

03-1261-CD  
COMMONWEALTH OF PENNA. vs. JOHN MENCER

9/5/03 Cert. of Service

missing when file  
returned 1/13/04

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

COMMONWEALTH OF PENNSYLVANIA :  
DEPARTMENT OF TRANSPORTATION :

Appellee :

vs. :

No. 2003-1261-CP

JOHN MENCER, :

Appellant :

PETITION FOR APPEAL OF  
RECALL OF DRIVING PRIVILEGES

1. Appellant is John Mencer, an adult individual, of Apt. 10, 109 Nichols, Clearfield, 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 his driving privileges due to an alleged neuropsychiatric condition. 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 26, 2003.
5. The effective date of the suspension is August 30, 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 recalled indefinitely pursuant to Section 1519(c) of the Vehicle Code.
8. Appellant has appealed the suspension of her operator's license and represents to the Court that:

FILED

AUG 25 2003

012:20 AM

William A. Shaw

Prothonotary/Clerk of Courts

1 CERT TO CLERK

2 CERT TO ATTORNEY

a) Although the Appellant does have Parkinson's Disease, the symptoms are under control through medication.

b) That medical documentation has been obtained from Todd Samuels, M.D. a neurologist of Camp Hill, Pennsylvania, indicating that there is no reason from a neurologic standpoint to restrict Appellant's driver's license.

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

BELIN & KUBISTA



---

John R. Ryan,  
Attorney for Appellant

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: July 26, 2003

JOHN MENCER  
APT 10  
109 NICHOLS ST  
CLEARFIELD PA 16830

Dear Mr. JOHN MENCER:

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

As of 08/30/2003, 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.

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,

*Rebecca L. Bickley*

Rebecca L. Bickley, Director  
Bureau of Driver Licensing

Driver License #: 15772153

RECEIVED AUG 21 2003

DEA #

TODD L. SAMUELS, M.D.  
897 POPLAR CHURCH ROAD  
CAMP HILL, PA 17011  
(717) 975-8585

NAME Mencer, John

ADDRESS \_\_\_\_\_ DATE 8/18/03

Rx (Please Print)

There is no reason  
from a neurologic  
standpoint to restrict  
Mr. Mercer's driver's  
license at this point.

REFILL \_\_\_\_\_ TIMES PRN NR

SUBSTITUTION PERMISSIBLE Todd Samuels M.D.

IN ORDER FOR A BRAND NAME PRODUCT TO BE DISPENSED,  
THE PRESCRIBER MUST HANDWRITE "BRAND NECESSARY"  
OR "BRAND MEDICALLY NECESSARY" IN THE SPACE BELOW.

24-Jun-03

AXE03

TRI030624\_100168803\_0434\_3465

EXHIBIT "B"

BELIN & KUBISTA

CLEARFIELD, PENNSYLVANIA 16830

15 NORTH FRONT STREET

P. O. BOX F

ATTORNEYS AT LAW

**FILED**

**AUG 25 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. 2003-1261-C  
:  
JOHN MENCER, :  
Appellant :  
:

PETITION FOR APPEAL OF  
RECALL OF DRIVING PRIVILEGES

1. Appellant is John Mencer, an adult individual, of Apt. 10, 109 Nichols, Clearfield, 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 his driving privileges due to an alleged neuropsychiatric condition. 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 26, 2003.
5. The effective date of the suspension is August 30, 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 recalled indefinitely pursuant to Section 1519(c) of the Vehicle Code.
8. Appellant has appealed the suspension of her operator's license and represents to the Court that:

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

AUG 25 2003

Attest.

*W. B. L.*  
Prothonotary/  
Clerk of Courts

- a) Although the Appellant does have Parkinson's Disease, the symptoms are under control through medication.
- b) That medical documentation has been obtained from Todd Samuels, M.D. a neurologist of Camp Hill, Pennsylvania, indicating that there is no reason from a neurologic standpoint to restrict Appellant's driver's license.

