

01-1771-CU
THOMAS BRADLEY -vs- COMMONWEALTH OF PENNSYLVANIA, DEPT. OF
TRANSPORTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
Civil Division

THOMAS BRADLEY,
Petitioner

Vs.

: No. 01-1771 -CD

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

: **PETITION FOR REVIEW AND MOTION
FOR WRIT OF SUPERSEDEAS**

: Filed on behalf of:
Petitioner

: Counsel for this party:
Ronald L. Collins, Esquire

: Supreme Court No. 36744

old filing found upstairs-
EE

Sobel, Collins & Knaresboro
Attorneys at Law
218 South Second Street
Clearfield, PA 16830

: (814)765-5552
: FAX (814)765-6210

FILED

OCT 2 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
Civil Division

THOMAS BRADLEY
Petitioner

Vs. : No. 01- -CD

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

PETITION FOR REVIEW AND MOTION FOR WRIT OF SUPERSEDEAS

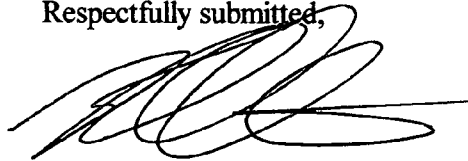
AND NOW, comes Petitioner, Thomas Bradley, by and through Ronald L. Collins, Esquire,
who moves your Honorable Court as follows:

1. That Petitioner is Thomas Bradey of 411 Treasure Lake, DuBois, Pennsylvania, who has an operator's license number is 14823085.
2. That Respondent is the Commonwealth of Pennsylvania, Department of Transportation.
3. That by Notice dated September 27, 2001, Respondent did notify Petitioner that his operating privileges were being suspended pursuant to 75 Pa. C.S.A. §1519 (c) on the basis that Respondent had received medical information indicating that Petitioner may have a seizure disorder condition with the seizure allegedly occurring on September 5, 2001. A copy of said Notice is hereinafter attached as Exhibit "A".
4. That Petitioner does not suffer from a seizure disorder nor did he suffer a seizure on September 5, 2001. In support whereof, attached hereinafter as Exhibit "B" is a copy of a letter from James E. Devlin, M.D. indicating that following the incident occurring on September 5, 2001,

Petitioner did undergo a CT examination as well as an MRI and EEG, all of which were unremarkable. In addition, also attached hereinafter as Exhibit "C" is a copy of the Compulsive Disorder Reporting Form submitted by Dr. Devling to Respondent indicating that Petitioner has not been diagnosed as having a seizure disorder.

WHEREFORE, Petitioner respectfully moves your Honorable Court to review the actions of Respondent in suspending his operating privileges and also grant unto him a supersedeas of the same pending resolution on the matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R. Collins', written over a horizontal line.

Ronald L. Collins, Esquire

recalszr

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: September 27, 2001**

THOMAS BRADLEY
411 TREASURE LAKE
DU BOIS PA 15801



Dear Mr. THOMAS BRADLEY:

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

As of 11/01/2001, 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 9/5/01.

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

Rebecca L. Bickley, Director
Bureau of Driver Licensing

Driver License #: 14823085



JAMES E. DEVLIN, M.D.

1100 Main Street

Brockway, PA 15824

Telephone: (814) 268-3645

October 11, 2001

To Whom It May Concern:

This is in reference to Dr. Thomas Bradley. Dr. Bradley apparently had a syncopal spell in his office on September 4. He was transferred to DRMC ER for further evaluation and treatment. Initially it was felt by the ER physician he possibly could have had a seizure. CT of the head was obtained which was unremarkable. Dr. Gatti was called in for consultation. After further review, it was not clear at that time if it was a seizure and did not feel it was appropriate to start Dr. Bradley on any medications. Patient has no previous history of any seizure activities. Patient was discharged and followed up as an out patient with Dr. McLaughlin, a neurologist in Franklin. He did undergo an MRI of the head which was unremarkable. Also an EEG was obtained to evaluate further possibility of seizure activity. This also was unremarkable.

As of October 10, Dr. Bradley has been doing well, he has not had any recurrence of any episodes. Recently it had been brought to my attention by Dr. Bradley that apparently his license has been revoked pending further evaluation. At this time, I am requesting if it is possible, to have Dr. Bradley's license reinstated. As noted above, his work up has been unremarkable, he has not had any previous history of any seizure activity, and has not had any recurrence of any episodes. Because of his present occupation, it is extremely important that Dr. Bradley be able to drive.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

James E. Devlin, M.D.

