> <u>Goldenrod</u> <u>80 Zone</u> 36. Boro. <u>SR 322</u> <u>Lawrence</u> <u>PC</u> 37. City <u>SR 322</u> <u>Lawrence</u> <u>PC</u> <u>Zone</u> 38. Boro. <u>SR 322</u> <u>Lawrence</u> <u>PC</u> 39. Code <u>223</u> <u>PC</u> 40. Dir. of Travel <u>N S E W</u> 41. Date <u>10-23-98</u> <u>10-23-98</u> <u>10-23-98</u> 42. Time <u>16:12</u> <u>16:12</u> <u>16:12</u> 43. County <u>Clearfield</u> <u>Clearfield</u> <u>Clearfield</u> 44. <input type="checkbox"/> Defendant's Signature: Acknowledges Receipt of Citation 45. <input type="checkbox"/> Issued <u>10-23-98</u> 46. <input type="checkbox"/> 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 unknown falsification to authorities. OFFICER'S SIGNATURE <u>John Panerbranco</u> BADGE NO. <u>003-09</u> 47. <input type="checkbox"/> DNI Number <u>PA011100</u> 48. Station/Address of Police Office <u>10200 250 Hde, Pa. 16843</u> 49. <input type="checkbox"/> DNI Number <u>PA011100</u> 50. <input type="checkbox"/> Timing Device Operator <u>John Paner</u> 51. <input type="checkbox"/> Miles Followed <u>0606.3.12</u> 52. <input type="checkbox"/> Miles Timed <u>0606.3.12</u> 53. <input type="checkbox"/> Secs. Timed <u>3.12</u> 54. <input type="checkbox"/> Date Equip. Used <u>10-19-98</u> 55. <input type="checkbox"/> Speed Equip. Serial No. <u>EM2</u> 56. <input type="checkbox"/> Station Equip. Used <u>EM2</u> 57. <input type="checkbox"/> Dir. Equip. Used <u>10-19-98</u> 58. <input type="checkbox"/> Accident Report No. <u>7407</u> 59. <input type="checkbox"/> 75 Pa. C.S.A. § 1543 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO 60. <input type="checkbox"/> Comm. Veh. <u>10-19-98</u> 61. <input type="checkbox"/> Haz. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO						
62. <input type="checkbox"/> Remarks/Subpoena List <u>Cal # 1964 signs Arrowhead Rich OCT 28 1998</u>						

NOTICE

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EXHIBIT 6

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3021538-2

1. Musteral District No.

763-02

TRAFFIC CITATION

Case Number

77-2204-98

3. Address of Musteral District Office

100 Leonard St. C.Ya. Pa 16830

4. Driver Number

15-591-705

5. C.D.

6. S.I.M.

7. D.O.B.

8. Sex

PA

PA

8.02.49

M

9. Defendant Name - First

Susan

10. Defendant Address (Street-City-State-Zip Code)

1730 Fairview St. Reading, Pa. 19606

11. Veh. Reg. No.

BGP-0735

12. Age Yr.

99

13. State

PA

14. Make

Mercury

15. Type

SDN

16. Color

Green

17. Veh. Reg. No.

18. Reg. Yr.

19. State

PA

20. Make

21. Type

22. Color

23. Owner/Lessee or Carrier Name & Address

Same as Defendant Not Required

Don Len Corp. 2315 Sanders Rd. North Brook IL 60062

24. Charge

Maximum Speed Limit 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

 Other26. STATUTE VehORDINANCE

27. SEC. 336a

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

25. Nature of Offense

Speeding 60. MPH Allowed 40 MPH Radar Clocked 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

 Other Actor did drive said

Vehicle 60 mph in a posted 40 mph zone

 Filed on Info. Received

35. Location

SR 322 Goldenvrod Zone Res.

36. House

SR 322 Zone City39. Corr. 40. Dir. of Travel

227 N S E W

41. Date

10/23/98

42. Time

12:00

43. County

Clearfield

44. Code

17

45. Defendant's Signature - Acknowledges Receipt of Citation

X my signature

46. Date Received

10-23-98

47. Officer's Signature

Officer's Signature

48. Musteral Address of Police Officer

PO Box 250 Hyde, Pa. 16873

BADGE #

000-09

49. Musteral Device Operation

Pulmin Panel

50. Musteral Serial No.

EM-2

51. Miles Followed

.0606

52. Miles Timed

359

53. Date Equipment Tested

10-19-98

54. Secs. Timed

55. Date Equipment Tested

56. Station Equip. Test/ed

57. Comm. Veh. YES NO

58. Accident Report No.

59. 75 Pa. C.S.A. § 1543 Violation-Juvenile

Parents Notified YES NO60. Haz. Mat. YES NO

61. Remarks/Subpoena

Signs & Arrowhead

Cat # 7964

Rich's

Amend # 31 Should Be \$40.-

NOTICE

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EXHIBIT

7

EXHIBIT

8

COMMONWEALTH OF PENNSYLVANIA		TRAFFIC CITATION		CITATION NO. A3625500-4	
1. Municipal District No. 146-3-02		2. Docket Number 1238698			
3. Address of Municipal District Office 652 Leonard St. Clearfield Pa 16830					
4. Driver Number 17784070	5. C.D.L. <input type="checkbox"/>	6. State PA	7. D.O.B. 2/16/56	8. Sex M <input type="checkbox"/> F <input type="checkbox"/>	
9. Defendant Name, First Edward J.	10. Defendant Name, Middle L.	11. Defendant Name, Last Olson			
12. Defendant Address Street, City, State & Zip Code 2152823 99		13. State PA	14. Make Chevy	15. Type 7E Black	16. Color
17. Veh. Reg. No.	18. Reg. Yr. PA	19. State PA	20. Make	21. Type	22. Color
23. Owner/Lessee or Carrier Name & Address <input type="checkbox"/> Same as Defendant <input type="checkbox"/> Not Required					
24. Charge <input 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 61.7 MPH Allowed 40 MPH Radar Clocked A.O.V. <input type="checkbox"/> Speeding <input type="checkbox"/> ESP <input type="checkbox"/> Oscar <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 type="checkbox"/> Other Actor did drive said vehicle 61.7 mph in a posted 40 mph zone. <input type="checkbox"/> Filed on Info. Received					
26. STATUTE Act ORDINANCE 3B62 A-3 27. SEC. 28 SUB SEC. 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 RES. 36. Code 263 37. Road SR 322 263 38. Twp/Baro/City Lawrence 39. Code 263 40. Dir. of Travel N S E W 41. Date 11/14/98 31/4 42. Time 12:00 PM 43. County Clearfield 45. Cptg 19 44. Defendant's Signature Edward J. Olson 47. Date Issued 11/14/98 46. 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 Edwin Panerlance BADE NO. 263-09 48. Station/Address of Police Officer DO Bldg 250 Hyde, Pa 16843 PA 0121100 50. D.O.B. Number					
51. Speed Timing Device Operator Same 52. Miles Followed - 53. Miles Timed 0.006 54. Secs/Timed 3.23 55. Speed Equip. Serial No. #7407 56. Stopwatch Freq. Timed EM72 57. One Equip. Used 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. NO 61. Haz. Mat. NO					
50. Deposit/Subpoena List #74 Cal # 7972 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.



CITATION NO.

A3021953-4

1. Magisterial District No.		TRAFFIC CITATION			7. Date Issued		
46-3-02		500 Leonard St. Clearfield, Pa. 16830			7-21-98		
3. Address of Magisterial District Office		S. C.D.L.		6. State		8. Sex	
4. Driver Number		<input type="checkbox"/> PA		<input type="checkbox"/> PA		<input type="checkbox"/> M <input checked="" type="checkbox"/> F	
5. Defendant's Name First		7. D.O.B.		7.1.29 63			
Bunny Ann Sayers							
10. Defendant's address Street, City, State, Zip Code		11. Middle Name		12. State		13. Color	
RDA 1504 181-13 Woodland, Pa. 16881		Ann		PA		Silver	
11. Year Vehicle Manufactured		12. Year Registered		13. State		14. Make	
BFB-4920 98		PA		PA		Chevy	
17. Veh. Reg. No.		18. Reg. Yr.		19. State		20. Make	
23. Owner/Lessee or Carrier Name & Address							
<p>24. Charge</p> <p><input type="checkbox"/> Maximum Speed Limits <input type="checkbox"/> Drivers Required to be Licensed <input type="checkbox"/> Careless Driving</p> <p><input type="checkbox"/> Stop Signs & Yield Signs <input type="checkbox"/> Registration & Certification of Title Required</p> <p><input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Traffic-Control Signals</p> <p><input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection</p> <p><input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked</p> <p><input type="checkbox"/> Other _____</p>							
<p>25. Nature of Offense</p> <p><input checked="" type="checkbox"/> Speeding 60 MPH Allowed 40 MPH <input type="checkbox"/> Radar <input type="checkbox"/> Clocked <input type="checkbox"/> A.O.V.</p> <p><input type="checkbox"/> Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle without Valid License <input type="checkbox"/> Radar</p> <p><input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Operated Unregistered Vehicle <input type="checkbox"/> Clocked</p> <p><input type="checkbox"/> Violated 67 Pa. Code <input type="checkbox"/> Other _____</p> <p>Rel. 49 CFR</p> <p><i>Actor did drive said vehicle 60 mph in a posted 40 mph zone.</i></p>							
<p>26. STATUTE / ORDINANCE</p> <p>27. SEC. 3362 A 3</p> <p>28. SUB SEC. 29. FINE 65.-</p> <p>30. E.M.S. 10.-</p> <p>31. CAT 40.-</p> <p>32. COSTS 26.</p> <p>33. J.C.P. 1.50</p> <p>34. TOTAL DUE \$142.50</p> <p><input type="checkbox"/> Filed on Info. Received</p>							
<p>35. Location SR322 Goldenrod Res.</p> <p>36. Twp. Boro-City Lawrence</p> <p>37. Date 10-12-98 38. Time 1717 39. County 203</p> <p>40. Dir. of Traffic N S E W</p> <p>45. Dist. 503</p>							
<p>41. Date 10-12-98 42. Time 1717 43. County 203</p> <p>44. Defendant's Signature - Acknowledges Receipt of Citation <i>Bunny Ann Sayers</i></p> <p>46. Date Issued 10-12-98</p> <p>47. Officer's Signature <i>Officer's Signature</i></p> <p>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 untrue falsification to authorities.</p>							
<p>49. Station Address of Police Officer P.O. Box 250 Hyde, Pa. 16843</p> <p>50. Miles Traveled 52. Miles Followed</p> <p>51. Speed Timing Device Operator <i>Officer's Signature</i></p> <p>53. Speed Equip. Serial No. #4979</p> <p>54. Station Equip. Testimony EM-2</p> <p>55. Speed Equip. Serial No. 56. Station Equip. Testimony</p> <p>57. Date Equip. Test 8-17-98</p> <p>58. Accident Report No. 59. 75 Pa. C.S.A. § 1453 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>60. Comm. Veh. <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>61. Haz. Mat. <input type="checkbox"/> YES</p>							
<p>62. Complaint/Subpoena List</p> <p><i>#6</i></p> <p>Amend- Cal No: 9992</p>							

NOTICE

NOTICE **OCT 13 1990**
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.

