

03-598-CD
JAMES H. STARN vs. COMM. OF PENNA, DEPT OF TRANS

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

JAMES H. STARN,
Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

NO. 03-598-40

Type of Case: Civil

Type of Pleading: Appeal Petition

Filed on behalf of: Petitioner

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

APR 24 2003

William A. Shaw
Prothonotary

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

JAMES H. STARN,
Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

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: NO. _____ C.D.
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APPEAL
PETITION FOR REVIEW OF ORDER OF DEPARTMENT OF
TRANSPORTATION RECALLING DRIVER'S LICENSE

AND NOW, comes your Petitioner, JAMES H. STARN, through his Attorney, David P. King, and in support of his Petition pursuant to 75 Pa. Cons. Stat. §1550 for Review of an Order of the Department of Transportation Recalling Petitioner's Operating Privilege, and in support thereof represents as follows:

1. The Petitioner is JAMES H. STARN, residing at 504 Treasure Lake, DuBois, PA 15801.
2. Petitioner currently possesses a valid Driver's License issued to him by the Pennsylvania Department of Transportation, License Number 16667603.
3. By letter indicating a mail date of March 25, 2003, Petitioner was notified in writing by the Department of Transportation of a recall of his Driver's License and privileges in accordance with Section 1519(c) of the Pennsylvania Vehicle Code as a result of medical information received indicating that he had a neuropsychiatric condition which prevents him from safely operating a motor vehicle. A copy of this letter and notification is attached hereto as Exhibit "A", Pages 1 through 2.

4. The recall as referred to herein is improper and unlawful for the following reasons:

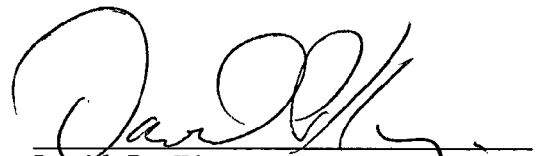
- (a) Appellant is in fact capable of safely operating a motor vehicle;
- (b) The Appellant does not take the suspected prescription medication Donepezil/Aricept which Appellant believes is the underlying reason for his License being recalled;
- (c) The Appellant has not had a motor vehicle accident over the many years that he has been a licensed driver in the State of Pennsylvania, and believes that the action of the Department of Transportation is based in whole or in part on his age; and
- (d) Appellant further believes that such a criteria used in whole or in part for the recalling of a Driver's License is unconstitutional, illegal, discriminatory and an affront to the senior citizens of the Commonwealth of Pennsylvania in general, and in particular to the Appellant herein.

5. Therefore, Petitioner and Appellant, JAMES H. STARN, requests your Honorable Court to grant the following relief:

- A. To issue an Order of Supersedeas so that Petitioner and Appellant may continue to drive for all of the reasons as set forth above;
- B. To schedule a Hearing on the Supersedeas matter in accordance with Section 1550(b)(1)(ii);

C. Thereafter, to schedule a Hearing on the issue of the actions of the Pennsylvania Department of Transportation whereby your Petitioner's License was recalled; and

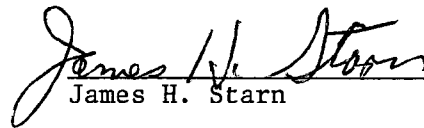
D. And thereafter, to issue an appropriate Order rescinding, reversing and overruling the recall of Petitioner's License, and to sustain his Appeal herein.



David P. King
Attorney for Petitioner/
Appellant

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

Date: April 22, 2003


James H. Starn

recalls

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

Bureau of Driver Licensing

Mail Date: March 25, 2003 ✓

JAMES STARN
504 TREASURE LAKE
DU BOIS PA 15801

Dear Mr. JAMES STARN:

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

As of 04/29/2003, 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.

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.

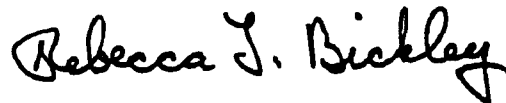
X You have the right to appeal to the Court of Common Pleas (Civil Division) within thirty (30) days of the mail date of this notice. If you file an appeal in the County Court, the Court will give you a time-stamped certified copy of the appeal. In order for your appeal to be valid, you must send this time-stamped 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 #: 16667603

COPY FYI
filed original AT pko.

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

JAMES H. STARN,
Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

NO. 03-598-0

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Filed on behalf of: Petitioner

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

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

APR 24 2003

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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vs.

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DEPARTMENT OF TRANSPORTATION,
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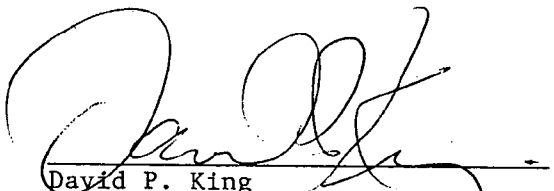
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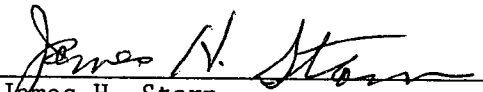
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Attorney for Petitioner/
Appellant

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Date: April 22, 2003


James H. Starn

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DEPARTMENT OF TRANSPORTATION
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Mail Date: March 25, 2003 ✓**

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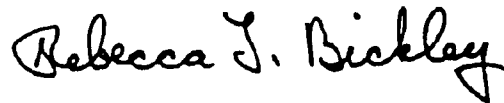
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Sincerely,

A handwritten signature in cursive script that reads "Rebecca L. Bickley".

Rebecca L. Bickley, Director
Bureau of Driver Licensing

Driver License #: 16667603

CS

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

James H. Starn
Plaintiff

vs.

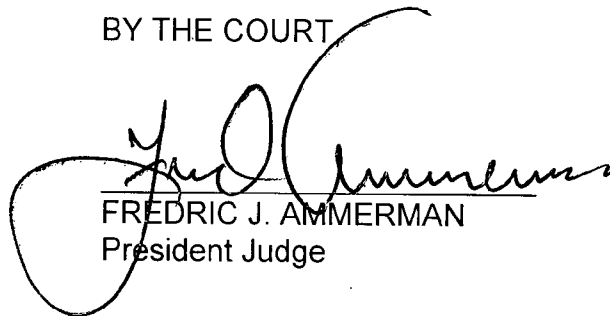
Commonwealth of Pennsylvania, Dept. of Transportation
Defendant

*
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* NO.03-598-CD
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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
p/13:53/54
JUL 25 2007

William A. Shaw
Prothonotary/Clerk of Courts

1 cc Atty: King
Kuhar