

01-410-CD
COMMONWEALTH OF PENNSYLVANIA -vs- TOM EDDY

1A

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

COMMONWEALTH OF
PENNSYLVANIA

vs.

TOM EDDY


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:
:
: No. 01-410-CD
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:

ORDER

AND NOW, this 23rd day of March, 2001, the Defendant having filed a Petition appealing the Order of the Department of Transportation suspending the Defendant's motor vehicle operating privileges, it is hereby Ordered that the Court Administrator's Office is directed to schedule the matter for hearing on the next available License Suspension Appeal hearing date.

It is further Ordered that the defendant herein shall send a certified copy of this Order and of the Petition for Appeal by certified United State mail to Pennsylvania Department of Transportation, Office of Chief Counsel, Third Floor, Riverfront Office Center, Harrisburg, PA 17104-2516.

BY THE COURT:

Judge ~ 

FILED

MAR 23 2001

William A. Shaw
Prothonotary

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

COMMONWEALTH OF PENNSYLVANIA

VS

TOM EDDY,
DEFENDANT/PETITIONER

NO. 01 - 410 -C.D.

TYPE OF CASE: CIVIL

TYPE OF PLEADING:
PETITION FOR APPEAL FROM
ORDER OF DEPARTMENT OF
TRANSPORTATION
SUSPENDING OPERATOR'S
LICENSE

FILED ON BEHALF OF:
PETITIONER

COUNSEL OF RECORD FOR
THIS PARTY:
BENJAMIN S. BLAKLEY, III

SUPREME COURT NO.: 26331

BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE, BOX 6
DU BOIS, PA 15801
(814) 371-2730

FILED

MAR 22 2001

William A. Shaw
Prothonotary

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

COMMONWEALTH OF PENNSYLVANIA

VS.

TOM EDDY,

Defendant/Petitioner

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01-

-C.D.

**PETITION FOR APPEAL FROM ORDER OF DEPARTMENT
OF TRANSPORTATION SUSPENDING OPERATOR'S LICENSE**

TO THE HONORABLE JUDGES OF SAID COURT:

The Petition of TOM EDDY respectfully represents:

1. That he resides at P.O. Box 261, Grampian, Clearfield County, Pennsylvania.
2. That he currently possesses a valid Driver's License issued by the Commonwealth of Pennsylvania.
3. That on February 23, 2001, he was notified by the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing that his Driver's License will be suspended as of March 30, 2001, pursuant to 75 Pa. C.S.A. § 1519 (c). A copy of said notification is attached hereto and marked as Exhibit "A."
4. The said suspension is improper, as your Petitioner, although having a seizure disorder, is on medication which causes the seizure disorder to be under control but for the isolated incident occurring February 4, 2001, which did not involve the driving of a motor vehicle. Further,

because Petitioner's seizure disorder is controlled by medication, he is able to safely operate a motor vehicle in the Commonwealth of Pennsylvania.

WHEREFORE, your Petitioner prays that this matter be set down for a hearing de novo before your Honorable Court as provided by the Vehicle Code and the Order of the Department of Transportation be set aside.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:




Benjamin S. Blakley, III, Esquire
Attorney for Petitioner

VERIFICATION

I verify that the statements made in this Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

DATE: 03/22/01



TOM EDDY

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: February 23, 2001**

TOM EDDY
PO BOX 261
GRAMPIAN PA 16838

Dear Mr. TOM EDDY:

We have received medical information indicating that you have a Seizure Disorder condition which prevents you from safely operating a motor vehicle.

As of 03/30/2001, you may no longer drive. Your driving privilege is hereby recalled indefinitely as mandated by Section 1519(c) of the Vehicle Code.

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

Since you have a seizure disorder, you must remain seizure free for a six month period, with or without medication, before you will be eligible for reinstatement of your driving privilege. Our records indicate that your seizure occurred on 2/4/01.

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

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

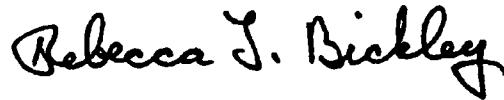
You have the right to appeal to the Court of Common Pleas (Civil Division) within thirty (30) days of the mail date of this notice. If you file an appeal in the County Court, the Court will give you a time-stamped certified copy of the appeal. In order for your appeal to be valid, you must send this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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Rebecca L. Bickley". The signature is written in a cursive style with a large, stylized "R" and "B".

Rebecca L. Bickley, Director
Bureau of Driver Licensing

Driver License #: 11142054

IN THE COURT OF COMMON PLEAS OF
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COMMONWEALTH OF PENNSYLVANIA,

VS.

TOM EDDY,

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Petitioner

PETITION FOR APPEAL FROM ORDER
OF DEPARTMENT OF
TRANSPORTATION SUSPENDING
OPERATOR'S LICENSE

FILED

012:28761
MAR 22 2001

WJS
William A. Shaw
Prothonotary

LAW OFFICES
BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

icc c/a
acc Atty Blakley
Atty pd.8000

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

COMMONWEALTH OF PENNSYLVANIA

VS

TOM EDDY,
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NO. 01 - 410 -C.D.