ANSI C406-95 (REV. 10/96)

DISTRICT JUSTICE

red to be licensed.
A3021953-4

EXHIBIT

1

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625516-6

1. Judicial District No.		TRAFFIC CITATION		10. Date																			
1. Plaintiff/Officer Name & Title				11. Date																			
4. Driver Number		5. CDL	6. PA	7. DOB	8. Sex																		
27A04422		<input type="checkbox"/>	PA	8-10-76	M <input type="checkbox"/> F <input type="checkbox"/>																		
9. Defendant Name - First		Martini																					
10. Defendant Address (City, St., Zip Code)		302 18 Rochester Mills Pa 15771																					
11. License No.		12. Issue Yr.	13. State	14. Date	15. Type																		
PAE 4655		99	PA	2001-08-06	22. Color																		
17. Veh. Reg. No.		18. Reg. Yr.	19. State	20. Make	21. Type																		
					23. Color																		
<input type="checkbox"/> Same as Defendant <input type="checkbox"/> Not Required																							
24. Owner/Leesee or Carrier Name & Address																							
25. Charge <table border="0"> <tr> <td><input type="checkbox"/> Maximum Speed Limits</td> <td><input type="checkbox"/> Drivers Required to be Licensed</td> <td><input type="checkbox"/> Careless Driving</td> </tr> <tr> <td><input type="checkbox"/> Stop Signs & Yield Signs</td> <td><input type="checkbox"/> Registration & Certification of Title Required</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td><input type="checkbox"/> Driving Vehicle at Safe Speed</td> <td><input type="checkbox"/> Unlawful Activities</td> <td><input type="checkbox"/> Traffic-Control Signals</td> </tr> <tr> <td><input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection</td> <td colspan="2"></td> </tr> <tr> <td><input type="checkbox"/> Driving while Operating Privileges is Suspended or Revoked</td> <td colspan="2"></td> </tr> <tr> <td colspan="3"><input type="checkbox"/> Other _____</td> </tr> </table>						<input 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"/> Other	<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 Privileges is Suspended or Revoked			<input type="checkbox"/> Other _____		
<input type="checkbox"/> Maximum Speed Limits	<input type="checkbox"/> Drivers Required to be Licensed	<input type="checkbox"/> Careless Driving																					
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<input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection																							
<input type="checkbox"/> Driving while Operating Privileges is Suspended or Revoked																							
<input type="checkbox"/> Other _____																							
26. 1. STATUTE <i>77</i> 2. ORDINANCE <i>77</i> 27. SEC. <i>77</i> <i>77</i> <i>77</i> 28. SUB-SEC. <i>77</i> <i>77</i> <i>77</i>																							
29. FINE <i>77</i> <i>77</i> <i>77</i> 30. E.M.S. <i>70</i> <i>70</i> <i>70</i> 31. CAT <i>50</i> <i>50</i> <i>50</i> 32. COSTS <i>26</i> <i>26</i> <i>26</i> 33. J.C.P. <i>1.50</i> <i>1.50</i> <i>1.50</i> 34. TOTAL DUE <i>\$104.50</i>																							
35. Nature of Offense <table border="0"> <tr> <td><input type="checkbox"/> Speeding <i>66.3</i></td> <td>MPH Allowed <i>40</i></td> <td>MPH <input type="checkbox"/> Radar <input type="checkbox"/> Clock</td> <td><input type="checkbox"/> A.O.V.</td> </tr> <tr> <td><input type="checkbox"/> Operated Vehicle with Expired Inspection</td> <td><input type="checkbox"/> Operated Vehicle without Valid License</td> <td><input type="checkbox"/> Vascar</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td><input type="checkbox"/> Operated Vehicle with Suspended/Revoked License</td> <td><input type="checkbox"/> Operated Unregistered Vehicle</td> <td colspan="2"></td> </tr> </table>						<input type="checkbox"/> Speeding <i>66.3</i>	MPH Allowed <i>40</i>	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"/> Vascar	<input type="checkbox"/> Other	<input type="checkbox"/> Operated Vehicle with Suspended/Revoked License	<input type="checkbox"/> Operated Unregistered Vehicle								
<input type="checkbox"/> Speeding <i>66.3</i>	MPH Allowed <i>40</i>	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"/> Vascar	<input type="checkbox"/> Other																				
<input type="checkbox"/> Operated Vehicle with Suspended/Revoked License	<input type="checkbox"/> Operated Unregistered Vehicle																						
36. Zone <i>205</i> <i>205</i> <i>205</i> <i>205</i> <i>205</i>																							
37. Location <i>SR 322 Kwik-FIT Goldenrod</i> <i>SR 322</i> <i>SR 322</i> <i>SR 322</i> <i>SR 322</i>																							
38. Twp., Boro, City <i>Levittown</i> <i>Levittown</i> <i>Levittown</i> <i>Levittown</i> <i>Levittown</i>																							
39. Code <i>223</i> <i>223</i> <i>223</i> <i>223</i> <i>223</i>																							
40. Dir. of Travel <i>N-E-W</i> <i>N-E-W</i> <i>N-E-W</i> <i>N-E-W</i> <i>N-E-W</i>																							
41. Date <i>7/13/98</i> <i>7/13/98</i> <i>7/13/98</i> <i>7/13/98</i> <i>7/13/98</i>																							
42. Date Issued <i>7/13/98</i> <i>7/13/98</i> <i>7/13/98</i> <i>7/13/98</i> <i>7/13/98</i>																							
43. Officer's Signature <i>John C. Chaney Jr.</i> <i>John C. Chaney Jr.</i> <i>John C. Chaney Jr.</i> <i>John C. Chaney Jr.</i> <i>John C. Chaney Jr.</i>																							
44. County <i>Clearfield</i> <i>Clearfield</i> <i>Clearfield</i> <i>Clearfield</i> <i>Clearfield</i>																							
45. Gender <i>M</i> <i>M</i> <i>M</i> <i>M</i> <i>M</i>																							
46. Acknowledgment & Receipt of Citation <i>John C. Chaney Jr.</i> <i>John C. Chaney Jr.</i> <i>John C. Chaney Jr.</i> <i>John C. Chaney Jr.</i> <i>John C. Chaney Jr.</i>																							
47. 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. <i>John C. Chaney Jr.</i>																							
48. Station Address of Police Officer <i>PO Box 950 Hyde Pa 16843</i> <i>PO Box 950 Hyde Pa 16843</i>																							
49. Speed Timing Device Operator <i>Same</i> <i>Same</i> <i>Same</i> <i>Same</i> <i>Same</i>																							
50. ORIGINATOR <i>223-07</i> <i>223-07</i> <i>223-07</i> <i>223-07</i> <i>223-07</i>																							
51. Speed Equipment Serial No. <i>87407</i> <i>87407</i> <i>87407</i> <i>87407</i> <i>87407</i>																							
52. Miles Followed <i>2.0</i> <i>2.0</i> <i>2.0</i> <i>2.0</i> <i>2.0</i>																							
53. Miles Traveled <i>2.0</i> <i>2.0</i> <i>2.0</i> <i>2.0</i> <i>2.0</i>																							
54. Secs. Traveled <i>206</i> <i>206</i> <i>206</i> <i>206</i> <i>206</i>																							
55. Speed Equipment Serial No. <i>87407</i> <i>87407</i> <i>87407</i> <i>87407</i> <i>87407</i>																							
56. Station Code - Tested <i>223-07</i> <i>223-07</i> <i>223-07</i> <i>223-07</i> <i>223-07</i>																							
57. Date Equipment Tested <i>7/13/98</i> <i>7/13/98</i> <i>7/13/98</i> <i>7/13/98</i> <i>7/13/98</i>																							
58. Accident Report No. <i>8661</i> <i>8661</i> <i>8661</i> <i>8661</i> <i>8661</i>																							
59. 75 Pa. C.S.A. § 1543 Violation-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO <i>8661</i> <i>8661</i> <i>8661</i> <i>8661</i> <i>8661</i>																							
60. Comm. Veh. <input type="checkbox"/> YES <input type="checkbox"/> YES <i>8661</i> <i>8661</i> <i>8661</i> <i>8661</i> <i>8661</i>																							
61. Haz. Mat. <input type="checkbox"/> YES <input type="checkbox"/> YES <i>8661</i> <i>8661</i> <i>8661</i> <i>8661</i> <i>8661</i>																							
62. Remarks/Subpoena List <i>Car # 9968</i> <i>Car # 9968</i> <i>Car # 9968</i> <i>Car # 9968</i> <i>Car # 9968</i>																							

NOTICE

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EXHIBIT

10

EXHIBIT
II

COMMONWEALTH OF PENNSYLVANIA

TRAFFIC CITATION

CITATION NO. A3625537-6

1. Magisterial District No. 1633-02

2. Address of Magisterial District Office 1001 GOLDENROD ST. CPD. PA. 16830

3. Date of Citation 7-30-97

4. Driver's Number 216006530

5. City PA

6. State PA

7. Date 13-17-71

8. Last 14

9. Defendant Name & Last Surname GAGGERY R ENGELMANN

10. Defendant Address (Street, City, State, Zip Code) 1208 BOX 269 MUNSON PA 16360

11. Veh. Reg. No. 2C48508

12. Veh. Yr. 1999

13. State PA

14. Make MAZDA

15. Model JK

16. Color 4U6

17. Veh. Reg. No. 18. Reg. Yr. 19. State PA

20. Make

21. Type

22. C. Off.

23. Owner/Leesee or Carrier Name & Address

24. Charge

Maximum Speed Limits Drivers Required to be Licensed Careless Driving

Stop Signs & Yield Signs Registration & Certification of Title Required reckless driving

Driving Vehicle at Safe Speed Unlawful Activities Traffic-Control Signals

Operation of Vehicle without Official Certificate of Inspection Other

Driving while Operating Privilege is Suspended or Revoked

Other

25. Nature of Offense

Speeding 65.8 MPH Allowed 40 MPH Radar Clocked A.O.V.

Operated Vehicle with Expired Inspection Operated Vehicle without Valid License Other

Operated Vehicle with Suspended/Revoked License Operated Unregistered Vehicle

26. STATUTE / ORDINANCE VEH

27. SEC. 3362-02

28. SUB SEC.

29. FINE \$ -

30. E.M.S. 10

31. CAT 40

32. COSTS 26.50

33. J.C.P. 1.50

34. TOTAL DUE \$153.50

Ref. 49 CFR

ABOVE NAMED ACTOR DID DRIVE SHIP VEHICLE AT A RATE OF 65.8 mph. IN A POSTED 40 mph ZONE

26. Comm. Filed on Info. Received

35. Location SB 328 GOLDENROD RES

36. Comm.

37. Room 328 10th Floor Ctr.

38. Code 223

39. City N S E W

40. Dir. of Travel N S E W

41. Date 7-30-97

42. Day 142

43. Month July

44. County 15 SUNNYSIDE

45. Code 97

46. Defendant's Signature - Acknowledges Receipt of Citation

47. Date Issued 7-30-99

48. 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.

OFFICER'S SIGNATURE

49. Address of Police Office P.O. BOX 250 HYDE, PA 16843 BADGE NO. 2309

50. Off. Number 14017100

51. Speed Limit MPH Operator SAME

52. Miles Followed 0.06331

53. Miles Timed 0.06331

54. Sec. Timed 0.06331

55. Speed Equip. Serial No. 7407

56. Station Equip. Tested GM 1

57. Date Equip. Tested 7-30-99

58. Accident Report No. 59. 75 Pa. C.S.A. § 1543 Violation-Juvenile Parents Notified YES NO

60. Comm. Veh. YES

61. Haz. Mat. YES

62. Warrants/Subpoena Used

63. CAL. NO. 8020

64. Amend. Box 28 To Board AS

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.

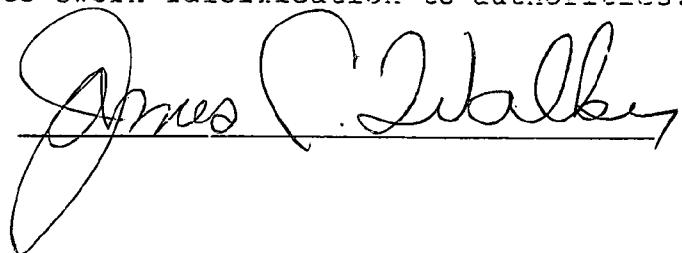
AOPC 406-95 (REV. 10/96)

DISTRICT JUSTICE

A3625537-6

VERIFICATION

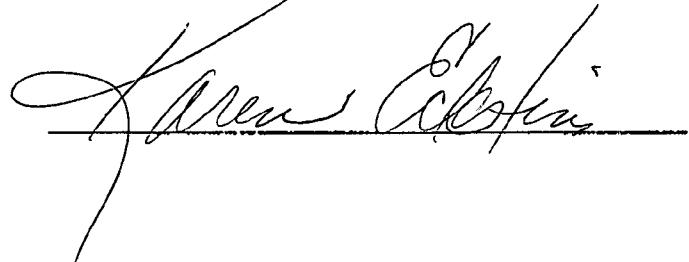
The undersigned verifies that the facts contained herein are true and correct. The undersigned understands that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to sworn falsification to authorities.



