

03-1150-CD
COMMONWEALTH OF PENNA. VS. ALECIA SPRINGOLA

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
Appellee :
:
vs. : No. 03-1150-CD
:
ALECIA SPINGOLA, :
Appellant :
:

PETITION FOR APPEAL OF
RECALL OF DRIVING
PRIVILEGES

Filed on behalf of

Appellant

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

AUG 05 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

COMMONWEALTH OF PENNSYLVANIA	:	
DEPARTMENT OF TRANSPORTATION	:	
Appellee	:	
	:	
vs.	:	No.
	:	
ALECIA SPINGOLA,	:	
Appellant	:	

NOTICE

A Petition or Motion has been filed against you in Court. If you wish to defend against the claims set forth in the following pages, you must take action on or before _____ by entering a written appearance personally or by attorney and filing (Rule Returnable) in writing with the Court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so the case may proceed without you and an order may be entered against you by the Court without further notice for relief requested by the Petitioner or Movant. You may lose 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
Clearfield County Courthouse
Market & Second Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 1300

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
Appellee :
vs. :
ALECIA SPINGOLA, :
Appellant :
No.

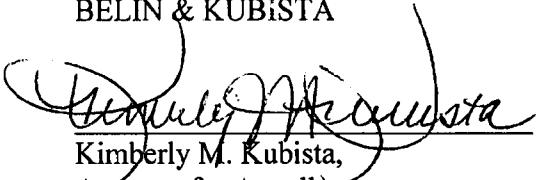
PETITION FOR APPEAL OF
RECALL OF DRIVING PRIVILEGES

1. Appellant is Alecia Spingola, an adult individual, of 109 Elizabeth Street, Clearfield, Lawrence Township, Clearfield County, Pennsylvania.
2. Appellee is Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing, Third Floor, Riverfront Office Center, Harrisburg, Pennsylvania 17104.
3. Appellant has been notified of the suspension of her driving privileges as an alleged seizure disorder which occurred on May 29, 2003. A copy of said notice is attached hereto and incorporated herein by reference as though set forth in full.
4. The mailing date of said Notice is July 7, 2003.
5. The effective date of the suspension is August 11, 2003.
6. This Court has venue of the instant proceeding as the county of residence of the Appellant.
7. Appellant's operating privileges have been suspended for a period of six (6) months.
8. Appellant has appealed the suspension of her operator's license and represents to the Court that:

- a) Although the Appellant did have a seizure, it was caused by the usage of ephedron and not by a seizure disorder.
- b) That medical documentation has been supplied to the Commonwealth of Pennsylvania, Department of Transportation by Dr. Lipitz, a neurologist of Altoona, Pennsylvania, indicating that the seizure was related to the use of ephedron and that Appellant's driving privileges should not be suspended as she does not suffer from a seizure disorder.

WHEREFORE, the Appellant prays Your Honorable Court for an Order: a) granting a supercedeas in this matter pending a hearing; b) sustaining the appeal and dismissing the recall of the operating privileges.

BELIN & KUBISTA


Kimberly M. Kubista,
Attorney for Appellant

COMMONWEALTH OF PENNSYLVANIA

: ss

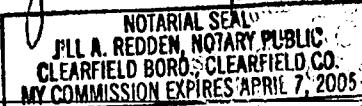
COUNTY OF CLEARFIELD

Before me, the undersigned Officer, personally appeared ALECIA SPINGOLA, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Petition for Appeal are true and correct to the best of her knowledge, information and belief.

Alecia Spingola
Alecia Spingola

SWORN and SUBSCRIBED before me this 5th day of Aug, 2003.

Jill A. Redden



recalszr

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: July 7, 2003

ALECIA SPINGOLA
1008 LINDEN ST
CLEARFIELD PA 16830

Dear Ms. ALECIA SPINGOLA:

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

As of 08/11/2003, 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.

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 5/29/03.

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.