TYPE OF CASE: CIVIL

TYPE OF PLEADING:
AFFIDAVIT OF SERVICE

FILED ON BEHALF OF:
PETITIONER

COUNSEL OF RECORD FOR
THIS PARTY:
BENJAMIN S. BLAKLEY, III

SUPREME COURT NO.: 26331

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FILED

APR 05 2001

William A. Shaw
Prothonotary

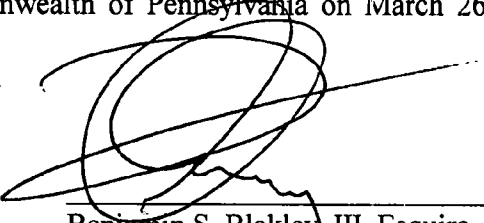
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA :
VS. : 01- 410 -C.D.
TOM EDDY, :
Defendant/Petitioner :

AFFIDAVIT OF SERVICE

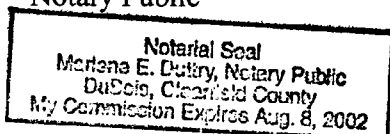
COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

BENJAMIN S. BLAKLEY, III, ESQUIRE, being duly sworn according to law, deposes and says that as attorney for Defendant/Petitioner, he did on March 22, 2001, serve the **Commonwealth of Pennsylvania, Department of Transportation** with a certified copy of a Petitioner's Petition for Appeal from Order of Department of Transportation Suspending Operator's License in regard to the above-captioned term and number, by Certified Mail, Return Receipt Requested, and was received by the Commonwealth of Pennsylvania on March 26, 2001, as evidenced by the return receipt attached hereto.


Benjamin S. Blakley, III, Esquire

Sworn to and Subscribed
before me this 4th day
of April, 2001.


Notary Public



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ 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.		A. Received by (Please Print Clearly) B. Date of Delivery MAR 26 2001	
1. Article Addressed to: Pennsylvania Dept. of Transportation Office of Chief Counsel Third Floor, R. Commonwealth of Pennsylvania Office Center Department of Transportation Harrisburg, PA 17104 MAR 26 2001		C. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> 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) <input type="checkbox"/> Yes	
2. Article Number (Copy from service label) 7000 1670 0000 4737 9670		OFFICE OF CHIEF COUNSEL	
PS Form 3811, July 1999		Domestic Return Receipt 102595-99-M-1789	

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
01-410-C.D.

COMMONWEALTH OF PENNSYLVANIA,

VS.

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DEFENDANT/PETITIONER

AFFIDAVIT OF SERVICE

FILED

APR 05 2001

WAS
012:50/120cc
William A. Shaw
Prothonotary

LAW OFFICES
BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

COMMONWEALTH OF PENNSYLVANIA

VS

TOM EDDY,
DEFENDANT/PETITIONER

: NO. 01 - 410 -C.D.
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: TYPE OF CASE: CIVIL
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: TYPE OF PLEADING:
: PRAECIPE TO WITHDRAW
: PETITION
:
:
: FILED ON BEHALF OF:
: PETITIONER
:
:
: COUNSEL OF RECORD FOR
: THIS PARTY:
: BENJAMIN S. BLAKLEY, III
:
:
: SUPREME COURT NO.: 26331
:
:
: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED

JUN 15 2001

William A. Shaw
Prothonotary

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

COMMONWEALTH OF PENNSYLVANIA	:	
	:	01- 410 -C.D.
VS.	:	
	:	
TOM EDDY,	:	
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PRAECIPE TO WITHDRAW PETITION

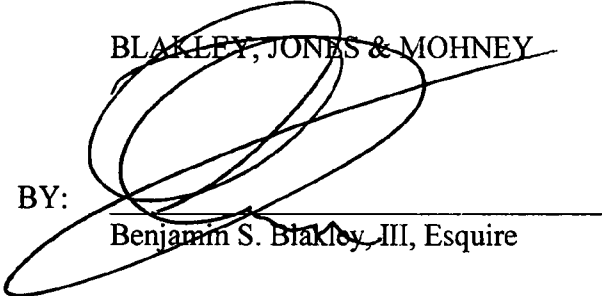
TO: WILLIAM A. SHAW, PROTHONOTARY

Please withdraw Petitioner's Petition for Appeal from Order of Department of Transportation
Suspending Operator's License in the above-captioned matter.

Respectfully submitted,

~~BLAKLEY, JONES & MOHNEY~~

BY:


Benjamin S. Blakley, III, Esquire

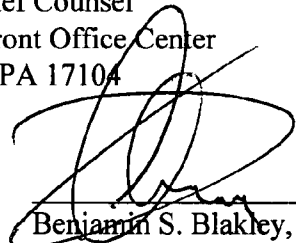
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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COMMONWEALTH OF PENNSYLVANIA	:	
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VS.	:	
	:	
TOM EDDY,	:	
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CERTIFICATE OF SERVICE

I, Benjamin S. Blakley, III, Esquire, hereby certify that I did serve the **Commonwealth of Pennsylvania, Department of Transportation** with a true and correct copy of a Petitioner's Praecipe to Withdraw Petition for Appeal from Order of Department of Transportation Suspending Operator's License in regard to the above-captioned term and number by regular United States Mail on June 14, 2001, at the following address:

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



Benjamin S. Blakley, III, Esquire

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
No. 01-410-C.D.

COMMONWEALTH OF PENNSYLVANIA,

VS.

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PRAECIPE TO WITHDRAW
PETITION

FILED

No CC

JUN 15 2001

WAS
William A. Shaw
Prothonotary

LAW OFFICES
BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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