A handwritten signature in black ink, appearing to read "James O. Waller", is written over a horizontal line. The signature is fluid and cursive, with "James" on the left and "O. Waller" on the right.

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 black ink, appearing to read "Karen E. Clegg", is written over a horizontal line. The signature is fluid and cursive, with "Karen" on the left and "E. Clegg" on the right.

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. Martini

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.


Jeffrey 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.

Alicelyne Francisco

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 black ink, appearing to read "Phillip M. Faw", is written over a horizontal line. A small, empty oval is drawn to the right of the signature.

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.

Bruce a. Layne

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.

Jason 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.

Darlene J. Sisau

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

300
OCT 19 2000
11:24 AM
William A. Shaw
Prothonotary

Atty DeBry
pd \$80.00

4cc Atty DeBry

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,

* No. 00-1296-CD

v.

LAWRENCE TOWNSHIP,
Clearfield County,

*

&

BILL LAWHEAD,

*

&

LAWRENCE TOWNSHIP SUPERVISORS,
Defendants.

* 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

NOV 03 2000

WILLIAM A. GLOW
Prothonotary

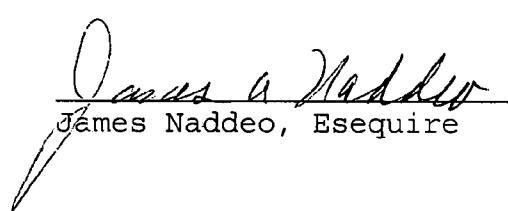
42

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

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, * No. 00-1296-CD
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. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Acceptance of Service in the above-captioned action was served on the following person and in the following manner on the 3rd day of November, 2000:

First-Class Mail, Postage Prepaid

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


James A. Naddeo
Attorney for Defendants

Non-Cross-reactive
Oligosaccharide
Nanodot
Sugars

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

ED

NOV 17 2000

William A. Shaw
Prothonotary

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

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

Filed on behalf of:
Defendants

Defendant's Preliminary
Objections to Plaintiff's
Complaint

No. 00-1296-CD

13

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,	*	No. 00- 1296 - CD
Plaintiffs,	*	CIVIL ACTION - MANDAMUS
 -vs-		
LAWRENCE TOWNSHIP,	*	
Clearfield County	*	
&	*	
BILL LAWHEAD	*	
&	*	
LAWRENCE TWSP SUPERVISORS,	*	
Defendants.		

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.

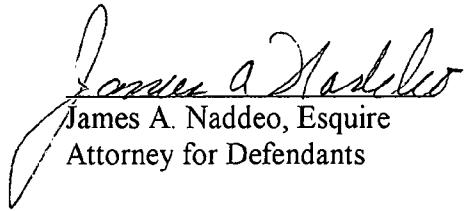
24. Plaintiffs' Complaint seeks mandamus relief by requesting that the Defendants return all monies spent on fines, costs, and attorney's fees, and removing all points assessed to each plaintiff's driving record.

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

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

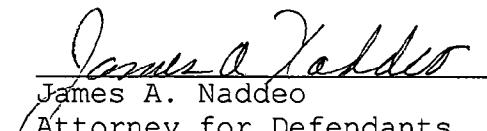
JAMES C. WALKER, *
CORY S. MANTINI, *
BUNNY ANN SAYERS, *
EDWARD J. OLSON, *
SUSAN MARY CARL, * No. 00-1296-CD
DEBBIE J. WISOR, *
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ANNETTE M. FORCEY, *
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ALICELYN FRANCISKO, *
KAREN S. ECKSTINE, *
Plaintiffs,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

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Defendant's Preliminary Objections to Plaintiff's Complaint in the above-captioned action was served on the following person and in the following manner on the 17th day of November, 2000:

First-Class Mail, Postage Prepaid

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


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,
EDWARD J. OLSON,
SUSAN M. CARL,
DEBBIE J. WISOR,
KENNETH W. MENCER,
ANNETTE M. FORCEY,
JEFFERY R. ENGELMANN,
ALICELYN FRANCISKO,
KAREN S. ECKSTINE,
Plaintiff

OCT 25 2000

No. 200-12916 C.D.
CIVIL ACTION
MANDAMUS

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

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

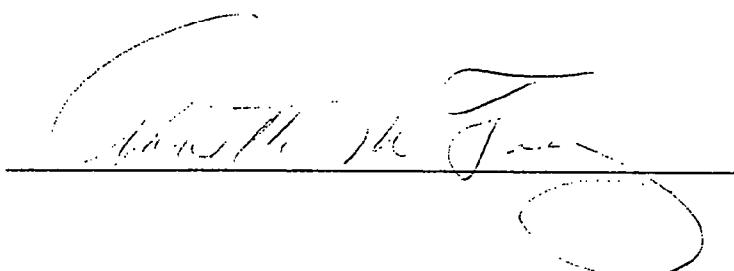
Attest:

William L. Hause
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.



A handwritten signature in black ink, appearing to read "John H. McTigue", is written over a horizontal line. The signature is fluid and cursive, with a large, sweeping flourish at the end.

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. Cline

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.

Elann M. Cull 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.

Subbie J. Stew

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. Mencor

EXHIBIT

5

COMMONWEALTH OF PENNSYLVANIA		TRAFFIC CITATION		CITATION NO.	
7/25/02		7/25/02		A3625560-1	
600 ELLIOTT ST. PHA 16830		7/25/02		77-457-09	
201018 PCS		1. SL	2. Date	15.6.64	3. Color
3. Defendant's Name		4. Middle		5. Last	
KENNETH WILLIAM MERCER					
10. Defendant's Address, Street, City, Zip Code		11. City		12. State	
2126 EXECUTIVE DR. EALENTON PA 16631		PA		PA	
13. Reg. No.		14. Make	15. Model	16. Color	
250480 99		FORD	99	FORD	
17. Reg. Exp. Date		18. Reg. In.	19. Date	20. Make	21. Type
					22. Color
22. Owner/Lessee or Carrier Name & Address		Same as Defendant <input checked="" type="checkbox"/> Not Required <input type="checkbox"/>			
24. Offense					
<input 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"/> <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 _____					
26. STATUTE / ORDINANCE <u>EH</u>					
27. SEC. <u>3302 A 3</u> 28. SUB-SEC. <u></u>					
29. FINE <u>73</u> 30. E.M.S. <u>10</u>					
31. CAT <u>49</u> 32. COSTS <u>26.50</u>					
33. J.C.P. <u>1.50</u> 34. TOTAL DUE <u>\$51</u>					
35. Name of Officer <u>20</u> 36. Radar <input type="checkbox"/> Cloaked <input type="checkbox"/> A.O.V. Speeding <u>67</u> MPH Allowed <u>70</u> MPH <input type="checkbox"/> ESP <input type="checkbox"/> Radar <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 type="checkbox"/> Other <u>THE ABOVE NAMED ACTOR</u> <input type="checkbox"/> Filed on Info. Received					
<u>DID I DRIVE SAID ACTOR AT A RATE</u> <u>OF 64 MPH IN A POSTED 40mph</u> <u>ZONE</u>					
37. Location <u>SR.322 GOLDENRON</u> 38. <u>ES</u>					
39. Date <u>52.322 1/20/02</u> 40. Dir. or Level <u>223 N S E W</u>					
41. Date <u>52.99134518</u> 42. County <u>EMD</u> 43. <u>42.99</u>					
44. Defendant's Signature - Acknowledges Receipt of Citation <u>Kenneth L. Thomas</u> 45. Date issued <u>42.99</u>					
46. 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 provisions of Section 1904 of the Crimes Code (18 Pa. C.S.A. § 1904) relating to unsworn testimony of witnesses.					
47. Officer's Signature <u>Debra L. Lutzel Hernandez</u> 48. Date issued <u>203.09</u>					
49. Driver's Address, City, State <u>PO. BOX 250 HOMESTEAD PA 16820</u> 50. Citation No. <u>PH0171100</u>					
51. Speed <u>64</u> MPH <u>70</u> MPH 52. Miles Followed <u>—</u> 53. Miles Driven <u>0606</u> 54. Speed <u>3.40</u> MPH					
55. Speed Limit <u>40</u> MPH 56. GOLDENRON, PA 57. Distance <u>29.99</u> Miles					
58. 75% <u>1543</u> Violations-Juvenile Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO 59. Comm. Van. <input type="checkbox"/> YES 60. Haz. Van. <input type="checkbox"/> YES					
61. Motorcycles <input type="checkbox"/> YES 62. Commercial/Commercial Use					
63. CAL. # <u>8020</u> APR 05 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.

316-3-02		TRAFFIC CITATION		7-20-98	
6000 Goldenrod St. Clearfield, Pa. 16830					
1. Offense Date	2. Offense Time	3. Offense Location	4. Driver License No.	5. State	6. Sex
7/20/98 056 PA M					
7. Defendant Name & Street	8. Street	9. City	10. Defendant's Address Street & City	11. State	12. Sex
Desiree WISOB 2071308567 Wardland, Pa. 16381					
13. State	14. State	15. CP	16. State	17. State	18. Sex
PA	PA	CP	PA	PA	M
19. Age, Yrs.	20. State	21. Name	22. Type	23. Color	
24. Ven. Reg.	25. Age, Yrs.	26. Same as Defendant	27. Not Required		
24. Charge					
<input checked="" type="checkbox"/> Maximum Speed Limits	<input type="checkbox"/> Drivers Required to be Licensed	<input type="checkbox"/> Careless Driving	26. STATUTE / ORDINANCE		
<input type="checkbox"/> Stop Signs & Yield Signs	<input type="checkbox"/> Registration & Certification of Title Required	<input type="checkbox"/> A.O.V.	336a A3		
<input type="checkbox"/> Driving Vehicle at Safe Speed	<input type="checkbox"/> Unlawful Activities	<input type="checkbox"/> Traffic Control Signals	27. SEC 28. SEC		
<input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection	336a A3				
<input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked	29. FINE 83.-				
<input type="checkbox"/> Other _____	30. E.M.S. 10.-				
25. Nature of Offense					
<input checked="" type="checkbox"/> Speeding 60 MPH Allowed 40 MPH	<input type="checkbox"/> Radar	<input type="checkbox"/> Clipped	<input type="checkbox"/> A.O.V.	31. CAT 30.-	
<input type="checkbox"/> Operated Vehicle with Expired Inspection	<input type="checkbox"/> ESP	<input checked="" type="checkbox"/> ascar	<input type="checkbox"/> Other	32. COSTS 50.-	
<input type="checkbox"/> Operated Vehicle with Suspended/Revoked License	<input type="checkbox"/> Operated Vehicle without Valid License	33. J.C.P. 1.50			
<input type="checkbox"/> Operated Unregistered Vehicle	34. TOTAL DUE \$174.50				
<input type="checkbox"/> Violated 67 Pa. Code	Ref. 49 CFR				
<input type="checkbox"/> Other <i>Officer did drive 69.7 mph in a posted 40 mph zone.</i>				<input type="checkbox"/> Filed on Info. Received	
28. Offense Date					
SR 322 Goldenrod 10-23-98					
37. Offense Location	38. Offense City	39. Offense Zip	40. Dir. of Offense	41. Zone	
SR 322	Lawrence	533	N S E W	25	
10-23-98 1762 FRI	14. Court	45. Offense Date	46. Offense Zip	47. Offense Date	
10-23-98 1762 FRI	Clearfield	10-23-98	17	10-23-98	
48. Defendant's Signature Acknowledges Receipt of Citation					
49. Officer's Signature					
50. Officer's Name					
51. Officer's Address or Police Office					
52. Miles Followed					
53. Speed Timing Device Operator					
54. Specs. Timed					
55. Spec. Auto. Serial No.					
56. Statement of Record					
57. Date/Time					
58. Accident Report No.					
59. 75 Pa. C.S.A. § 1543 Violation-Juvenile					
60. Comm. Ven.					
61. Max. Inc.					
62. Remarks/Suppoena List					
<i>Car # 7904 59's < Rich Arrowhead</i>					
<i>OCT 23 1998</i>					

