

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

18

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

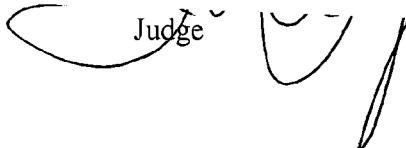
COMMONWEALTH OF :  
PENNSYLVANIA :  
vs. : No. 01-410-CD  
TOM EDDY :  
:

**ORDER**

AND NOW, this 23<sup>rd</sup> 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 : NO. 01-410 -C.D.  
VS : TYPE OF CASE: CIVIL  
TOM EDDY, : TYPE OF PLEADING:  
DEFENDANT/PETITIONER : 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 :  
: :  
: : 01- -C.D.  
VS. :  
: :  
TOM EDDY, :  
Defendant/Petitioner :  
:

**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:

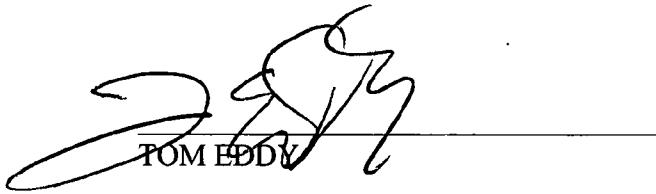
  
Benjamin S. Blakley, III, Esquire  
Attorney for Petitioner

## 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



A handwritten signature in black ink, appearing to read "TOM EDDY", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized "T" and "E".

recalszr

**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.

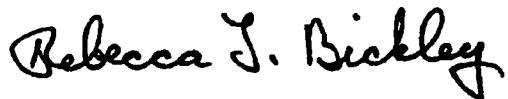
You have the right to appeal to the Court of Common Pleas (Civil Division) within thirty (30) days of the mail date of this notice. If you file an appeal in the County Court, the Court will give you a time-stamped certified copy of the appeal. In order for your appeal to be valid, you must send this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



Rebecca L. Bickley, Director  
Bureau of Driver Licensing

Driver License #: 11142054

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

COMMONWEALTH OF PENNSYLVANIA,

VS.

TOM EDDY,

Defendant/  
Petitioner

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

**FILED**

1cc c/A  
2cc Atty Blakley  
MAR 22 1987  
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 : NO. 01 - 410 -C.D.  
VS : TYPE OF CASE: CIVIL  
TOM EDDY, : TYPE OF PLEADING:  
DEFENDANT/PETITIONER : AFFIDAVIT OF SERVICE  
: 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**

APR 05 2001

William A. Shaw  
Prothonotary

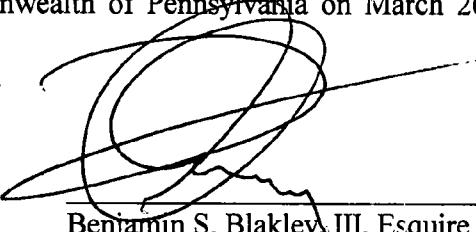
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSLVANIA  
CIVIL DIVISION

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

**AFFIDAVIT OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS.  
:

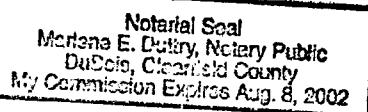
**BENJAMIN S. BLAKLEY, III, ESQUIRE**, being duly sworn according to law, deposes and says that as attorney for Defendant/Petitioner, he did on March 22, 2001, serve the **Commonwealth of Pennsylvania, Department of Transportation** with a certified copy of a Petitioner's Petition for Appeal from Order 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 4<sup>th</sup> day  
of April, 2001.

*Marlene E. Duttry*  
Notary Public



**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:

Pennsylvania Dept. of  
Transportation  
Office of Chief Counsel  
Third Floor, ~~Commonwealth of Pennsylvania~~  
Office Center Department of Transportation  
Harrisburg, PA 17104  
**MAR 26 2001**

OFFICE OF  
**CHIEF COUNSEL**  
7000 1670 0000 4737 9670

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

**MAR 26 2001**

C. Signature

**X** Agent AddresseeD. Is delivery address different from item 1?  YesIf YES, enter delivery address below:  No

E. 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

2. Article Number (Copy from service label)

Domestic Return Receipt

102595-99-M-1789

PS Form 3811, July 1999

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

COMMONWEALTH OF PENNSYLVANIA,

VS.

TOM EDDY,

DEFENDANT/PETITIONER

AFFIDAVIT OF SERVICE

**FILED**

APR 05 2001

*John O'Leary*  
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 : NO. 01 - 410 -C.D.  
VS : TYPE OF CASE: CIVIL  
TOM EDDY, : TYPE OF PLEADING:  
DEFENDANT/PETITIONER : 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  
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(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 :  
VS. : 01- 410 -C.D.  
TOM EDDY, :  
Defendant/Petitioner :  
:

**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

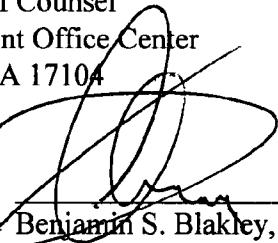
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSLVANIA  
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VS. : 01- 410 -C.D.  
TOM EDDY, :  
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:

**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 Praecept 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.

TOM EDDY,  
Defendant/Petitioner

PRAECIPE TO WITHDRAW  
PETITION

FILED

No.       

JUN 15 2001

William A. Shaw  
Prothonotary

LAW OFFICES

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