

2004-575-CD
THOMAS L. COCCIMIGIO

VS

COMMONWEALTH OF PENNA. TRANS.

Thomas Coccimigio vs. Comm. Of Pa.
2004-575-CD

Date: 12/14/2005

Time: 12:57 PM

Page 1 of 1

Clearfield County Court of Common Pleas

User: BILLSHAW

ROA Report

Case: 2004-00575-CD

Current Judge: John K. Reilly Jr.

Thomas L. Coccimiglio vs. Commonwealth of Pennsylvania Dept of Transporation

Civil Other

Date	Judge
04/23/2004 X Filing: License Suspension Appeal Paid by: Coccimiglio, Thomas L. (plaintiff) Receipt number: 1877854 Dated: 04/23/2004 Amount: \$85.00 (Cash) 1 Cert. to Petitioner and copy to C/A	No Judge
10/15/2004 X Order, AND NOW, this 15th day of October, 2004, it is the ORDER of the court that hearing on Plaintiff's License Suspension Appeal in the above matter has been scheduled for Wednesday, November 10, 2004 at 10:00 a.m. before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding in the Clfd. Co. Courthouse. Report to Court Administrator's Office. BY THE COURT: /s/Fredric J. Ammerman, President Judge. 2 CC to C/A for Ser.	Fredric Joseph Ammerman
10/22/2004 X Certified Mail Receipt, copy of Order of Oct. 15th, 2004 scheduling Plaintiff's License Suspension Appeal mailed to Thomas L. Coccimiglio, delivered and signed for on 10-20-04.	John K. Reilly Jr.
11/12/2004 X Order, NOW, this 10th day of Nov, 2004, Appellant having failed to appear, it is the ORDER of this Court that the Defendant/Appellant be found guilty, said appeal be dismissed and the action of the Department in suspending the Appellant's license affirmed. BY THE COURT: /s/ John K. Reilly, Jr. Senior Judge. 2CC to Def., 1CC to Atty Kuhar	John K. Reilly Jr.
09/23/2005 X Motion for Reinstatement of Appeal Nunc Pro Tunc and Reply to Motion to John K. Reilly Jr. Quash, filed by s/Matthew Taladay One CC Atty Taladay	
10/31/2005 X Application For Leave to File Appeal Nunc Pro Tunc, filed by s/ Thomas L. John K. Reilly Jr. Coccimiglio, Pro-Se, Petitioner. No CC	
11/14/2005 X Order AND NOW, 9th day of November, 2005, upon consideration of the Application to Leave to File Appeal Nunc Pro Tunc, it is the ORDER of this Court that said Application be and is hereby denied. BY THE COURT: /s/ John K. Reilly, Jr. SJSP. 1CC plff and deft.	John K. Reilly Jr.
12/14/2005 Application for Leave to Proceed on Appeal In Forma Pauperis, filed by s/Thomas L. Coccimiglio No CC	John K. Reilly Jr.

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

THOMAS L. COCCIMIGIO, :
Petitioner :
vs. : No. 2004-575-CO
COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
: Type of Document: Petition for Appeal
from Order of Department of
Transportation Suspending Driver's
License
: Filed on behalf of: Thomas L.
Coccimigio, Petitioner
: Counsel of Record for this party:
: Thomas L. Coccimigio
149 Eastern Avenue
R.D. #3, Box 59 A1
DuBois, PA 15801
PRO SE

FILED

APR 23 2004
13:45 PM *(initials)*
William A. Shaw
Prothonotary
1 copy - PETITION
1 copy to C/n

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

THOMAS L. COCCIMIGIO, :
Petitioner :
vs. : No.
:

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
:

PETITION FOR APPEAL FROM ORDER
OF DEPARTMENT OF TRANSPORTATION
SUSPENDING DRIVER'S LICENSE

Now, comes Petitioner, Thomas L. Coccimigio, and avers as follows:

1. Petitioner is Thomas L. Coccimigio residing and having a mailing address at 149 Eastern Avenue, R.D. #3, Box 59 A1, DuBois, PA 15801.
2. The adverse party is the Department of Transportation of the Commonwealth of Pennsylvania, having a mailing address of Department of Transportation, Bureau of Driver Licensing, P.O. Box 68693, Harrisburg, Pennsylvania 17106-8693.
3. Petitioner currently possesses a valid driver's license issued to him by the Department of Transportation that has not heretofore been suspended, cancelled, or revoked.
4. By letter or notice dated March 26, 2004, a copy of which is attached hereto labeled Exhibit "A", the Department of Transportation ordered Petitioner to surrender his operators license for a period of eighteen (18) months.