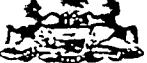
NOTICE

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

EXHIBIT

2

COMMONWEALTH OF PENNSYLVANIA				CITATION NO.	
1403-02		TRAFFIC CITATION		A3625500-4	
7. Accused Name & Address		8. Date		9. Case Number	
852 Leonard St Cleavfield Pa 16220		12/23/98		A3625500-4	
4. Driver's Number		5. Col. 6. State		7. Date 8. Case	
17-1841070		PA		2-16-5627	
9. Defendant Name & M.I.		10. Defendant Address (Street, City, State, Zip)		11. Vehicle No.	
Edward J. Gleon		317 E 1/2 ST. CLEA. PA. 16220		2752823	
12. Reg. No.		13. State		14. Color	
18-0000000		PA		Chevy	
17. Reg. Fr.		18. State		19. Make	
18-0000000		PA		Chevy	
23. Owner/lessee or Carrier Name & Address		24. Same as Defendant <input type="checkbox"/> Not Required			
24. Charge		25. Statute / Ordinance			
<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"/> Careless Driving <input type="checkbox"/> Registration & Certification of Title Required <input type="checkbox"/> Traffic-Control Signals <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Radar Clocked <input type="checkbox"/> A.O.V. <input type="checkbox"/> Operated Vehicle with Exempt Inspection <input type="checkbox"/> Operated Vehicle without Valid License <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 <input type="checkbox"/> Other <i>Actor did drive</i> <i>Ref. 49 CFR</i> <i>Raid Vehicle 61.7 mph in</i> <i>a posted 40 mph zone.</i>			
26. Nature of Offense		27. SEC. 28. SUB-SEC.			
Speeding 61.7 MPH Allowed 40 MPH		32-62 A-3			
<input type="checkbox"/> Operated Vehicle with Exempt Inspection <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License		29. FINE 67. 30. E.M.S. 10. 31. CAT 40. 32. COSTS 26. 33. J.C.P. 1.50 34. TOTAL DUE \$141.50			
<input type="checkbox"/> Radar <input type="checkbox"/> Clocked <input type="checkbox"/> A.O.V. <input type="checkbox"/> ESP <input type="checkbox"/> Oscar <input type="checkbox"/> Other		<input type="checkbox"/> Filed on Info. Received			
35. Location		36. <i>RES.</i>			
SR 322 Goldenrod					
37. Accused		38. Two-Digit City			
SR 322		Lawrence 223			
41. Date		42. Time		43. County	
11/14/98		1314		44. County	
45. Defendant Signature		46. Date Issued			
Edward J. Gleon		11-14-98			
47. 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 subject to the penalties of Section 1904 of the Crimes Code (18 Pa. C.S.A. § 1904) relating to untrue classification to subornation.					
48. OFFICER'S SIGNATURE <i>Timothy Hanfranco</i> BADGE NO. 223-09					
49. Station/Address of Police Officer		50. Date			
PO Box 250 Hyde, Pa 16243		PA 0121100			
51. Speed, Time, Day, Weather		52. Miles Followed			
Same		0.000 3.53			
53. Squad/Unit Serial No.		54. Station Name/Phone		55. Date/Year Issued	
775027		EMT		10/19/98	
56. Accident Report No.		57. Comm. Ven. 58. Trial Date			
139-15 Pa. C.S.A. 1543 Violation-Juvenile		60. Comm. Ven. 61. Trial Date			
Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> YES			
59. #74972/Supersess Unit		NOV 16 1998			
Cat # 7972					

NOTICE

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A3021953-4

TRAFFIC CITATION											
1. Citation Number	6501 Winslow St. Clarifield, Pa. 16831										
2. Address of Offense	177-39-631-2										
3. Admitting Officer/Clerk	177-39-631-2										
4. Driver's Number	50-471-54										
5. Date of Offense	10-12-98										
6. Driver's Name	Bunny Sayers										
7. Driver's Address	301 Winslow St. Woodlark, Pa. 16831										
8. Driver's Phone	724-420-5200										
9. Driver's Age	35										
10. Driver's Sex	Male										
11. Driver's Height	5'8"										
12. Driver's Weight	150 lbs										
13. Driver's Color	Black										
14. Driver's License No.	PA										
15. Driver's State	PA										
16. Driver's Date of Birth	10-12-98										
17. Driver's Sex	Male										
18. Driver's Height	5'8"										
19. Driver's Weight	150 lbs										
20. Driver's Color	Black										
21. Driver's License No.	PA										
22. Driver's State	PA										
23. Owner/Leasee or Carrier Name & Address	Same as Defendant										
24. Charge	<input 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"/> Operation while Operating Privilege is Suspended or Revoked <input type="checkbox"/> Other _____										
25. Nature of Charge	<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"/> Radar <input type="checkbox"/> Clock <input type="checkbox"/> A.O.V. <input type="checkbox"/> ESP <input type="checkbox"/> Scar <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. Statute/Ordinance	Ver										
27. Sec	3362 A3										
28. Sub Sec	105-1										
29. Fine	10.-										
30. E.M.S.	10.-										
31. CAT	40.-										
32. Costs	25.										
33. J.C.P.	1.50										
34. TOTAL DUE	\$42.50										
Ref. 49 CFR											
<input type="checkbox"/> Violated 67 Pa. Code Officer did drive acid Vehicle 60 mph in a posted 40 mph zone											
<input type="checkbox"/> Filed on Info. Received											
35. Location	SR 322 Goldenrod Res.										
36. City	Lawrence 223										
37. State	PA 223										
38. Date Issued	10-12-98										
39. Dir. of	N S E W										
40. Dir. of	N S E W										
41. Officer's Signature	Bunny Sayers										
I 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 provisions of Section 4904 of the Crimes Code (18 Pa. C.S.A. § 4904) relating to sworn classification to authorities.											
Officer's Signature											
42. Officer's Address	PO Box 250 Hyde, Pa. 16843										
43. Officer's Title	Sgt. 1st. Timing Device Operator										
44. Officer's Serial No.	4979										
45. Speed Equipment Serial No.	EM-2										
46. Accident Report No.	PA 0171100										
47. Name and Surname Lst	8-17-98										
48. Name and Surname 2nd	8-17-98										
49. Name and Surname 3rd	8-17-98										
50. Name and Surname 4th	8-17-98										
51. Name and Surname 5th	8-17-98										
52. Miles Traveled	3.63										
53. Accident Date	8-17-98										
54. Accident Time	8-17-98										
55. Accident Testimony	8-17-98										
56. Accident Witness	8-17-98										
57. Accident Location	8-17-98										
58. Comm. Ven.	8-17-98										
59. Comm. Date	8-17-98										
60. Comm. Time	8-17-98										
61. Mail Mail	8-17-98										
62. Mail Date	8-17-98										
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COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A3625516-6