EXHIBIT

" B "

CONVULSIVE DISORDER REPORTING FORM

PA Department of Transportation
Bureau of Driver Licensing
P.O. Box 68682
Harrisburg, PA 17106-8682
(717) 787-9662

PATIENT INFORMATION

DRIVER'S LICENSE NUMBER 14823085				LAST NAME(S) BRADLEY				JR. ETC.		FIRST NAME THOMAS							
HEIGHT		SEX	EYE COLOR	SOCIAL SECURITY NUMBER				DATE OF BIRTH			PHONE NUMBER						
FEET	INCHES	M	Blue	1	6	0	4	4	3	1	7	2	8	8	5	1	(84) 371-6470
				MONTH	DAY	YEAR											
STREET ADDRESS 411 TREASURE LAKE								CITY DU BOIS				STATE PA		ZIP CODE 15801			

CHECK (✓) ONE: YES NO

- Has the patient been diagnosed as having a seizure disorder * ? ☐ YES ☒ NO
If yes, date of last episode _____
- Has the patient had an EEG? If yes, date of EEG 9/18/01 ☒ YES ☐ NO
Indicative of seizure pattern? ☐ YES ☒ NO
- Is the patient being treated with medication? If yes, type and dosage _____ ☐ YES ☒ NO
- Does the medication affect the patient's ability to safely operate a motor vehicle? ☐ YES ☒ NO
- Does the patient have seizure episodes attributable to a **prescribed** change in or removal from medication? ☐ YES ☒ NO
If yes, date of last episode? _____
Has the original medication been reintroduced? ☐ YES ☒ NO
- Does the patient have seizure episodes always preceded by a specific prolonged aura? ... ☐ YES ☒ NO
If yes, what is the duration of the aura? _____
How is it manifested? _____
How long has the patient experienced this aura? _____
- Does the patient experience only an aura? ☐ YES ☒ NO
How long has the patient experienced this aura? _____
- Does the patient have a pattern of seizure episodes occurring only during sleep or immediately upon awakening? ☐ YES ☒ NO
If yes, how long has the patient experienced this pattern? _____
- Does the patient have seizure episodes attributable to a nonrecurring transient illness, toxic ingestion, metabolic imbalance, or nonrecurring trauma? ☐ YES ☒ NO
If yes, please explain _____

- Has the patient been diagnosed as having episodes of loss of consciousness or awareness which would interfere with the safe operation of a motor vehicle? ☐ YES ☒ NO

* SEIZURE DISORDER - More than one seizure or a single seizure of electrically diagnosed epilepsy.

PHYSICIAN INFORMATION (Please print or type)

NAME <u>James B. Delini MD</u>		SPECIALTY <u>PP</u>		STATE LICENSE # <u>MD36288R</u>	
STREET ADDRESS <u>100 Main St</u>		CITY <u>Bradley</u>		STATE <u>Pz</u>	ZIP CODE <u>15804</u>
PHYSICIAN'S SIGNATURE <u>[Signature]</u>		DATE <u>10/23/01</u>	TELEPHONE <u>814-268-3265</u>		

EXHIBIT

"C"

No. 01-	-CD
Thomas Bradley, Petitioner	vs. Commonwealth of Pennsylvania, Department of Transportation, Respondent
Petition for Review and Motion for Writ of Supersedeas	
<div>FILED</div> <div>OCT 26 2001 O/1:01 City Call no William A. Shaw Prothonotary pd \$20.00 3cc atty Call no 1cc CA</div>	
Sobel, Collins & Knaresboro ATTORNEYS & COUNSELORS AT LAW 218 SOUTH SECOND STREET CLEARFIELD, PENNSYLVANIA 16830 (814) 765-5552 (814) 765-6555	

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
Civil Division

THOMAS BRADLEY,
Petitioner

Vs.

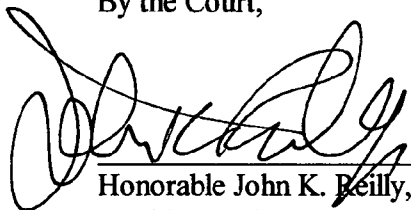
: No. 01-1771 -CD

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

ORDER

AND NOW, this 29 day of October, 2001, upon presentation and consideration of the Motion for Supersedeas filed by Petitioner in this matter and following hearing on the same attended by Petitioner, it appearing that Petitioner has certain medical evidence indicating that he does not suffer from a seizure disorder, it is the ORDER of this Court that a SUPERSEDEAS of the suspension of Petitioner's license by Respondent be and is hereby GRANTED, and that Petitioner shall be permitted to retain his operator's license and continue to drive pending a hearing on the merits of the Petition for Review filed in this matter.