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

BELIN & KUBISTA



---

John R. Ryan,  
Attorney for Appellant

recallns

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: July 26, 2003**

JOHN MENCER  
APT 10  
109 NICHOLS ST  
CLEARFIELD PA 16830

Dear Mr. JOHN MENCER:

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

As of 08/30/2003, 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.

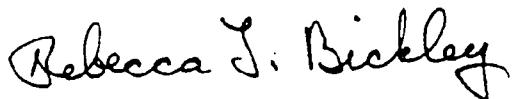
You have the right to appeal to the Court of Common Pleas (Civil Division) within thirty (30) days of the mail date of this notice. If you file an appeal in the County Court, the Court will give you a time-stamped certified copy of the appeal. In order for your appeal to be valid, you must send this 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 fluid and cursive, with "Rebecca" and "L." being smaller and "Bickley" being larger and more prominent.

Rebecca L. Bickley, Director  
Bureau of Driver Licensing

Driver License #: 15772153

DEA #

RECEIVED AUG 21 2003

TODD L. SAMUELS, M.D.  
897 POPLAR CHURCH ROAD  
CAMP HILL, PA 17011  
(717) 975-6585

NAME

ADDRESS

DATE

Rx (Please Print)

There is no reason  
from a neurologic  
standpoint to restrict  
Mr. Mences's driver's  
license at this point.

REFILL \_\_\_\_\_ TIMES PRN NR

SUBSTITUTION PERMISSIBLE Todd Samuels M.D.

IN ORDER FOR A BRAND NAME PRODUCT TO BE DISPENSED,  
THE PRESCRIBER MUST HANDWRITE "BRAND NECESSARY"  
OR "BRAND MEDICALLY NECESSARY" IN THE SPACE BELOW.

24-Jun-03

AXE03

TRI030624\_100168803\_0434\_3465

EXHIBIT "B"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

COMMONWEALTH OF PENNSYLVANIA:

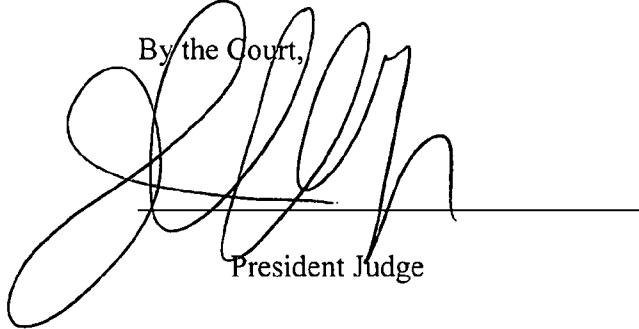
DEPARTMENT OF TRANSPORTATION :

-vs- : No. 03 - 1261 - CD

JOHN MENCER :

**ORDER**

NOW, this 19<sup>th</sup> day of September, 2003, this being the day and date set for hearing into Petition for Supersedeas pending hearing on the merits filed on behalf of Appellant above-named, counsel for the Commonwealth having indicated no objections thereto, it is the ORDER of this Court that said request for supersedeas shall be and is hereby granted pending hearing on the merits to be scheduled by the Court Administrator forthwith.

By the Court,  
  
President Judge

FILED

SEP 19 2003  
010151w  
William A. Shaw  
Prothonotary/Clerk of Courts

1 CERT TO RYAN  
1 CERT TO KUNZEN

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

COMMONWEALTH :  
:  
vs. : No. 03-1261-CD  
:  
JOHN MENCER :  
:

**ORDER**

AND NOW, this 13th day of January, 2004, it is the ORDER of the Court that the License Suspension Appeal filed in the above matter has been scheduled for Monday, February 23, 2004 at 3:00 P.M. before the Honorable John K. Reilly, Sr. Judge, Specially Presiding, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:



FREDRIC J. AMMERMAN  
President Judge

**FILED**

JAN 13 2004

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

2 CC

to CJA - will serve

01/31/04

JAN 3 2004

*WAS*

William A. Shaw  
Prothonotary/Clerk of Courts



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

September 4, 2003

William A. Kuhar, Jr., Esquire  
Assistant Counsel  
Office of Chief Counsel  
Pennsylvania Department of Transportation  
1209 State Office building  
300 Liberty Avenue  
Pittsburgh, PA 15222

John R. Ryan, Esquire  
Belin & Kubista  
Post Office Box 1  
Clearfield, PA 16830

9-A-83  
Goo  
G

RE: COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
vs.  
JOHN MENCER  
No. 03-1261-CD

Dear Counsel:

With regard to the above matter, please be advised that Defendant's Petition for Appeal of Recall of Driving Privileges has been scheduled for Friday, September 19, 2002 at 9:00 A.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

Very truly yours.