1. Citation No. 46-322		TRAFFIC CITATION		2. Date 7-24-96																																																																																																																																																																																																																																																																																																																																																																																											
3. Name of Offense: 650 Franklin St. City Pa 16830		3. Date 8-10-76	4. Time 10:00 AM	5. Color CF																																																																																																																																																																																																																																																																																																																																																																																											
4. Driver Number 2504422		6. State PA	7. State PA	8. State PA																																																																																																																																																																																																																																																																																																																																																																																											
9. Defendant Name: First 5 Martini		9. State PA	10. Defendant Address: Second City State 1100 18 Rochester Mills Pa 15771	11. State PA																																																																																																																																																																																																																																																																																																																																																																																											
11. Vehicle 15 Ave 565 992 Oldsmobile SW Blue		12. Reg. No. 13. State PA	14. State PA	15. State PA																																																																																																																																																																																																																																																																																																																																																																																											
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23. Owner/Lessee or Carrier Name & Address Same as Defendant <input checked="" type="checkbox"/> Not Required																																																																																																																																																																																																																																																																																																																																																																																															
24. Offense <table border="0"> <tr> <td><input checked="" type="checkbox"/> Maximum Speed Limit</td> <td><input type="checkbox"/> Drivers Required to be Licensed</td> <td><input type="checkbox"/> Careless Driving</td> </tr> <tr> <td><input type="checkbox"/> Stop Signs & Yield Signs</td> <td><input type="checkbox"/> Registration & Certification of Title Required</td> <td><input type="checkbox"/> Traffic-Control Signals</td> </tr> <tr> <td><input type="checkbox"/> Driving Vehicle at Safe Speed</td> <td><input type="checkbox"/> Unlawful Activities</td> <td><input type="checkbox"/> Radar</td> </tr> <tr> <td><input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection</td> <td><input type="checkbox"/> Other</td> <td><input type="checkbox"/> Clocked</td> </tr> <tr> <td><input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked</td> <td></td> <td><input type="checkbox"/> A.C.V.</td> </tr> <tr> <td><input type="checkbox"/> Other _____</td> <td></td> <td><input type="checkbox"/> Radar</td> </tr> </table>					<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"/> Traffic-Control Signals	<input type="checkbox"/> Driving Vehicle at Safe Speed	<input type="checkbox"/> Unlawful Activities	<input type="checkbox"/> Radar	<input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection	<input type="checkbox"/> Other	<input type="checkbox"/> Clocked	<input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked		<input type="checkbox"/> A.C.V.	<input type="checkbox"/> Other _____		<input type="checkbox"/> Radar																																																																																																																																																																																																																																																																																																																																																																									
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25. Number of Offense 3 <table border="0"> <tr> <td><input type="checkbox"/> Speeding 40 MPH Allowed</td> <td><input type="checkbox"/> Radar</td> <td><input type="checkbox"/> Clocking</td> <td><input type="checkbox"/> A.C.V.</td> </tr> <tr> <td><input type="checkbox"/> Operated Vehicle with Expired Inspection</td> <td><input type="checkbox"/> ESP</td> <td><input type="checkbox"/> Radar</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td><input type="checkbox"/> Operated Vehicle with Suspended/Revoked License</td> <td><input type="checkbox"/> Operated Vehicle without Valid License</td> <td><input type="checkbox"/> Other</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td><input type="checkbox"/> Other _____</td> <td><input type="checkbox"/> Operated Unregistered Vehicle</td> <td><input type="checkbox"/> Other</td> <td><input type="checkbox"/> Other</td> </tr> </table>					<input type="checkbox"/> Speeding 40 MPH Allowed	<input type="checkbox"/> Radar	<input type="checkbox"/> Clocking	<input type="checkbox"/> A.C.V.	<input type="checkbox"/> Operated Vehicle with Expired Inspection	<input type="checkbox"/> ESP	<input type="checkbox"/> Radar	<input type="checkbox"/> Other	<input type="checkbox"/> Operated Vehicle with Suspended/Revoked License	<input type="checkbox"/> Operated Vehicle without Valid License	<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other _____	<input type="checkbox"/> Operated Unregistered Vehicle	<input type="checkbox"/> Other	<input type="checkbox"/> Other																																																																																																																																																																																																																																																																																																																																																																											
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26. Statute / Ordinance 111 <table border="0"> <tr> <td>27. Statute 3602</td> <td>28. Ordinance 143</td> </tr> <tr> <td>29. FINE 77</td> <td>30. E.M.S. 10</td> </tr> <tr> <td>31. CAT 50</td> <td>32. COSTS 20</td> </tr> <tr> <td>33. J.C.P. 150</td> <td>34. TOTAL DUE \$102.50</td> </tr> </table>					27. Statute 3602	28. Ordinance 143	29. FINE 77	30. E.M.S. 10	31. CAT 50	32. COSTS 20	33. J.C.P. 150	34. TOTAL DUE \$102.50																																																																																																																																																																																																																																																																																																																																																																																			
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Driver 40. Dir. Driver N S E W	30. Offense 39-203	31. County 45. Violation	31. Offense 40. Dir. Driver N S E W	32. Date Issued 7-23-98	32. Offense 41. Date Issued 7-23-98	33. Officer 36.203-09	33. Offense 42. Officer 36.203-09	34. Offense 36.203-09	34. Offense 43. Officer 36.203-09	35. Offense 36.203-09	35. Offense 44. Officer 36.203-09	36. Offense 36.203-09	36. Offense 45. Officer 36.203-09	37. Offense 36.203-09	37. Offense 46. Officer 36.203-09	38. Offense 36.203-09	38. Offense 47. Officer 36.203-09	39. Offense 36.203-09	39. Offense 48. Officer 36.203-09	40. Offense 36.203-09	40. Offense 49. Officer 36.203-09	41. Offense 36.203-09	41. Offense 50. Officer 36.203-09	42. Offense 36.203-09	42. Offense 51. Officer 36.203-09	43. Offense 36.203-09	43. Offense 52. Officer 36.203-09	44. Offense 36.203-09	44. Offense 53. Officer 36.203-09	45. Offense 36.203-09	45. Offense 54. Officer 36.203-09	46. Offense 36.203-09	46. Offense 55. Officer 36.203-09	47. Offense 36.203-09	47. Offense 56. Officer 36.203-09	48. Offense 36.203-09	48. Offense 57. Officer 36.203-09	49. Offense 36.203-09	49. Offense 58. Officer 36.203-09	50. Offense 36.203-09	50. Offense 59. Officer 36.203-09	51. Offense 36.203-09	51. Offense 60. Officer 36.203-09	52. Offense 36.203-09	52. Offense 61. Officer 36.203-09	53. Offense 36.203-09	53. Offense 62. Officer 36.203-09	54. Offense 36.203-09	54. Offense 63. Officer 36.203-09	55. Offense 36.203-09	55. Offense 64. Officer 36.203-09	56. Offense 36.203-09	56. Offense 65. Officer 36.203-09	57. Offense 36.203-09	57. Offense 66. Officer 36.203-09	58. Offense 36.203-09	58. Offense 67. Officer 36.203-09	59. Offense 36.203-09	59. Offense 68. Officer 36.203-09	60. Offense 36.203-09	60. Offense 69. Officer 36.203-09	61. Offense 36.203-09	61. Offense 70. Officer 36.203-09	62. Offense 36.203-09	62. Offense 71. Officer 36.203-09	63. Offense 36.203-09	63. Offense 72. Officer 36.203-09	64. Offense 36.203-09	64. Offense 73. Officer 36.203-09	65. Offense 36.203-09	65. Offense 74. Officer 36.203-09	66. Offense 36.203-09	66. Offense 75. Officer 36.203-09	67. Offense 36.203-09	67. Offense 76. Officer 36.203-09	68. Offense 36.203-09	68. Offense 77. Officer 36.203-09	69. Offense 36.203-09	69. Offense 78. Officer 36.203-09	70. Offense 36.203-09	70. Offense 79. Officer 36.203-09	71. Offense 36.203-09	71. Offense 80. Officer 36.203-09	72. Offense 36.203-09	72. Offense 81. Officer 36.203-09	73. Offense 36.203-09	73. Offense 82. Officer 36.203-09	74. Offense 36.203-09	74. Offense 83. Officer 36.203-09	75. Offense 36.203-09	75. Offense 84. Officer 36.203-09	76. Offense 36.203-09	76. Offense 85. Officer 36.203-09	77. Offense 36.203-09	77. Offense 86. Officer 36.203-09	78. Offense 36.203-09	78. Offense 87. Officer 36.203-09	79. Offense 36.203-09	79. Offense 88. Officer 36.203-09	80. Offense 36.203-09	80. Offense 89. Officer 36.203-09	81. Offense 36.203-09	81. Offense 90. Officer 36.203-09	82. Offense 36.203-09	82. Offense 91. Officer 36.203-09	83. 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Offense 36.203-09	134. Offense 143. Officer 36.203-09	135. Offense 36.203-09	135. Offense 144. Officer 36.203-09	136. Offense 36.203-09	136. Offense 145. Officer 36.203-09	137. Offense 36.203-09	137. Offense 146. Officer 36.203-09	138. Offense 36.203-09	138. Offense 147. Officer 36.203-09	139. Offense 36.203-09	139. Offense 148. Officer 36.203-09	140. Offense 36.203-09	140. Offense 149. Officer 36.203-09	141. Offense 36.203-09	141. Offense 150. Officer 36.203-09	142. Offense 36.203-09	142. Offense 151. Officer 36.203-09	143. Offense 36.203-09	143. Offense 152. Officer 36.203-09	144. Offense 36.203-09	144. Offense 153. Officer 36.203-09	145. Offense 36.203-09	145. Offense 154. Officer 36.203-09	146. Offense 36.203-09	146. Offense 155. Officer 36.203-09	147. Offense 36.203-09	147. Offense 156. Officer 36.203-09	148. Offense 36.203-09	148. Offense 157. Officer 36.203-09	149. Offense 36.203-09	149. Offense 158. Officer 36.203-09	150. Offense 36.203-09	150. Offense 159. Officer 36.203-09	151. Offense 36.203-09	151. Offense 160. Officer 36.203-09	152. Offense 36.203-09	152. Offense 161. Officer 36.203-09	153. Offense 36.203-09	153. Offense 162. Officer 36.203-09	154. Offense 36.203-09	154. Offense 163. Officer 36.203-09	155. Offense 36.203-09	155. Offense 164. Officer 36.203-09	156. Offense 36.203-09	156. Offense 165. Officer 36.203-09	157. Offense 36.203-09	157. Offense 166. Officer 36.203-09	158. Offense 36.203-09	158. Offense 167. Officer 36.203-09	159. Offense 36.203-09	159. Offense 168. Officer 36.203-09	160. Offense 36.203-09	160. Offense 169. Officer 36.203-09	161. Offense 36.203-09	161. Offense 170. Officer 36.203-09	162. Offense 36.203-09	162. Offense 171. Officer 36.203-09	163. Offense 36.203-09	163. Offense 172. Officer 36.203-09	164. Offense 36.203-09	164. Offense 173. Officer 36.203-09	165. Offense 36.203-09	165. Offense 174. Officer 36.203-09	166. Offense 36.203-09	166. Offense 175. Officer 36.203-09	167. Offense 36.203-09	167. Offense 176. Officer 36.203-09	168. Offense 36.203-09	168. Offense 177. Officer 36.203-09	169. Offense 36.203-09	169. Offense 178. Officer 36.203-09	170. Offense 36.203-09	170. Offense 179. Officer 36.203-09	171. Offense 36.203-09	171. Offense 180. Officer 36.203-09	172. Offense 36.203-09	172. Offense 181. Officer 36.203-09	173. Offense 36.203-09	173. Offense 182. Officer 36.203-09	174. Offense 36.203-09	174. Offense 183. Officer 36.203-09	175. Offense 36.203-09	175. Offense 184. Officer 36.203-09	176. Offense 36.203-09	176. Offense 185. Officer 36.203-09	177. Offense 36.203-09	177. Offense 186. Officer 36.203-09	178. Offense 36.203-09	178. Offense 187. Officer 36.203-09	179. Offense 36.203-09	179. Offense 188. Officer 36.203-09	180. Offense 36.203-09	180. Offense 189. Officer 36.203-09	181. Offense 36.203-09	181. Offense 190. Officer 36.203-09	182. Offense 36.203-09	182. Offense 191. Officer 36.203-09	183. Offense 36.203-09	183. Offense 192. Officer 36.203-09	184. 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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 16 Pa. C.S. Section 4904 relating to sworn falsification to authorities.

John Q. 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 P.S. C.S. Section 4904 relating to sworn falsification to authorities.

John C. Johnson

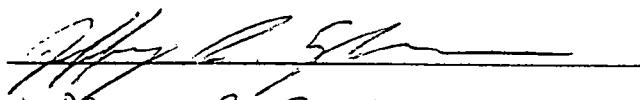
VERIFICATION

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.

Cony S. Martini

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.


Jeffrey 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.

Alcolige Francisco

MITINGER & De BOEF

By:

Anthony G/De Boef, Esquire

Date: 10/17/12

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

V

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

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.

6 6
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.

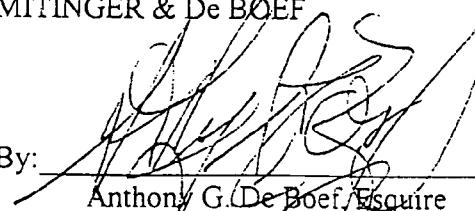
16. All of the above Plaintiffs', other than JAMES WALKER, have incurred attorney's fees, fines as a result of the citations, and they have accumulated points on their driving record as a result of the erroneous and illegal speeding tickets issued by Officer Panebianco of the Lawrence Township Police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

6 6
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

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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 1/2 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
II

COMMONWEALTH OF PENNSYLVANIA



CITATION NO.

A362553-6

1. Municipal District Name	TRAFFIC CITATION			2. Date	7-30-99
2. Address of Municipal District Office	100 GOLDENARD ST. CPY. PA. 16830			3. City	PA
4. Driver's Number	5. C.D.L.	6. State	7. O.A.	8. Date	8-17-71
9. Defendant Name & Suffix	10. Defendant Address (Street, City, State, Zip, C-addr)	11. Middle	12. Last	13. Month	14. Year
GAGGERY R			ENGELMANN		
15. Veh. Reg. No.	16. State	17. Veh. Yr.	18. State	19. Make	20. Model
21. Veh. Reg. No.	PA	1999	PA	MAZDA	TK
22. Veh. Reg. Yr.	PA	1999	PA	MAZDA	TK
23. Owner/Leasee or Carrier Name & Address	Same as Defendant <input type="checkbox"/> Not Required <input type="checkbox"/>				

24. 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

26. STATUTE	VEH
ORDINANCE	
27. SEC.	3362
28. SUB SEC.	A3
29. FINE	\$ -
30. E.M.S.	10
31. CAT	90
32. COSTS	26.50
33. J.C.P.	1.50
34. TOTAL DUE	\$153

25. Nature of Offense
 Speeding 65.8 MPH Allowed 40 MPH Radar Clocked 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
 Other _____

Ref. 49 CFR

Filed on Info. Received

ABOVE NAMED FACTOR DID DRIVE SAID VEHICLE AT A RATE OF 65.8 mph. IN A POSTED 40 mph. ZONE.

26. Location
 36. Lane
 SR 322 GOLDENARD RES
 SR 322 Lawrence
 328 91475 SUN CLEARFIELD
 37. County
 40. Dir. of Travel
 N S E W
 45. Grade
 77

Defendant's Signature - Acknowledges Receipt of Citation

47. Date Issued

328.99

I swear 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 Crime Code (18 Pa. C.S.A. § 4904) relating to Unsworn Substitution to authorities.

