

04-284-CD
JACOB JOHN LAUDER vs. COMMONWEALTH OF PENNSYLVANIA

Jacob Lauder vs. Comm. Of Penna
2004-284-CD

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

JACOB JOHN LAUDER,
Petitioner

vs.

No. 04-284-CD

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Respondent

PETITION FOR REVIEW

Filed on behalf of:
Jacob John Lauder

Counsel for this party:
Ronald L. Collins, Esquire

Supreme Court No. 36744

Sobel & Collins
Attorneys at Law
218 South Second Street
Clearfield, PA 16830

(814)765-5552
FAX (814)765-6210

FILED

FEB 27 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

JACOB JOHN LAUDER,
Petitioner

vs. : No.

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION,
Respondent

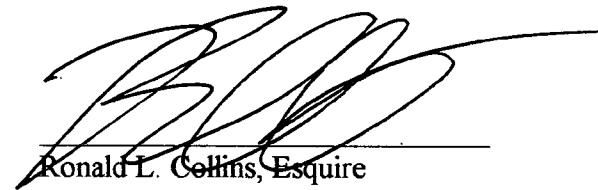
PETITION FOR REVIEW

AND NOW comes Petitioner, Jacob John Lauder, by and through Ronald L. Collins, Esquire, who Petitions your Honorable Court as follows:

1. That Petitioner is Jacob John Lauder of HC 54 Buck Run Road, Frenchville, PA, 16836.
2. That Petitioner's Driver License No. 27397234.
3. That Respondent is the Commonwealth of Pennsylvania, Department of Transportation.
4. That by Official Notice dated February 10, 2003, Respondent notified Petitioner that his operating privileges were being suspended for a period of ninety (90) days as the result of his conviction of the offense of Exceeding Maximum Speed on January 24, 2004. A copy of said Notice is hereinafter attached as Exhibit "A".
5. That Petitioner filed a Notice of Appeal of said Summary Conviction in Clearfield County which appeal is currently pending.
6. That is said Summary Conviction is vacated on appeal, Respondent will no longer have a basis upon which to suspend Petitioner's operating privileges for this offense.

WHEREFORE, Petitioner respectfully requests your Honorable Court to review the actions of Respondent in suspending Petitioner's operating privileges based on the ultimate result of said appeal filed in Clearfield County.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald L. Collins, Esquire".

Ronald L. Collins, Esquire

Ron Collins
23
Appeal
Summary

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: FEBRUARY 10, 2004

JACOB JOHN LAUDER
HC 54 BUCK RUN ROAD
FRENCHVILLE PA 16836

WID # 040349283220989 001
PROCESSING DATE 02/03/2004
DRIVER LICENSE # 27397234
DATE OF BIRTH 02/02/1986

Dear MR. LAUDER:

This is an Official Notice of the Suspension of your Driving Privilege as authorized by Section 1538E of the Pennsylvania Vehicle Code. As a result of your 02/02/2004 conviction of violating Section 3362 of the Vehicle Code, EXCEEDING MAXIMUM SPEED, on 01/24/2004:

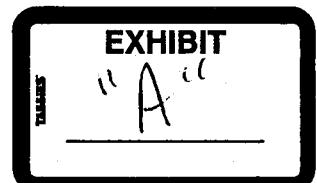
- Your driving privilege is SUSPENDED for a period of 90 DAY(S) effective 03/16/2004 at 12:01 a.m.
- PennDOT is required by Section 1535 of the Pennsylvania Vehicle Code to assign 5 points to your driving record.

Before PennDOT can restore your driving privilege, you must follow the instructions in this letter for COMPLYING WITH THIS SUSPENSION, PAYING THE RESTORATION FEE and PROVIDING PROOF OF INSURANCE. You should follow ALL instructions very carefully. Even if you have served all the time on the suspension/revocation, we cannot restore your driving privilege until all the requirements are satisfied.

COMPLYING WITH THIS SUSPENSION

You must return all current Pennsylvania driver's licenses, learner's permits, temporary driver's licenses (camera cards) in your possession on or before 03/16/2004. You may surrender these items before, 03/16/2004, for earlier credit; however, you may not drive after these items are surrendered.

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 for a cost of \$10.00. 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.



040349283220989

PROVIDING PROOF OF INSURANCE

Within the last 30 days of your suspension/revocation, we will send you a letter asking that you provide proof of insurance at that time. This letter will list acceptable documents and what will be needed if you do not own a vehicle registered in Pennsylvania.

Important: Please make sure that PennDOT is notified if you move from your current address. You may notify PennDOT of your address change by calling any of the phone numbers listed at the end of this letter.

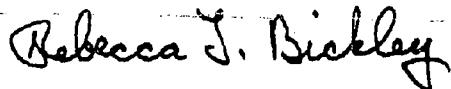
APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, FEBRUARY 10, 2004, of this letter. 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 17104-2516

Remember, this is an **OFFICIAL NOTICE OF SUSPENSION**. You must return all current Pennsylvania driver license products to PennDOT by 03/16/2004.

Sincerely,



Rebecca L. Bickley, Director
Bureau of Driver Licensing

SEND FEE/LICENSE/DL-16LC/TO:
Department of Transportation
Bureau of Driver Licensing
P.O. Box 68693
Harrisburg, PA 17106-8693

INFORMATION (7:00 AM TO 9:00 PM)	
IN STATE	1-800-932-4600
OUT-OF-STATE	717-391-6190
TDD IN STATE	1-800-228-0676
TDD OUT-OF-STATE	717-391-6191

040349283220989

You will not receive credit toward serving any suspension until we receive your license(s). Complete the following steps to acknowledge this suspension.