5. The said suspension of Petitioner's operating privileges is improper or unlawful for the following reasons:

- a. The suspension is not supported by the law;
- b. The suspension is not supported by the facts;
- c. Petitioner's refusal to submit to chemical testing was not voluntary;
- d. Petitioner did not receive adequate warning of his obligation to take a blood test exam;
- e. Petitioner was not operating a motor vehicle at or near the time requested to submit to chemical testing; and
- f. Petitioner's arrest was without probable cause and without citation.

WHEREFORE, petitioner respectfully requests that the Court 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.

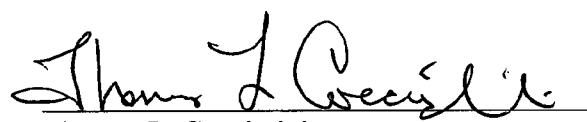
Respectfully submitted,



Thomas L. Coccimiglio

VERIFICATION

I hereby verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.


Thomas L. Coccimigio

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: MARCH 26, 2004

THOMAS L COCCIMIGIO
RD 3 BOX 69 A1
DU BOIS PA 15801

WID # 040796194210612 001
PROCESSING DATE 03/19/2004
DRIVER LICENSE # 60032855
DATE OF BIRTH 06/10/1964

Dear MR. COCCIMIGIO:

This is an Official Notice of the Suspension of your Driving Privilege as authorized by Section 1547B1II of the Pennsylvania Vehicle Code. As a result of your violation of Section 1547 of the Vehicle Code, CHEMICAL TEST REFUSAL, on 02/07/2004:

- Your driving privilege is SUSPENDED for a period of 18 MONTH(S) effective 04/30/2004 at 12:01 a.m.

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 04/30/2004. You may surrender these items before, 04/30/2004, 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.

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.

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, MARCH 26, 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 04/30/2004.

040796194210612

Sincerely,

Rebecca L. Bickley

Rebecca L. Bickley, Director
Bureau of Driver Licensing

INFORMATION 7:00 a.m. to 9:00 p.m.

IN STATE	1-800-932-4600	TDD IN STATE	1-800-228-0676
OUT-OF-STATE	717-391-6190	TDD OUT-OF-STATE	717-391-6191
WEB SITE ADDRESS	<u>www.dmv.state.pa.us</u>		

FILED

APR 23 2004

William A. Shaw
Prothonotary

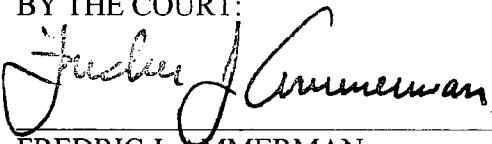
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

THOMAS L. COCCIMIGIO :
vs. : No. 04-575-CD
: :
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :

ORDER

AND NOW, this 15th day of October, 2004, it is the ORDER of the Court that hearing on Plaintiff's License Suspension Appeal in the above matter has been scheduled for Wednesday, November 10, 2004 at 10:00 A.M. before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding, in the Clearfield County Courthouse, Clearfield, PA. Please report to the Court Administrator's Office. You will be directed from there where these hearing will be heard.