*Marcy Kelley*  
Marcy Kelley  
Deputy Court Administrator

cc: Honorable Judge Reilly

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF CHIEF COUNSEL  
1209 STATE OFFICE BUILDING  
300 LIBERTY AVENUE  
PITTSBURGH, PENNSYLVANIA 15222

TO: Mary Kelly, Court Administrator's Office FROM: William A. Kubas, Jr.  
FAX NO. (814) 965-7649 DATE: September 17, 2003  
NO. OF PAGES (INC. COVER) 3 TELEPHONE NO. 412-565-7555

FAX NO. (412) 565-7778  
Subject: Commonwealth of Pennsylvania  
Department of Transportation

\*\*\* Confidentiality Note \*\*\*

John Mercer  
vs.  
No. 2003-1261-CJ

The documents accompanying this transmission contain information from the Office of Chief Counsel which is confidential and/or legally privileged. The information is intended solely for the use of the individual or entity named on the transmission sheet. If you are not the designated recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is prohibited.

MESSAGE

Here is the doctor's report that the Department relied upon  
in recalling Mr. Mercer's driving privilege. Please see  
that President Judge Reilly sees it.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

COMMONWEALTH OF PENNSYLVANIA : NO. 03-1035- C.D.  
DEPARTMENT OF TRANSPORTATION :  
Appellee : PRAECIPE TO WITHDRAW  
VS. : APPEAL  
: Filed on Behalf of:  
JOHN MENCER, : Appellant, John Mencer  
Appellant : Counsel or Record for  
: This Party:  
: JOHN R. RYAN, ESQUIRE  
: PA I.D. #38739  
: BELIN & KUBISTA  
: 15 North Front Street  
: P.O. Box 1  
: Clearfield, PA 16830  
: (814) 765-8972

**FILED**

JAN 15 2004

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. 2003-1261-C.D.

JOHN MENCER,  
Appellant

**PRAECIPE TO WITHDRAW APPEAL**

TO WILLIAM A. SHAW, PROTHONOTARY:

Please withdraw the appeal filed to the above-captioned matter on behalf of JOHN  
MENCER.

BELIN & KUBISTA

  
John R. Ryan  
Attorney for Appellant, John Mencer

FILED 4CC  
1/3/2004 Atty Ryan A  
JAN 10 2004 To  
William A. Shaw  
Prothonotary/Clerk of Courts  
[Signature]

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



DuBois Regional Medical Center  
Primary Care Associates — Curwensville

465 State Street, Suite A  
Curwensville, PA 16833  
Office: (814) 236-1123  
FAX: (814) 236-2172

15772153

JUN 27 2003

6/23/03

Dear Sirs

Please be advised Mr. John Warner  
is a patient of ours born 12/6/2/129  
and has multiple medical problems  
and is on medication that could  
interfere with his reaction time &  
therefore, cognitive abilities.  
He should not be driving a  
motor vehicle until further notice.

Sincerely  
Carol E. Elkins  
RN

#3

DuBois Regional  
Medical CenterP.O. Box 447  
DuBois, Pennsylvania 15801-0447*Making the difference for life.***FAX Cover Sheet**Sent to: Penn DotFAX #: 1-717-705-4415Sent From: PCA CurwensvilleVoice # 814-236-1123

MUN 27 2003

FAX # 814-236-2172Pages Sent (including cover sheet): 2Message: Re: John Mercer

**This FAX contains confidential information intended for the above recipient only.**

**If you receive this transmission in error, destroy the faxed materials and contact the above sender at D.R.M.C. immediately.**

*#2*