1. Return all current Pennsylvania driver's licenses, learner's permits and/or camera cards to PennDOT. If you do not have any of these items, send a sworn notarized letter stating you are aware of the suspension of your driving privilege. You must specify in your letter why you are unable to return your driver's license. Remember: You may not retain your driver's license for identification purposes. Please send these items to:

Pennsylvania Department of Transportation
Bureau of Driver Licensing
P.O. Box 68693
Harrisburg, PA 17106-8693

2. Upon receipt, review and acceptance of your Pennsylvania driver's license(s), learner's permit(s), and/or a sworn notarized letter, PennDOT will send you a receipt confirming the date that credit began. If you do not receive a receipt from us within 3 weeks, please contact our office. Otherwise, you will not be given credit toward serving this suspension. PennDOT phone numbers are listed at the end of this letter.
3. If you do not return all current driver license products, we must refer this matter to the Pennsylvania State Police for prosecution under SECTION 1571(a)(4) of the Pennsylvania Vehicle Code.

PAYING THE RESTORATION FEE

You must pay a restoration fee to PennDOT to be restored from a suspension/revocation of your driving privilege. To pay your restoration fee, complete the following steps:

1. Return the enclosed Application for Restoration. The amount due is listed on the application.
2. Write your driver's license number (listed on the first page) on the check or money order to ensure proper credit.
3. Follow the payment and mailing instructions on the back of the application.

NO.

Jacob John Lauder,
Petitioner

v.

Commonwealth of Pennsylvania,
Department of Transportation,
Respondent

Petition for Review

FILED *Att'y Collins*
1/1/04 *pd 8500*
FEB 27 2004 *cc*
icd *CJA*

William A. Shaw
Prothonotary/Clerk of Courts

BCC *Att'y*

Sinthal & Dullina

ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552 (814) 765-6555

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

JACOB JOHN LAUDER,
Petitioner

vs.

No. 04-284-CD

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Respondent

Rescinded -
ans O.
Court

PETITION FOR REVIEW

Filed on behalf of:
Jacob John Lauder

Counsel for this party:
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Supreme Court No. 36744

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Attorneys at Law
218 South Second Street
Clearfield, PA 16830

(814)765-5552
FAX (814)765-6210

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

FEB 27 2004

Attest.

William L. Ober
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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JACOB JOHN LAUDER,
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No.

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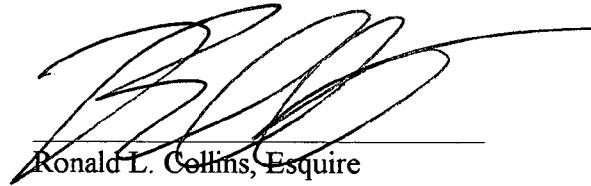
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Ron Collins
23
APPEAL
Summary

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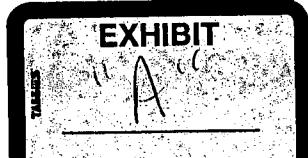
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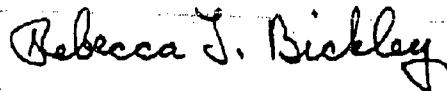
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

JACOB JOHN LAUDER,
Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

: No. 2004-0284-CD
:
:
: License Suspension Appeal
:
: ORDER OF COURT
:
:
: Filed on Behalf of:
:
: COMMONWEALTH OF PENNSYLVANIA
: DEPARTMENT OF TRANSPORTATION
:
: Counsel of Record:
:
: William A. Kuhar, Jr., Esquire
: Assistant Counsel
: Pa.I.D. No. 38885
:
: Department of Transportation
: Office of Chief Counsel
: Firm No. 052
:
: 1209 State Office Building
: 300 Liberty Avenue
: Pittsburgh, PA 15222
: (412) 565-7555

FILED *acc Atty Collins*
of 10:00 AM 1cc Atty Kuhar
JUN 13 2006 *(GP)*

William A. Shaw
Prothonotary/Clerk of Courts

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

JACOB JOHN LAUDER,
Petitioner

vs.

No. 2004-0284-CD

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

ORDER OF COURT

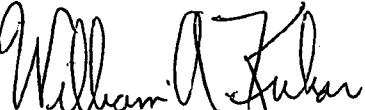
AND NOW, to wit: this 22 day of January, 2006, this appeal by the petitioner, Jacob John Lauder, from an order of the Pennsylvania Department of Transportation's Bureau of Driver Licensing for the suspension of his driving privilege for a period of 90 days pursuant to 75 Pa.C.S. §1538(e) is, with the consent of the Bureau, remanded to the Bureau for rescission of the appealed 90 day suspension, updating of the petitioner's driving record to show that he was convicted of violating 75 Pa.C.S. §3362 on January 24, 2004 by operating a motor vehicle at the rate of 55 m.p.h. in a 45 m.p.h. zone, and deletion of 3 of the 5 points that had been assigned to the petitioner's driving record due to his conviction at the district court level for the January 24, 2004 violation of 75 Pa.C.S. §3362, if such action has not already been taken.

By the Court



J.

Consented to:



William A. Kuhar, Jr., Esquire
Attorney for the Bureau

DATE: 6/13/06

____ You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

JUN 13 2006

William A. Shaw
Prothonotary/Clerk of Courts

Collins, Kuhar