

03-1856-CD  
HELEN BUTLER vs. COMMONWEALTH OF PENNSYLVANIA DEPT. OF TRANS.

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

HELEN BUTLER

Petitioner

No. 2003-1856-cp

vs.

COMMONWEALTH OF  
PENNSYLVANIA DEPARTMENT OF  
TRANSPORTATION BUREAU OF  
DRIVER LICENSING

Respondent

PETITION TO SET ASIDE ORDER OF THE  
DEPARTMENT OF TRANSPORTATION  
WHICH SUSPENDED PETITIONER'S  
OPERATING PRIVILEGE AND PETITION  
TO OBTAIN A JUDICIAL ORDER  
PERMITTING PETITIONER TO CONTINUE  
DRIVING

Code: Civil

Filed on behalf of:  
Plaintiff  
Helen Butler

Counsel of Record for this party:  
Mark A. Falvo, Esquire  
Pa. I.D. #58135  
38 West Scribner Avenue  
DuBois, PA 15801  
(814) 375-2259

*Original*  
*to CR*

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

DEC 18 2003

Attest.

*W. A. Brown*  
Prothonotary/  
Clerk of Courts

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

HELEN BUTLER

Petitioner : No. 2003-1856- CD

vs.

COMMONWEALTH OF  
PENNSYLVANIA DEPARTMENT OF  
TRANSPORTATION BUREAU OF  
DRIVER LICENSING

Respondent :

**PRAECIPE TO DISCONTINUE CASE**

Please mark the above-mentioned case as discontinued.



\_\_\_\_\_  
Mark A. Falvo, Esquire  
Akman & Associates, P.C.  
Pa. I.D. #58135  
38 West Scribner Avenue  
DuBois, PA 15801  
(814) 375-2259

FILED

DEC 23 2003

William A. Shaw  
Prothonotary/Clerk of Courts

FILED 3cc & Disc 10/23/03  
RECEIVED  
OCT 23 2003  
copy of Disc. to QPA

William A. Shaw  
Prothonotary/Clerk of Courts

*W.A.S.*

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

**Helen Butler**

**Vs.**

**No. 2003-01856-CD**

**Commonwealth of Pennsylvania  
Department of Transportation  
Bureau of Driver Licensing**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on December 23, 2003, marked:

Discontinued

Record costs in the sum of \$85.00 have been paid in full by Mark A. Falvo, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of December A.D. 2003.

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William A. Shaw, Prothonotary

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

HELEN BUTLER

Petitioner

No. 2003-1856-cv

vs.

COMMONWEALTH OF  
PENNSYLVANIA DEPARTMENT OF  
TRANSPORTATION BUREAU OF  
DRIVER LICENSING

Respondent

PETITION TO SET ASIDE ORDER OF THE  
DEPARTMENT OF TRANSPORTATION  
WHICH SUSPENDED PETITIONER'S  
OPERATING PRIVILEGE AND PETITION  
TO OBTAIN A JUDICIAL ORDER  
PERMITTING PETITIONER TO CONTINUE  
DRIVING

Code: Civil

Filed on behalf of:

Plaintiff  
Helen Butler

Counsel of Record for this party:

Mark A. Falvo, Esquire  
Pa. I.D. #58135  
38 West Scribner Avenue  
DuBois, PA 15801  
(814) 375-2259

FILED

DEC 18 2003

01/12/04  
William A. Shaw

Prothonotary/Clerk of Courts

Court to C/P

Court to BPA

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

HELEN BUTLER :  
Petitioner : No.  
vs. :  
COMMONWEALTH OF :  
PENNSYLVANIA DEPARTMENT OF :  
TRANSPORTATION BUREAU OF :  
DRIVER LICENSING :  
Respondent :  
:

**PETITION TO SET ASIDE ORDER OF THE DEPARTMENT OF TRANSPORTATION  
WHICH SUSPENDED PETITIONER'S OPERATING PRIVILEGE AND TO OBTAIN A  
JUDICIAL ORDER PERMITTING PETITIONER TO CONTINUE DRIVING**

Petitioner HELEN BUTLER, by the undersigned counsel, respectfully petitions the Court pursuant to 75 Pa. Cons. Stat. Ann. §1550 for review of an order of the Department of Transportation suspending petitioner's operating privilege and in support thereof represents as follows:

1. Petitioner Helen Butler is an adult individual residing at 37 Tyrone Street, Curwensville, Clearfield County, Pennsylvania 16833.
2. Petitioner currently possesses a valid driver's license #08995280, issued to her on May 15, 2001, which has not heretofore been suspended, cancelled, or revoked.
3. By letter dated November 19, 2003, petitioner was notified in writing the Department of Transportation was suspending her driving privileges for the following reasons as set forth in the notice: Seizure Disorder condition. A copy of the notice is incorporated herein and attached as Exhibit "A".
4. The suspension is improper and unlawful for the following reasons:

- A. Petitioner is entitled to a hearing prior to the suspension of her license.
- B. Petitioner had an event in the late evening hours of September 11, 2003 not while she was driving a motor vehicle.
- C. Petitioner had an event that she and other family members, who were present during the event, described as "the shakes" and not a seizure in the late evening hours of September 11, 2003. The family members who witnessed this event are as follows: Ronald L. Butler, husband; Todd E. Butler, son; and Ryan L. Hess, grandson.
- D. Petitioner asserts that when she arrived at Clearfield Hospital in the late evening hours on September 11, 2003, neither she nor any family members specifically those mentioned in Paragraph C told anyone at the emergency room that she had suffered a seizure.
- E. Petitioner lives in rural Clearfield County and needs her drivers license to meet her daily needs.

5. Petitioner believes and therefore avers that at present she can safely operate a motor vehicle and therefore remains no medical need, advisability or necessity to refrain from driving.

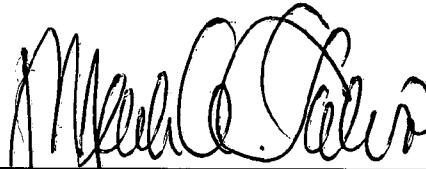
6. The Suspension Notice from the Department of Transportation specifically states that she must turn in her license on or before December 24, 2003 unless petitioner appears in person before a judge prior to that date and receives an order permitting her to continue driving.

7. Petitioner desires to continue driving and therefore makes herself available to appear before this honorable court any time for the purpose of obtaining the order referred

to in paragraph 6 above.

WHEREFORE, petitioner respectfully requests that the Court issue an order permitting her to continue driving and set this matter down forthwith for de novo hearing pursuant to 75 Pa. Cons. Stat. Ann. §1550 and that the order of the Department of Transportation be set aside pending said hearing.

Date: *12-18-03*



Mark A. Falvo, Esquire  
Attorney for Petitioner

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: November 19, 2003

recalszr

HELEN BUTLER  
37 TYRONE ST  
CURWENSVILLE PA 16833

Dear Ms. HELEN BUTLER:

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

As of 12/24/2003, you may no longer drive. Your driving privilege is hereby recalled indefinitely as mandated by Section 1519(c) of the Vehicle Code.

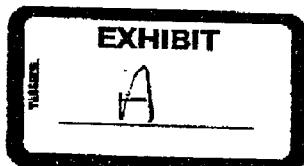
This decision has been made by comparing your medical condition with the standards recommended by our Medical Advisory Board and adopted by this Department. This action will remain in effect until we receive medical information that your condition has improved and you are able to safely operate a motor 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 9/12/03.

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 68582, 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 #: 08995280

VERIFICATION

I, HELEN BUTLER, verify that the averments or denials of fact contained in this Petitioner true and correct to the best of my knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

12-18-03

Date

Helen Butler  
Helen Butler