By the Court,


Honorable John K. Reilly, Jr.
President Judge

FILED

OCT 29 2001

01:25/67
William A. Shaw
Prothonotary

5 SENT TO ATT

No. 01- -CD	Thomas Bradley, Petitioner vs. Commonwealth of Pennsylvania, Department of Transportation, Respondent	ORDER		Sobel, Collins & Knaresboro ATTORNEYS & COUNSELORS AT LAW 218 SOUTH SECOND STREET CLEARFIELD, PENNSYLVANIA 16830 (814) 765-5552 (814) 765-6555
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FILED
OCT 29 2001
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
Civil Division

THOMAS BRADLEY,
Petitioner

Vs. : No. 01- 1771 -CD

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

: **PRAECIPE**

: Filed on behalf of:
Petitioner

: Counsel for this party:
Ronald L. Collins, Esquire

: Supreme Court No. 36744

: Sobel, Collins & Knaresboro
Attorneys at Law
218 South Second Street
Clearfield, PA 16830

: (814)765-5552

: FAX (814)765-6210

FILED

NOV 08 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
Civil Division

THOMAS BRADLEY,
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Vs. : No. 01- 1771 -CD

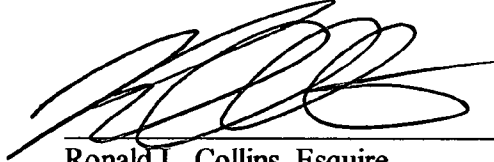
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

P R A E C I P E

To: William Shaw, Prothonotary

Pursuant to the instructions of the Honorable John K. Reilly, Jr. at the hearing held in this matter on October 29, 2001, please accept the attached Exhibit consisting of a letter from Emilio Fernandez Gatti, M.D. dated October 25, 2001 for filing in the above-captioned matter.

Respectfully submitted,



Ronald L. Collins, Esquire

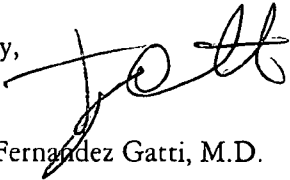
Emilio Fernandez Gatti, M.D.
Diplomate, American Board of Psychiatry and Neurology
Diplomate, American Board of Internal Medicine
145 Hospital Road
Medical Arts Building, Suite 204
Dubois, PA 15801
E-mail efgatti@hotmail.com

October 25, 2001

To Whom It May Concern:

I saw Dr. Bradley in the Emergency Room at DRMC for the assessment of syncope on September 4th 2001. Since then he had an extensive work up which is negative. In my opinion his driving privileges should not be revoked because this isolated incidence. About 2 months have passed and he has not had any further problems. As you know, the changes of re-occurrence of syncope are greater during the first 30 to 60 days from the date of the incident and they steadily decline. The driving restrictions would place an unusual burden on his ability to work. Please contact me if you any questions.

Sincerely,



Emilio Fernandez Gatti, M.D.

No. 01-1771-CD

Thomas Bradley,
Petitioner

vs.

Commonwealth of Pennsylvania,
Department of Transportation,
Respondent

P R A E C I P E

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NOV 08 2001
William A. Shaw
Prothonotary

Sobel, Collins & Knatesboro
ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552 (814) 765-6555

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

Thomas Bradley
Plaintiff

vs.

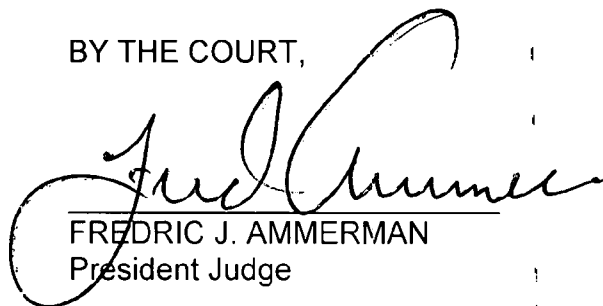
Commonwealth of Pennsylvania, Dept. of Transportation
Defendant

*
*
* NO.01-1771-CD
*
*

ORDER

NOW, this 24th day of July, 2007, it is the ORDER of this Court that the above-captioned case be and is hereby dismissed due to inactivity.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED *icc Atty's:*
01/12:53/01
JUL 25 2007 *Collins*
William A. Shaw *Kuhar*
Prothonotary/Clerk of Courts *GK*