OFFICER'S SIGNATURE

PO. 500 Box 250 HYDG, PA 16830

48. Badge No.

213.09

49. Title: Additional Police Officer
 50. Off. Name

51. Speedometer Device Operator
 52. Miles Traveled
 53. Miles Timed
 54. Miles Timed

55. Speedometer Serial No.
 56. Station/Unit, Located
 57. Date/Year Issued

58. 75 Pa. C.S.A. § 1343 Violation-Juvenile
 Parents Notified YES NO

59. Comm. Ver. YES NO

60. HAZ. Mat. YES NO

61. HAZ. Mat. YES NO

62. Graphics/Subpoena List

63. CAL. NO. 8020 Amend Box 28 To Board

64. AOPC 406-95 (REV. 10/96)

65. DISTRICT JUSTICE

66. AOPC 406-95 (REV. 10/96)

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185. AOPC 406-95 (REV. 10/96)

186. AOPC 406-95 (REV. 10/96)

187. AOPC 406-95 (REV. 10/96)

188. AOPC 406-95 (REV. 10/96)

189. AOPC 406-95 (REV. 10/96)

190. AOPC 406-95 (REV. 10/96)

191. AOPC 406-95 (REV. 10/96)

192. AOPC 406-95 (REV. 10/96)

193. AOPC 406-95 (REV. 10/96)

194. AOPC 406-95 (REV. 10/96)

195. AOPC 406-95 (REV. 10/96)

196. AOPC 406-95 (REV. 10/96)

197. AOPC 406-95 (REV. 10/96)

198. AOPC 406-95 (REV. 10/96)

199. AOPC 406-95 (REV. 10/96)

200. AOPC 406-95 (REV. 10/96)

201. AOPC 406-95 (REV. 10/96)

202. AOPC 406-95 (REV. 10/96)

203. AOPC 406-95 (REV. 10/96)

204. AOPC 406-95 (REV. 10/96)

205. AOPC 406-95 (REV. 10/96)

206. AOPC 406-95 (REV. 10/96)

207. AOPC 406-95 (REV. 10/96)

208. AOPC 406-95 (REV. 10/96)

209. AOPC 406-95 (REV. 10/96)

EXHIBIT

COMMONWEALTH OF PENNSYLVANIA



CITATION NO. A3625536-5

TRAFFIC CITATION Date Number DR-369-69

1. Citation Date: 10/30/2022

2. State or Local Citation No.: 1030 LEONARD ST. C.I.D. PA-16830

3. Driver's Name: JEFFREY R. COOPER

4. Driver's Number: 1218401

5. City: YORK PA

6. State: PA

7. Zip Code: 17404

8. County: YORK

9. Date of Birth: 05/05/1965

10. Driver's License Number: 3362 A2

11. Driver's License Exp. Date: 12/04/2027

12. Driver's License State: PA

13. Driver's License Type: SW

14. Driver's License Color: WHITE

15. Vehicle Type: DOGE

16. Vehicle Model: 3.7

17. Vehicle Year: 2017

18. Vehicle Make: DODGE

19. Vehicle Model: 3.7

20. Vehicle Color: SW

21. Owner/Leasee or Carrier Name & Address: Same as Defendant Not Acquired

22. Offense

Maximum Speed Limit Exceeded Drivers Required to be Licensed Careers Driving

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

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 _____

23. Nature of Offense

Speeding 58 MPH Allowed 40 MPH Radar Clocker A.O.V.

Operated Vehicle with Expired Inspection Operated Vehicle without Valid License Other

Operated Vehicle with Suspended/Revoked License Operated Unregistered Vehicle

Motorized 67 Pt. Code 49 CFR Filed on Info. Received

Other **ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 58.1 MPH IN A POSTED 40 MPH ZONE.**

24. Location: SR 322 GOLDENROD RES

25. Route: SR 322 LOWREY F 223 40. City or Town N. EW

26. County: 3289 CONY CLEARYFIELD 45. Address

27. Dispatch Location: 3289 CONY CLEARYFIELD 47. Suburb

28. Speed Enforcement: Authorized Pursuit of Citation 48. Suburb

29. Officer's Signature: **Blomquist, Crystal, Pandiscio** 50. Signature

30. Date: 10/30/2022 51. Signature

31. Speed: 58 MPH 52. Miles Followed

32. Speed: 40 MPH 53. Miles Followed

33. Speed Equal: 1407 54. Section Cited

34. Speed Equal: 1407 55. Date Cited

35. Accident Report No.: 59. 75 Pa. C.S.A. § 1543 Violation/Infraction 56. Comm. Ref.

36. Accident Report No.: Parents Notified YES NO 57. Max. Fine

37. Arrested/Subjected to Law 58. Yes No

38. Citation No.: C.R. No. 8021 59. A-3

Amount Box 28 to Read

NOTICE

NOTICE

If you plead guilty or are found guilty, points may be ~~added~~ **29** ~~9~~ **1989** to 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

COMMONWEALTH OF PENNSYLVANIA		CITATION NO. A3625597-3	
<input checked="" type="checkbox"/> Residential District <input checked="" type="checkbox"/> Commercial District <input checked="" type="checkbox"/> Industrial District		TRAFFIC CITATION	
<input checked="" type="checkbox"/> 7023-021		<input checked="" type="checkbox"/> 560-99	
<input checked="" type="checkbox"/> 1650 CENTAUR ST. CITY, PA. 16850		<input checked="" type="checkbox"/> 1650 CENTAUR ST. CITY, PA. 16850	
<input checked="" type="checkbox"/> Driver Number <input checked="" type="checkbox"/> 9815 355		<input checked="" type="checkbox"/> S. C.R.L. 13-1310 <input checked="" type="checkbox"/> PA 11-2562-24	
<input checked="" type="checkbox"/> Defendant Name <input checked="" type="checkbox"/> Francisco		<input checked="" type="checkbox"/> Middle <input checked="" type="checkbox"/> L. L. C.	
<input checked="" type="checkbox"/> Defendant Address (Street, City, State Zip Code) <input checked="" type="checkbox"/> 10. 1650 CENTAUR ST. CITY, PA. 16850		<input checked="" type="checkbox"/> 11. State <input checked="" type="checkbox"/> PA	
<input checked="" type="checkbox"/> 12. Ven. Reg. No. <input checked="" type="checkbox"/> 550 087 992		<input checked="" type="checkbox"/> 13. State <input checked="" type="checkbox"/> PA	
<input checked="" type="checkbox"/> 14. Reg. Jr. <input checked="" type="checkbox"/> 2		<input checked="" type="checkbox"/> 15. Make <input checked="" type="checkbox"/> PONTIAC	
<input checked="" type="checkbox"/> 16. Year <input checked="" type="checkbox"/> 1992		<input checked="" type="checkbox"/> 17. Type <input checked="" type="checkbox"/> CITY	
<input checked="" type="checkbox"/> 18. Owner/Leasee or Carrier Name & Address <input checked="" type="checkbox"/> Same as Defendant <input type="checkbox"/> Not Assumed			
24. Charge			
<input checked="" type="checkbox"/> Maximum Speed Limits <input type="checkbox"/> Drivers Required to be Licensed <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"/> Careless Driving <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Traffic-Control Signals <input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked <input type="checkbox"/> Other			
25. Nature of Offense			
<input checked="" type="checkbox"/> Speeding <input type="checkbox"/> Radar <input type="checkbox"/> Clocked <input type="checkbox"/> A.O.V. <input type="checkbox"/> Speeding <input type="checkbox"/> MPH <input type="checkbox"/> ESP <input type="checkbox"/> Radar <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. 19 CFR <input type="checkbox"/> Other ABOVE NAMED ACTOR DID DRIVE SAID VEHICLE AT A RATE OF 62.4 mph IN A POSTED 40 mph ZONE			
<input type="checkbox"/> Filed on Info. Received			
33. Location			
<input checked="" type="checkbox"/> SR 322 GOLDEN ROD			
<input checked="" type="checkbox"/> SR 322 LAWRENCE			
<input checked="" type="checkbox"/> 9129912071001 CLEAFIELD			
46. Defendant's Signature - Acknowledges Receipt of Citation			
47. Officer's Signature			
48. Officer's Name			
<input checked="" type="checkbox"/> I 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 provisions of Section 4904 of the Crime Code (18 Pa. C.S.A. § 4904) relating to sworn testimony to subpoenas.			
49. Station Address of Police Officer			
<input checked="" type="checkbox"/> P.O. BOX 250 HORN, PA 16848 FRON 1100			
51. Signature of Law Officer			
<input checked="" type="checkbox"/> SAME			
52. Miles Traveled			
<input checked="" type="checkbox"/> 1.2			
53. Miles Traveled			
<input checked="" type="checkbox"/> 1.2			
55. Description of Vehicle			
<input checked="" type="checkbox"/> 1.2			
56. Speedometer Reading			
<input checked="" type="checkbox"/> 1.2			
58. 75 Pa. C.S.A. § 1541 Violation - Juvenile			
<input type="checkbox"/> Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO			
60. Comm. for			
<input type="checkbox"/> YES <input type="checkbox"/> YES			
62. Remarks/Additional Ltr.			
<input checked="" type="checkbox"/> CAL # 1004 MOTHERS- RICH'S - REG APR 13 1000			