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

FILED

OCT 15 2004

6/3:01a/m E6K

William A. Shaw

Prothonotary/Clerk of Courts

7 Cent to C/A for SCA

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

7176 3465
0000 0000 0000 0000
0550 0000 0000 0000
0004 0000 0000 0000

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

10/15/04
XO/575-CD

Sent To
Thomas L. Coccimigio
Street, Apt No. Eastern Avenue
or PO Box No.
City, State, Zip 15801-5943, Box 59 At
DuBois, PA 15801
PS Form 3800, June 2002
See Reverse for Instructions

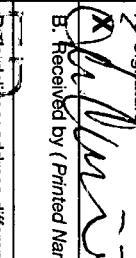
SENDER: COMPLETE THIS SECTION

- 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:

Thomas L. Coccimiglio
149 Eastern Avenue
R.D. #3, Box 59 A1
DuBois, PA 15801

COMPLETE THIS SECTION ON DELIVERY

A. Signature	<input checked="" type="checkbox"/> Agent
	<input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery
Oct 22 2004	10-20-04

D. Is delivery address different from item 1?

If YES, enter delivery address below:

Yes

No

Prohibited**3. Service Type**

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

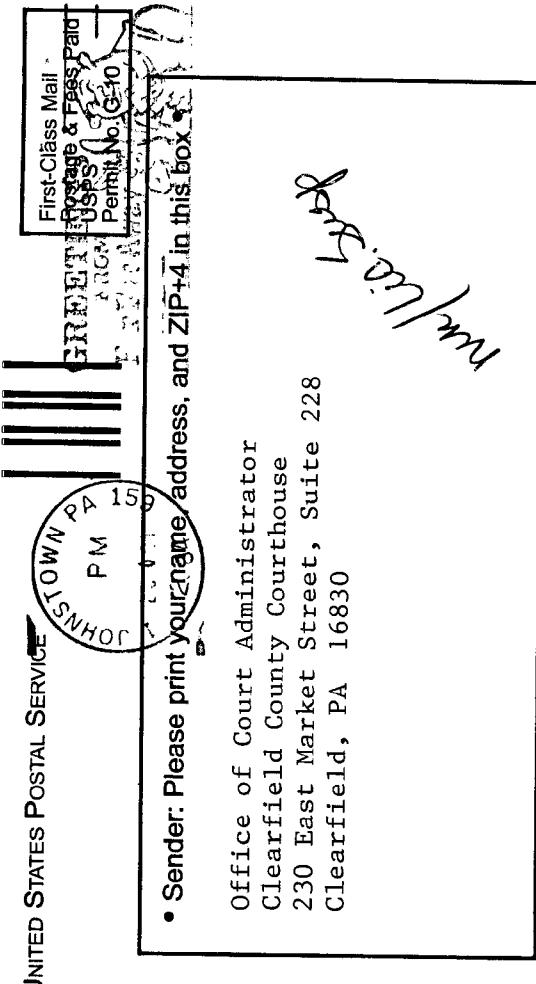
2. Article Number
(Transfer from service label)

7004 0550 0000 7176 3465

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540



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

THOMAS L. COCCIMIGIO :
vs. : No. 04-575-CD
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :

ORDER

AND NOW, this 15 day of October, 2004, it is the ORDER of the Court that hearing on Plaintiff's License Suspension Appeal in the above matter has been scheduled for Wednesday, November 10, 2004 at 10:00 A.M. before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding, in the Clearfield County Courthouse, Clearfield, PA. Please report to the Court Administrator's Office. You will be directed from there where these hearing will be heard.

BY THE COURT:

FREDRIC J. AMMERMAN
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA : :

VS. : NO. 04-575-CD

THOMAS L. COCCIMIGIO : License Suspension Appeal

O R D E R

NOW, this 10th day of November, 2004, this being the day and date set for hearing into the above-captioned Appeal from License Suspension; Appellant having failed to appear in person or by counsel, he having received due and proper notice thereof; the Commonwealth having presented a *prima facie* case in support of the suspension, it is the ORDER of this Court that the Defendant/Appellant be found guilty, said appeal be dismissed and the action of the Department in suspending the Appellant's license affirmed.

