

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

vs.

COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION BUREAU OF
DRIVER LICENSING

Respondent

No. 2003-1856-cp

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 CA*

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

DEC 18 2003

Attest.

William A. [Signature]
Prothonotary/
Clerk of Courts

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

HELEN BUTLER

Petitioner

vs.

COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION BUREAU OF
DRIVER LICENSING

Respondent

No. 2003-1856- CD

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 3 cc a Disc
to HHJ Fano
DEC 23 2003
copy of Disc. to dA

William A. Shaw
Prothonotary/Clerk of Courts



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.

William A. Shaw, Prothonotary

CA

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

HELEN BUTLER

Petitioner

vs.

COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION BUREAU OF
DRIVER LICENSING

Respondent

No. 2003-1856-CD

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

01/21/04
William A. Shaw

Prothonotary/Clerk of Courts

SENT TO C/A

SENT TO ATT

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:

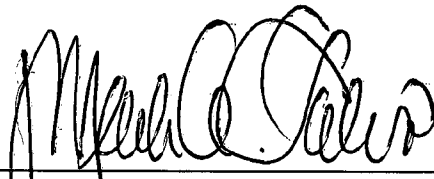
1. Petitioner Helen Butler is an adult individual residing at 37 Tyrone Street, Curwensville, Clearfield County, Pennsylvania 16833.
2. Petitioner currently possesses a valid driver's license #08995280, issued to her on May 15, 2001, which has not heretofore been suspended, cancelled, or revoked.
3. 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.

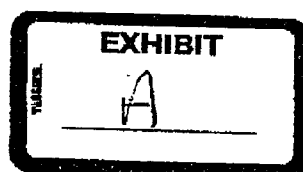
This decision has been made by comparing your medical condition with the standards recommended by our Medical Advisory Board and adopted by this Department. This action will remain in effect until we receive medical information that your condition has improved and you are able to safely operate a motor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