NOTICE

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

COMMONWEALTH OF PENNSYLVANIA		TRAFFIC CITATION		CITATION NO. A362553	
<p>1. Plaintiff/Citation No. 52-322</p> <p>2. Defendant/Officer Name EDWARD OT. CPT. PA. 16830</p> <p>3. Date of Offense 12/17/99</p> <p>4. Driver's License No. 2160061556</p> <p>5. Defendant Name ENGELMANN</p> <p>6. Address 260 MUNSON PA 16830</p> <p>7. Vehicle No. PA-322-1008</p> <p>8. Make MAZDA</p> <p>9. Year 1995</p> <p>10. State PA</p> <p>11. City MAZDA</p> <p>12. County PA</p> <p>13. Owner/Leasee or Carrier Name & Address EDWARD OT. CPT. PA. 16830</p>		<p>14. State PA</p> <p>15. Make MAZDA</p> <p>16. Year 1995</p> <p>17. City MAZDA</p> <p>18. County PA</p> <p>19. State PA</p> <p>20. Make MAZDA</p> <p>21. Year 1995</p> <p>22. City MAZDA</p> <p>23. County PA</p>		<p>1. Same as Defendant <input checked="" type="checkbox"/></p> <p>2. Not Related <input type="checkbox"/></p>	
<p>24. Charge</p> <p><input checked="" type="checkbox"/> Exceeding Speed Limit</p> <p><input type="checkbox"/> Scoot Signs & Yield Signs</p> <p><input type="checkbox"/> Driving Vehicle at Safe Speed</p> <p><input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection</p> <p><input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked</p> <p><input type="checkbox"/> Other _____</p>		<p><input type="checkbox"/> Driver Required to be Licensed</p> <p><input type="checkbox"/> Registration & Certification of Title Required</p> <p><input type="checkbox"/> Unlawful Activities</p> <p><input type="checkbox"/> Traffic Control Signals</p>		<p>25. STATUTE VE 7</p> <p><input type="checkbox"/> CIRCUMSTANCE 336a1 A2</p> <p>26. SEC. 26</p> <p>27. FINE 10</p> <p>28. EMS 10</p> <p>29. CAT 40</p> <p>30. COSTS 26.50</p> <p>31. J.C.P. 1.50</p> <p>32. TOTAL DUE \$153</p>	
<p>23. Nature of Offense</p> <p><input checked="" type="checkbox"/> Speeding 40 MPH Allowed 40 MPH</p> <p><input type="checkbox"/> Operated Vehicle with Expired Inspection</p> <p><input type="checkbox"/> Operated Vehicle with Suspended/Revoked License</p> <p><input type="checkbox"/> Violated 67 Pa. Code _____</p>		<p><input type="checkbox"/> Radar <input type="checkbox"/> Clocked <input type="checkbox"/> A.O.V.</p> <p><input type="checkbox"/> VASER <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Operated Vehicle without Valid License</p> <p><input type="checkbox"/> Operated Unregistered Vehicle</p>		<p>Ref. 49 CFR</p> <p>24. Date of Infra. Received 12/21/99</p>	
<p>26. Other EDWARD NAMED FACTOR DID DRIVE THIS VEHICLE AT A RATE OF 65.8 MPH. IN A POSTED 40 mph ZONE.</p>					
<p>27. Location 52-322 - LAWRENCE 308 90TH ST. ISLAND PARK</p>		<p>28. Zip Code 11231</p> <p>29. County QUEEN</p>		<p>30. State NY</p> <p>31. Dir. of Travel W</p>	
<p>32. Vehicle Type 4 DOOR SEDAN</p>		<p>33. Color BLACK</p>		<p>34. Date Issuing 12/18/99</p>	
<p>35. Signature EDWARD OT. CPT. PA. 16830</p>		<p>36. Signature EDWARD OT. CPT. PA. 16830</p>		<p>37. Signature EDWARD OT. CPT. PA. 16830</p>	
<p>38. I swear that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This citation is made subject to the provisions of Section 4904 of the Crime Code (18 Pa. C.S.A. § 4904) relating to unknown ramifications to authorities.</p>		<p>39. Signature EDWARD OT. CPT. PA. 16830</p>		<p>40. Date of Travel 12/18/99</p>	
<p>41. Officer's Signature EDWARD OT. CPT. PA. 16830</p>		<p>42. Date Issuing 12/18/99</p>		<p>43. Date 12/18/99</p>	
<p>44. Date Issuing 12/18/99</p>		<p>45. Signature EDWARD OT. CPT. PA. 16830</p>		<p>46. Date 12/18/99</p>	
<p>47. Date Issuing 12/18/99</p>		<p>48. Signature EDWARD OT. CPT. PA. 16830</p>		<p>49. Date 12/18/99</p>	
<p>50. Date Issuing 12/18/99</p>		<p>51. Signature EDWARD OT. CPT. PA. 16830</p>		<p>52. Date 12/18/99</p>	
<p>53. Date Issuing 12/18/99</p>		<p>54. Signature EDWARD OT. CPT. PA. 16830</p>		<p>55. Date 12/18/99</p>	
<p>56. Date Issuing 12/18/99</p>		<p>57. Signature EDWARD OT. CPT. PA. 16830</p>		<p>58. Date 12/18/99</p>	
<p>59. Date Issuing 12/18/99</p>		<p>60. Signature EDWARD OT. CPT. PA. 16830</p>		<p>61. Date 12/18/99</p>	
<p>62. Date Issuing 12/18/99</p>		<p>63. Signature EDWARD OT. CPT. PA. 16830</p>		<p>64. Date 12/18/99</p>	
<p>65. Date Issuing 12/18/99</p>		<p>66. Signature EDWARD OT. CPT. PA. 16830</p>		<p>67. Date 12/18/99</p>	
<p>68. Date Issuing 12/18/99</p>		<p>69. Signature EDWARD OT. CPT. PA. 16830</p>		<p>70. Date 12/18/99</p>	
<p>71. Date Issuing 12/18/99</p>		<p>72. Signature EDWARD OT. CPT. PA. 16830</p>		<p>73. Date 12/18/99</p>	
<p>74. Date Issuing 12/18/99</p>		<p>75. Signature EDWARD OT. CPT. PA. 16830</p>		<p>76. Date 12/18/99</p>	
<p>77. Date Issuing 12/18/99</p>		<p>78. Signature EDWARD OT. CPT. PA. 16830</p>		<p>79. Date 12/18/99</p>	
<p>80. Date Issuing 12/18/99</p>		<p>81. Signature EDWARD OT. CPT. PA. 16830</p>		<p>82. Date 12/18/99</p>	
<p>83. Date Issuing 12/18/99</p>		<p>84. Signature EDWARD OT. CPT. PA. 16830</p>		<p>85. Date 12/18/99</p>	
<p>86. Date Issuing 12/18/99</p>		<p>87. Signature EDWARD OT. CPT. PA. 16830</p>		<p>88. Date 12/18/99</p>	
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<p>92. Date Issuing 12/18/99</p>		<p>93. Signature EDWARD OT. CPT. PA. 16830</p>		<p>94. Date 12/18/99</p>	
<p>95. Date Issuing 12/18/99</p>		<p>96. Signature EDWARD OT. CPT. PA. 16830</p>		<p>97. Date 12/18/99</p>	
<p>98. Date Issuing 12/18/99</p>		<p>99. Signature EDWARD OT. CPT. PA. 16830</p>		<p>100. Date 12/18/99</p>	
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<p>113. Date Issuing 12/18/99</p>		<p>114. Signature EDWARD OT. CPT. PA. 16830</p>		<p>115. Date 12/18/99</p>	
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<p>128. Date Issuing 12/18/99</p>		<p>129. Signature EDWARD OT. CPT. PA. 16830</p>		<p>130. Date 12/18/99</p>	
<p>131. Date Issuing 12/18/99</p>		<p>132. Signature EDWARD OT. CPT. PA. 16830</p>		<p>133. Date 12/18/99</p>	
<p>134. Date Issuing 12/18/99</p>		<p>135. Signature EDWARD OT. CPT. PA. 16830</p>		<p>136. Date 12/18/99</p>	
<p>137. Date Issuing 12/18/99</p>		<p>138. Signature EDWARD OT. CPT. PA. 16830</p>		<p>139. Date 12/18/99</p>	
<p>140. Date Issuing 12/18/99</p>		<p>141. Signature EDWARD OT. CPT. PA. 16830</p>		<p>142. Date 12/18/99</p>	
<p>143. Date Issuing 12/18/99</p>		<p>144. Signature EDWARD OT. CPT. PA. 16830</p>		<p>145. Date 12/18/99</p>	
<p>146. Date Issuing 12/18/99</p>		<p>147. Signature EDWARD OT. CPT. PA. 16830</p>		<p>148. Date 12/18/99</p>	
<p>149. Date Issuing 12/18/99</p>		<p>150. Signature EDWARD OT. CPT. PA. 16830</p>		<p>151. Date 12/18/99</p>	
<p>152. Date Issuing 12/18/99</p>		<p>153. Signature EDWARD OT. CPT. PA. 16830</p>		<p>154. Date 12/18/99</p>	
<p>155. Date Issuing 12/18/99</p>		<p>156. Signature EDWARD OT. CPT. PA. 16830</p>		<p>157. Date 12/18/99</p>	
<p>158. Date Issuing 12/18/99</p>		<p>159. Signature EDWARD OT. CPT. PA. 16830</p>		<p>160. Date 12/18/99</p>	
<p>161. Date Issuing 12/18/99</p>		<p>162. Signature EDWARD OT. CPT. PA. 16830</p>		<p>163. Date 12/18/99</p>	
<p>164. Date Issuing 12/18/99</p>		<p>165. Signature EDWARD OT. CPT. PA. 16830</p>		<p>166. Date 12/18/99</p>	
<p>167. Date Issuing 12/18/99</p>		<p>168. Signature EDWARD OT. CPT. PA. 16830</p>		<p>169. Date 12/18/99</p>	
<p>170. Date Issuing 12/18/99</p>		<p>171. Signature EDWARD OT. CPT. PA. 16830</p>		<p>172. Date 12/18/99</p>	
<p>173. Date Issuing 12/18/99</p>		<p>174. Signature EDWARD OT. CPT. PA. 16830</p>		<p>175. Date 12/18/99</p>	
<p>176. Date Issuing 12/18/99</p>		<p>177. Signature EDWARD OT. CPT. PA. 16830</p>		<p>178. Date 12/18/99</p>	
<p>179. Date Issuing 12/18/99</p>		<p>180. Signature EDWARD OT. CPT. PA. 16830</p>		<p>181. Date 12/18/99</p>	
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<p>185. Date Issuing 12/18/99</p>		<p>186. Signature EDWARD OT. CPT. PA. 16830</p>		<p>187. Date 12/18/99</p>	
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<p>209. Date Issuing 12/18/99</p>		<p>210. Signature EDWARD OT. CPT. PA. 16830</p>		<p>211. Date 12/18/99</p>	
<p>212. Date Issuing 12/18/99</p>		<p>213. Signature EDWARD OT. CPT. PA. 16830</p>		<p>214. Date 12/18/99</p>	
<p>215. Date Issuing 12/18/99</p>		<p>216. Signature EDWARD OT. CPT. PA. 16830</p>		<p>217. Date 12/18/99</p>	
<p>218. Date Issuing 12/18/99</p>		<p>219. Signature EDWARD OT. CPT. PA. 16830</p>		<p>220. Date 12/18/99</p>	
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<p>224. Date Issuing 12/18/99</p>		<p>225. Signature EDWARD OT. CPT. PA. 16830</p>		<p>226. Date 12/18/99</p>	
<p>227. Date Issuing 12/18/99</p>		<p>228. Signature EDWARD OT. CPT. PA. 16830</p>		<p>229. Date 12/18/99</p>	
<p>230. Date Issuing 12/18/99</p>		<p>231. Signature EDWARD OT. CPT. PA. 16830</p>		<p>232. Date 12/18/99</p>	
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<p>236. Date Issuing 12/18/99</p>		<p>237. Signature EDWARD OT. CPT. PA. 16830</p>		<p>238. Date 12/18/99</p>	
<p>239. Date Issuing 12/18/99</p>		<p>240. Signature EDWARD OT. CPT. PA. 16830</p>		<p>241. Date 12/18/99</p>	
<p>242. Date Issuing 12/18/99</p>		<p>243. Signature EDWARD OT. CPT. PA. 16830</p>		<p>244. Date 12/18/99</p>	
<p>245. Date Issuing 12/18/99</p>		<p>246. Signature EDWARD OT. CPT. PA. 16830</p>		<p>247. Date 12/18/99</p>	
<p>248. Date Issuing 12/18/99</p>		<p>249. Signature EDWARD OT. CPT. PA. 16830</p>		<p>250. Date 12/18/99</p>	
<p>251. Date Issuing 12/18/99</p>		<p>252. Signature EDWARD OT. CPT. PA. 16830</p>		<p>253. Date 12/18/99</p>	
<p>254. Date Issuing 12/18/99</p>		<p>255. Signature EDWARD OT. CPT. PA. 16830</p>		<p>256. Date 12/18/99</p>	
<p>257. Date Issuing 12/18/99</p>		<p>258. Signature EDWARD OT. CPT. PA. 16830</p>		<p>259. Date 12/18/99</p>	
<p>260. Date Issuing 12/18/99</p>		<p>261. Signature EDWARD OT. CPT. PA. 16830</p>		<p>262. Date 12/18/99</p>	
<p>263. Date Issuing 12/18/99</p>		<p>264. Signature EDWARD OT. CPT. PA. 16830</p>		<p>265. Date 12/18/99</p>	
<p>266. Date Issuing 12/18/99</p>		<p>267. Signature EDWARD OT. CPT. PA. 16830</p>		<p>268. Date 12/18/99</p>	
<p>269. Date Issuing 12/18/99</p>		<p>270. Signature EDWARD OT. CPT. PA. 16830</p>		<p>271. Date 12/18/99</p>	
<p>272. Date Issuing 12/18/99</p>		<p>273. Signature EDWARD OT. CPT. PA. 16830</p>		<p>274. Date 12/18/99</p>	
<p>275. Date Issuing 12/18/99</p>		<p>276. Signature EDWARD OT. CPT. PA. 16830</p>		<p>277. Date 12/18/99</p>	
<p>278. Date Issuing 12/18/99</p>		<p>279. Signature EDWARD OT. CPT. PA. 16830</p>		<p>280. Date 12/18/99</p>	
<p>281. Date Issuing 12/18/99</p>		<p>282. Signature EDWARD OT. CPT. PA. 16830</p>		<p>283. Date 12/18/99</p>	
<p>284. Date Issuing 12/18/99</p>		<p>285. Signature EDWARD OT. CPT. PA. 16830</p>		<p>286. Date 12/18/99</p>	
<p>287. Date Issuing 12/18/99</p>		<p>288. Signature EDWARD OT. CPT. PA. 16830</p>		<p>289. Date 12/18/99</p>	
<p>290. Date Issuing 12/18/99</p>		<p>291. Signature EDWARD OT. CPT. PA. 16830</p>		<p>292. Date 12/18/99</p>	
<p>293. Date Issuing 12/18/99</p>		<p>294. Signature EDWARD OT. CPT. PA. 16830</p>		<p>295. Date 12/18/99</p>	
<p>296. Date Issuing 12/18/99</p>		<p>297. Signature EDWARD OT. CPT. PA. 16830</p>		<p>298. Date 12/18/99</p>	
<p>299. Date Issuing 12/18/99</p>		<p>300. Signature EDWARD OT. CPT. PA. 16830</p>		<p>301. Date 12/18/99</p>	
<p>302. Date Issuing 12/18/99</p>		<p>303. Signature EDWARD OT. CPT. PA. 16830</p>		<p>304. Date 12/18/99</p>	
<p>305. Date Issuing 12/18/99</p>		<p>306. Signature EDWARD OT. CPT. PA. 16830</p>		<p>307. Date </p>	

EXHIBIT

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.