BY THE COURT:

John K. Reilly, Jr.
Senior Judge
Specially Presiding

FILED
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cc to Daf, Luber

NOV 12 2004

WWD
Protho

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS L. COCCIMIGLIO
Appellant

-vs-

REBECCA L. BICKLEY, Director,
Bureau of Driver Licensing,
Pennsylvania Department of
Transportation,
Respondent

Type of Case: Civil Division

No. 2005 - 187 CD
No. 2004 - 575-CD

Type of Pleading:
Motion for Reinstatement
of Appeal Nunc Pro Tunc
and Reply to Motion to
Quash

Filed on Behalf of:
Appellant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: September 23, 2005

copy
cc
01/10/4601 Atty
SEP 23 2005
BPA
William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS L. COCCIMIGLIO	:	
Appellant	:	
:		
-vs-		
REBECCA L. BICKLEY, Director,	:	No. 2005 - 187 CD
Bureau of Driver Licensing,	:	No. 2004 - 575-CD
Pennsylvania Department of	:	
Transportation,	:	
Respondent	:	

MOTION FOR REINSTATEMENT OF APPEAL
NUNC PRO TUNC AND REPLY TO MOTION TO QUASH

AND NOW, comes the Appellant, Thomas L. Coccimiglio, by his attorneys, Hanak, Guido and Taladay, and hereby brings the within Motion for Reinstatement of Appeal Nunc Pro Tunc and Reply to Motion to Quash as follows:

1. On April 23, 2004, Appellant/Petitioner, Thomas L. Coccimiglio, acting pro se, filed a statutory appeal from an 18 month operating privilege suspension at County Docket No. 2004-575-CD.

2. The appeal petition raised a meritorious defense to the suspension in that Thomas Coccimiglio, having been injured in an automobile accident, did not have the cognitive capacity to knowingly refuse chemical testing. Apparently a hearing on this appeal was held on or about November 10, 2004. However, Appellant/Petitioner received no notice of this hearing because of a breakdown in the Court system.

3. Unaware of the hearing and Court ruling dated November 10, 2005, the Appellant again received a Notice of License Suspension dated January 10, 2005.

4. At the time of receipt of the Notice of January 10, 2005, the Appellant/Petitioner was represented by the firm of Hanak, Guido and Taladay with regard to criminal charges pending before this Court. The Appellant/Petitioner requested the law firm to file an appeal of the license suspension.

5. On behalf of the Appellant/Petitioner, the law firm of Hanak, Guido and Taladay, filed an appeal from the January 10, 2005 suspension notice, unaware of the ruling of November 10, 2004, believing this appeal to be a primary appeal of a chemical test refusal suspension.

6. On August 30, 2005, the Commonwealth of Pennsylvania, Department of Transportation by Office of Chief Counsel filed a Motion to Quash Appeal pending at No. 2005-187-CD. Only upon the receipt of this Motion did the Appellant/Petitioner and the law firm of Hanak, Guido and Taladay become aware of the prior Court ruling of November 10, 2004.

7. Appellant/Petitioner believes that he is entitled to nunc pro tunc consideration of the license suspension appeal filed at No. 2004-575-CD in that he had previously not been provided with notice of the suspension hearing or the Court's ruling.

8. For the reasons set forth above, the Petitioner/Appellant seeks the following relief:

(a) An Order of Court denying Motion to Quash Appeal pending at No. 2005-187-CD.

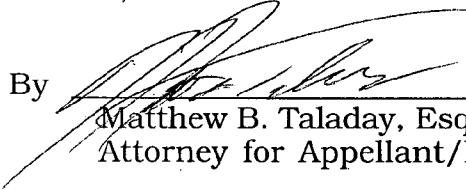
(b) An Order of Court vacating the Order of November 10, 2004 and granting Petitioner/Appellant nunc pro tunc relief in the form of a hearing de novo regarding the merits of this appeal from license suspension by reason of the chemical test refusal.

(c) Such other relief as the Court may deem appropriate.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay, Esq.
Attorney for Appellant/Petitioner

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

THOMAS L. COCCIMIGLIO	:	
Appellant	:	
:		
-vs-		
REBECCA L. BICKLEY, Director,	:	No. 2005 - 187 CD
Bureau of Driver Licensing,	:	No. 2004 - 575-CD
Pennsylvania Department of	:	
Transportation,	:	
Respondent	:	

O R D E R

AND NOW, this ____ day of September, 2005, upon
consideration of the foregoing Motion;

IT IS HEREBY ORDERED that the relief requested in
Appellant/Defendant's Motion for Reinstatement of Appeal Nunc Pro
Tunc be granted.