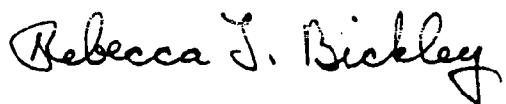
You have the right to appeal to the Court of Common Pleas (Civil Division) within thirty (30) days of the mail date of this notice. If you file an appeal in the County Court, the Court will give you a time-stamped certified copy of the appeal. In order for your appeal to be valid, you must send this 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 #: 22422121

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

CH

Q1

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
Appellee :
:
vs. :
:
ALECIA SPINGOLA, :
Appellant :
:

ORDER

AND NOW, this 7th day of August, 2003, upon consideration of the within PETITION FOR APPEAL OF RECALL OF DRIVING PRIVILEGES and on motion by the Petitioner above named, Supercedeas of the suspension of the operating privileges of the Petitioner, as set forth in the official notice of the Director of the Bureau of Driver Licensing, Department of Transportation, mail date July 7, 2003, is hereby granted based on the report of Mark E. Lipitz, D.O. Further, Appellant shall hereafter refrain from the use of any drug containing ephedrine.

Written notice no later than sixty (60) days prior to the hearing shall be given to the Director of the Bureau of Driver Licensing, Department of Transportation, Commonwealth of Pennsylvania, of the date, time and location of said hearing.

Supercedeas Approved:

BY THE COURT

Judge

FILED

AUG 07 2003

William A. Shaw
Prothonotary/Clerk of Courts

Blair Medical Associates, Inc.

1414 Eighth Avenue Altoona, PA 16602 (814) 946-1655 Fax: (814) 949-7616

August 06, 2003

Attorney Kim Kubista
15 West Front Street
Clearfield, PA 16830

RE: ALECIA F SPINGOLA
DOB: 05/13/1971
MRN: 111823

Dear Attorney Kubista:

Alecia F. Spingola does not have a seizure disorder per se.

She had one seizure on 08/29/03, and she had a NORMAL range awake and light sleep EEG (interpreted by Dr. Sandra Louchik).

She has no history of prior seizure. She does not have a "seizure disorder" therefore.

Moreover, her seizure occurred in the context of an ingestion of an unusually large dose of Ephedrine, which I would consider as a non-recurring toxic ingestion which likely provoked her seizure.

Within a degree of medical certainty, this patient is able to drive, subject to DMV approval.

Sincerely,

Electronically signed by Mark E. Lipitz, D.O.
Blair Medical Associates
Department of Neurology

MEL/kshaf

D: 08/06/03
T: 08/07/03

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
Appellee :
:
vs. : No. 03-1150-CD
:
ALECIA SPINGOLA, :
Appellant :
:

CERTIFICATE OF SERVICE

File on behalf of

Appellant

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

AUG 15 2003

William A. Shaw
Prothonotary/Clerk of Courts

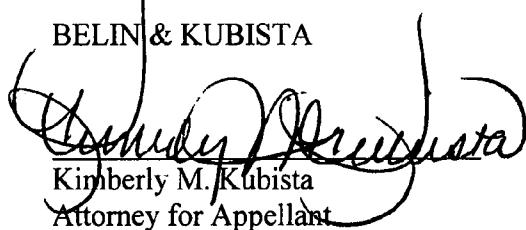
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
Appellee :
:
vs. : No. 03-1150-CD
:
ALECIA SPINGOLA, :
Appellant :
:

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Petition for Appeal of
Recall of Driving Privileges in the above captioned matter by certified mail, restricted delivery
on the 7th day of August, 2003 to the following:

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

BELIN & KUBISTA

Kimberly M. Kubista
Attorney for Appellant

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, Riverfront Office Center
Harrisburg, PA 17104

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

AUG 07 2003

C. Signature

Commonwealth of Pennsylvania Agent
 Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

AUG 07 2003

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

2. A 7001 2510 0002 6639 6156

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

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

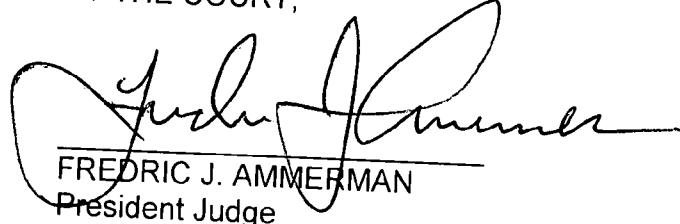
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

Commonwealth of Pennsylvania, Dept. of Transportation *
Plaintiff *
vs. *
Alecia Spingola NO. 03-1150-CD
Defendant *

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

01/23/01
JUL 24 2007

1CC Atty's:
Kuhar
K.Kubista

William A. Shaw
Prothonotary/Clerk of Courts

(6K)