825
R.D. NOV 17 2000
WILSON C. CATTY
PROVIDENTLY
Nadder

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. ENGLEMANN, :
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

FILED

FEB 26 2001

William A. Shaw
Prothonotary

(X) 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. ENGLEMANN,	:	
ALICELYN FRANCISKO,	:	
KAREN S. ECKSTEIN,	:	
	Plaintiffs	Brief in Opposition of
		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. ENGLEMANN, 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. ENGLEMANN,	:	
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

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 1/2 Locus Street
PO Box 52
Clearfield, PA 16830

Dated:

2/21/01

MITINGER & DE BOEF

By:

Anthony G. De Boef, Esquire
Attorney for Plaintiffs

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
1901-1997

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

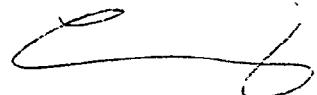
In re: Lawrence Township Speed Zone at
Route 322 and Goldenrod

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
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

15127
MAR 26 2001

William A. Shaw
Prothonotary

2cc
1 - A Hy Naddeo
1 - A Hy De Boel

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:

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

FILED

MAR 27 2001

William A. Shaw
Prothonotary

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 TOWNSHIP SUPERVISORS,	*	
Defendants.		*

PRAECLIPSE

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
James A. Naddeo
Attorney for Defendants

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, * No. 00-1296-CD
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. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Defendants' Praeclipe for Judgment filed in the above-captioned action was served on the following person and in the following manner on the 27th day of March, 2001:

First-Class Mail, Postage Prepaid

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



James A. Naddeo
Attorney for Defendants

FILED

MAR 27 2001
O 1112 104 Nadado pd

William A. Shaw
Prothonotary
\$20.00

notarized by *ES*

James A. Naddeo
ATTORNEY AT LAW
211 1/2 EAST LOCUST STREET
RO. 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 ENGLEMANN
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

77

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 Demurrsers, 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 made in this cause.
President Judge

MAR 26 2001

Attest:

John K. Reilly
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 ENGLEMANN
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
EDWARD J. OLSON
SUSAN M. CARL
DEBBIE J. WISOR
KENNETH W. MENCER,
ANNETTE M. FORCEY
JEFFREY ENGLEMANN
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

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

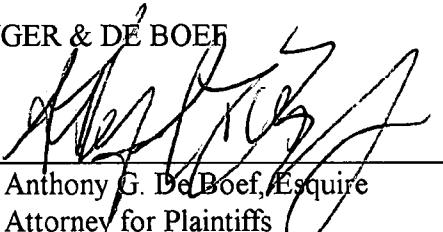
Prothonotary
Clearfield County Courthouse
Clearfield, PA 16830

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

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	OCTOBER 19, 2000, COMPLAINT IN MANDAMUS, filed by Anthony G. DeBoef, Esq., Attorney for the Plaintiffs Four Certified Copies to Attorney DeBoef <u>CERTIFICATE OF SERVICE, /s/Anthony G. DeBoef, Esq.</u> <div style="border: 1px solid black; padding: 10px; text-align: center;"> PLEASE REFER TO COMPUTER FOR FURTHER ENTRIES </div> <p>00-1296-CD</p> <p>LAWRENCE TOWNSHIP, Clearfield County, BILL LAWHEAD, and LAWRENCE TOWNSHIP SUPERVISORS</p> <p>Pro BY ATTY 80.00</p>
-------------------------	--	---

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

APR 23 2001

Attest.

Willie L. Orr
Prothonotary

Date: 04/23/2001

Time: 02:34 PM

Page 1 of 1

Cliffield County Court of Common Pleas

ROA Report

User: JPEPPERDAY

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	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: Praeclipe 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

013140/047

William A. Shaw
Prothonotary

1 cent to Comm. Ct 4/55.- C.R.

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
m12:06 AM
William A. Shaw
Prothonotary

[Handwritten signature]

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

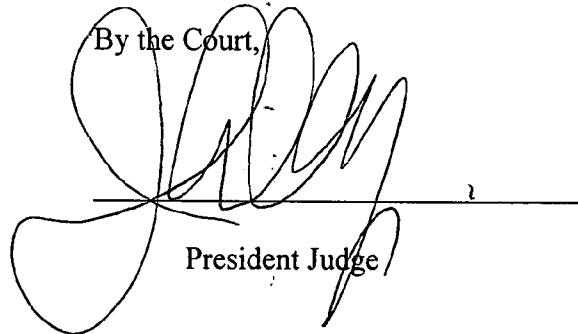
JAMES C. WALKER, CORY S. MANTINI :
BUNNY ANN SAYERS, EDWARD J. :
OLSON, SUSAN M. CARL, DEBBIE J. :
WISOR, KENNETH W. MENCER, :
ANNETTE M. FORCEY, JEFFREY :
ENGLEMANN, ALICELYN FRANCISKO :
AND KAREN S. ECKSTEIN :
AND KAREN S. ECKSTEIN :

-vs- : No. 00-1296CD

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

O R D E R

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

WAG

FILED

MAY 03 2001
8/11/01 *Dee Catt*
William A. Shaw
Prothonotary
Dee Catt, Prothonotary

Dee Catt, 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,	:	No. 00-1296-CD
DEBBIE J. WISOR,	:	CIVIL ACTION - MANDAMUS
KENNETH W. MENCER,	:	
ANNETTE M. FORCEY,	:	
JEFFREY R. ENGLEMANN,	:	
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.

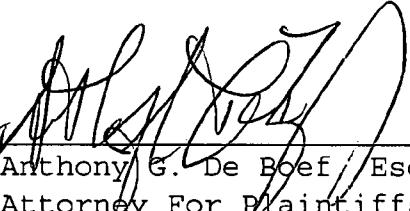
6. Plaintiffs contend that the Brief gave the Court a very real and supportable legal authority for the case to continue and for the Preliminary Objections to be denied.

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. ENGLEMANN, :
ALICELYN FRANCISKO, :
KAREN S. ECKSTEIN, :
Plaintiffs : Brief in Opposition of
vs. : Preliminary Objections
: filed on behalf of Plaintiffs

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
:

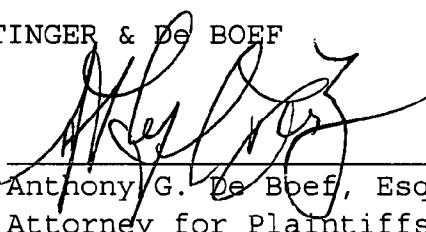
CERTIFICATE OF SERVICE

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 1/2 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
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Plaintiffs : Brief in Opposition of
vs. : Preliminary Objections
: filed on behalf of Plaintiffs
: :
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. ENGLEMANN,	:	
ALICELYN FRANCISKO,	:	
KAREN S. ECKSTEIN,	:	
	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 their 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 alternative 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. ENGLEMANN,	:	
ALICELYN FRANCISKO,	:	
KAREN S. ECKSTEIN,	:	
	Plaintiffs	Brief in Opposition of
		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

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA

BELIN & KUBISTA
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN
1901-1997

AREA CODE 314
TELEPHONE 763-6972
TELECOPIER (314) 755-4893

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 "A"

ASSOCIATE
LINDA C. LEWIS

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

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

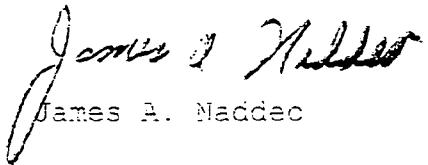
Re: Lawrence Township Speed Zone at
Route 322 and Goldenrod

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. Naddic

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.

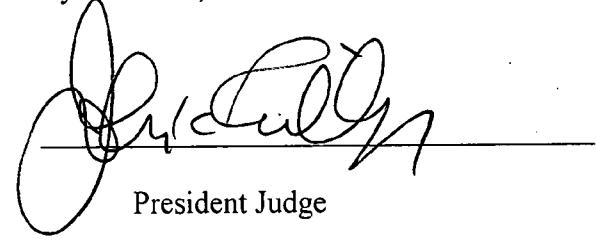
In addition, the relief sought by Plaintiffs does not constitute a "ministerial act" that would allow an action in mandamus to succeed. A ministerial act whose performance by a public official may be compelled by mandamus is one which a public officer is required to perform upon a given state of facts 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 "John J. Kelly", is written over a horizontal line. The signature is fluid and cursive.

Dated: June 22, 2001

President Judge

FILED

JUN 22 2001

o/ 12:05 PM

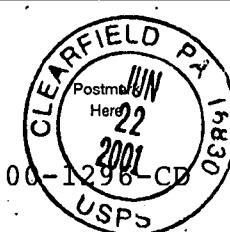
William A. Shaw
Prothonotary

SENT TO ATT'Y NADORE

DEB OFF

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:	
Commonwealth Court of Pennsylvania	
Postage	\$ 3.95
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	0.00
Total Postage & Fees	\$ 7.35



Name (Please Print Clearly) (to be completed by mailer)	
Office of the Prothonotary	
Street, Apt. No., or PO Box No.	
P.O. Box 11730	
City, State, ZIP+4	
Harrisburg, PA 17130	

DS Form 2800, July 1999
See Reverse for Instructions

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

**Important Reminders:**

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a *Return Receipt* (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

FILED

JUN 25 2001

0195cc/mr

William A. Shaw *Sealed*
Prothonotary

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

00-1296-CD

2. Article Number (Copy from service label)

7000 0600 0023 6399 4036

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **WN 26 2001** B. Date of Delivery

C. Signature

X

Agent

Addressee

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

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

00-1296-CD

16830-0549

16830

00-1296-CO

FILED

JUN 28 2001

M10:31 am

William A. Shaw

Prothonotary

EKB

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

2000-1296-CO

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

M/F:30/um
William A. Shaw F: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 G. Collins

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 : No. 995 C.D. 2001
Township Supervisors :
:

O R D E R

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


JAMES GARDNER COLLINS, 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.

NO. 995 C.D. 2001

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

00-1296 CD

FILED

MAR 19 2002
m/roll nocc

BS
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 G. Collins
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/17/02
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

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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.

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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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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.

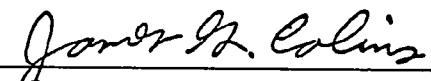
Initially, we note that when reviewing a common pleas court's decision sustaining preliminary objections, we look to determine whether on the facts alleged the law states with certainty that no recovery is possible. *Hawks by Hawks v. Livermore*, 629 A.2d 270, 271 n.3 (1993). We must accept as true all 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

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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 COLLINS, 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.

NO. 995 C.D. 2001

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

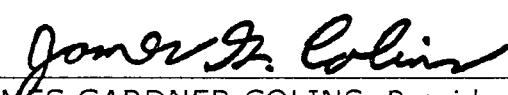
FILED

MAY 17 2002
m/12/02/wm
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



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:

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

FILED

MAY 17 2002

William A. Shaw
Clerk of Courts

copy to [redacted] [initials]

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.

CR Hostutler

Commonwealth Court Filing Office

Cal

Signature

5-17-07

Date

Printed Name

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

[Signature]

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

X 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

00-1296-CD

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

Pro BY ATTY 80.00

Date: 05/10/2001

Time: 09:03 AM

Page 1 of 1

Clearfield County Court of Common Pleas

User: JPEPPERDAY

ROA Report

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	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. 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.

No CONCISE Statement of
Filing



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

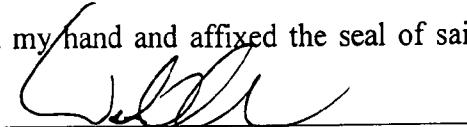
James C. Walker, Cory S. Mantini, Bunny Ann Sayers, Edward J. Olson, Susan M. Carl, Debbie J. Wisor, Kenneth M. Forcey, Jeffrey R. Engelmann, Alicelyn Francisko, Karen S. Eckstine

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

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

CLEARFIELD COUNTY



DAVID S. AMMERMAN

SOLICITOR

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

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

CLEARFIELD COUNTY



DAVID S. AMMERMAN

SOLICITOR

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

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. 995-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 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

_____, _____.

Prothonotary/Clerk of Courts

(seal)

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	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.

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

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**

00-1296-CD

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

Pro BY ATTY 80.00

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)cc/wsg
William A. Clegg
Prothonotary



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 ENGLEMANN
ALICELYN FRANCISKO
KAREN S. ECKSTEIN

Plaintiffs

vs.

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

995 C1 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.

William L. Ober
Prothonotary