BY THE COURT:

J.

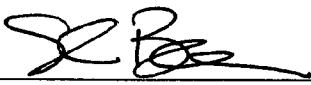
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

THOMAS L. COCCIMIGLIO	:	
Appellant	:	
	:	
-vs-	:	
REBECCA L. BICKLEY, Director,	:	No. 2005 - 187 CD
Bureau of Driver Licensing,	:	No. 2004 - 575-CD
Pennsylvania Department of	:	
Transportation,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I certify that on the 23rd day of February, 2005, a true and correct copy of the foregoing Motion was hand delivered to the following:

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



Matthew B. Taladay
Attorney for Defendant

FILED

SEP 23 2005

William A. Shaw
Prothonotary, Clerk of Courts

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

THOMAS L. COCCIMIGLIO,

: No. 2004-575 CD

Appellant,

: Type of Pleading:

VS

REBECCA L. BICKLEY, DIRECTOR, BUREAU
OF DRIVER LICENSING, PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

: APPLICATION FOR LEAVE
TO FILE APPEAL NUNC
: PRO TUNC.

Respondent,

: Filed in Behalf Of
Appellant:
:

By:

THOMAS L. COCCIMIGLIO
PRO SE.
#GD-4793
801 Butler Pike
Mercer, PA 16137

FILED *mc*
m/10/59/01
OCT 31 2005 6P

William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS L. COCCIMIGLIO,

Appellant : No. 2004-575 CD

VS

REBECCA L. BICKLEY, DIRECTOR, BUREAU

OF DRIVER LICENSING, PENNSYLVANIA

DEPARTMENT OF TRANSPORTATION,

Respondent.

APPLICATION FOR LEAVE TO APPEAL NUNC PRO TUNC

Petitioner, THOMAS L. COCCIMIGLIO, seeks leave to appeal nunc pro tunc from the November 10, 2004 order of the Court of Common Pleas of CLEARFIELD County, and in support represents as follows:

1. On Nov. 10, 2004 the Court of Common Pleas entered an order Dismissing Petitioners Appeal. A copy of the order is attached as Exhibit "A."

2. The prothonotary of CLEARFIELD County Court of Common Pleas negligently failed to serve copies of the order on the petitioner.

3. The relevant docket entries, a copy of which are attached as Exhibit "B," contain no entry reflecting that notice of the order was given pursuant to Pa. R.C.P. 236.

4. Petitioner was required to file this appeal within thirty (30) days after entry of the order.

5. Petitioner was prevented from learning of the entry of the order and filing a timely appeal by reason of the negligent conduct of the prothonotary.

(2).

6. Petitioner first learned of the order when he on or about September 19, 2005 received a documentation from prior Counsel of a Motion To Quash Appeal filed by The Commonwealth and having The Aforementioned Nov.10,2004 Order Attached Thereto.

7. The failure of the prothonotary to properly serve petitioner with a copy of the order constitutes a material breakdown in the court's operations which justifies the allowance of an appeal at this time.

WHEREFORE, Petitioner respectfully requests that this court enter an order permitting Petitioner to appeal nunc pro tunc from the Nov.10,2004 order of the Court of Common Pleas of Clearfield County.

By: Thomas L. Coccimiglio
Thomas L. Coccimiglio
Pro Se-Petitioner
#GD-4793
801 Butler Pike
Mercer, PA 16137

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

COMMONWEALTH OF PENNSYLVANIA :

VS. : NO. 04-575-CD

THOMAS L. COCCIMIGIO : License Suspension Appeal

O R D E R

NOW, this 10th day of November, 2004, this being the day and date set for hearing into the above-captioned Appeal from License Suspension; Appellant having failed to appear in person or by counsel, he having received due and proper notice thereof; the Commonwealth having presented a prima facie case in support of the suspension, it is the ORDER of this Court that the Defendant/Appellant be found guilty, said appeal be dismissed and the action of the Department in suspending the Appellant's license affirmed.

BY THE COURT:

AS JOHN K. REILLY, JR.

John K. Reilly, Jr.
Senior Judge
Specially Presiding

EXHIBIT *A*

Date: 10/17/2005

Time: 10:33 AM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

Case: 2004-00575-CD

User: BHUDSON

Current Judge: John K. Reilly Jr.

Thomas L. Coccimigio vs. Commonwealth of Pennsylvania Dept of Transporation

Civil Other

Date		Judge
04/23/2004	Filing: License Suspension Appeal Paid by: Coccimigio, Thomas L. (plaintiff) Receipt number: 1877854 Dated: 04/23/2004 Amount: \$85.00 (Cash) 1 Cert. to Petitioner and copy to C/A	No Judge
10/15/2004	Order, AND NOW, this 15th day of October, 2004, it is the ORDER of the court that hearing on Plaintiff's License Suspension Appeal in the above matter has been scheduled for Wednesday, November 10, 2004 at 10:00 a.m. before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding in the Clfd. Co. Courthouse. Report to Court Administrator's Office. BY THE COURT: /s/Fredric J. Ammerman, President Judge. 2 CC to C/A for Ser.	Fredric Joseph Ammerman
10/22/2004	Certified Mail Receipt, copy of Order of Oct. 15th, 2004 scheduling Plaintiff's License Suspension Appeal mailed to Thomas L. Coccimigio, delivered and signed for on 10-20-04.	John K. Reilly Jr.
11/12/2004	Order, NOW, this 10th day of Nov, 2004, Appellant having failed to appear, it is the ORDER of this Court that the Defendant/Appellant be found guilty, said appeal be dismissed and the action of the Department in suspending the Appellant's license affirmed. BY THE COURT: /s/ John K. Reilly, Jr. Senior Judge. 2CC to Def., 1CC to Atty Kuhar	John K. Reilly Jr.
09/23/2005	Motion for Reinstatement of Appeal Nunc Pro Tunc and Reply to Motion to Quash, filed by s/Matthew Taladay One CC Atty Taladay	John K. Reilly Jr.

EXHIBIT "B"

Page(3).

" Verification "

THOMAS L. COCCIMIGLIO, do hereby declare under the penalties of perjury, that he is the petitioner in this foregoing legal action entitled APPLICATION FOR LEAVE TO APPEAL NUNC PRO TUNC addressed to The Court Of Common Pleas Of Clearfield County, Pennsylvania and state's that he has read the same and state's that the contents are true and correct.

That he as the petitioner understands that statements made therein are made subject to the penalties of 18 Pa. C.S. Section 4904 as it relates to making unsworn falsification to authorities.

DATE: 10/27/05 Respectfully Submitted/S/ Thomas J. Coccimiglio
Petitioner

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

THOMAS L. COCCIMIGLIO : No. 2004-575 CD

Appellant, :

VS :

REBECCA L. BICKLEY, DIRECTOR, BUREAU :

OF DRIVER LICENSING, PENNSYLVANIA :

DEPARTMENT OF TRANSPORTATION, :

Respondent, :

CERTIFICATE OF SERVICE

I certify that on the 27th. day of October, 2005 I
THOMAS L. COCCIMIGLIO caused to be mailed by way of first
class mail, postage prepaid a true and correct copy(copy) of
this legal action entitled APPLICATION FOR LEAVE TO APPEAL
NUNC PRO TUNC, TO THE FOLLOWING:

OFFICE OF CHIEF COUNSEL
PA DEPARTMENT OF TRANSPORTATION
THIRD FLOOR
RIVERFRONT OFFICE CENTER
HARRISBURG, PA 17104

Thomas L. Coccimiglio
THOMAS L. COCCIMIGLIO
#GD-4793
801 Butler Pike
Mercer, PA 16137

FILED

OCT 3 12005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

THOMAS C. COCCIMIGLIO

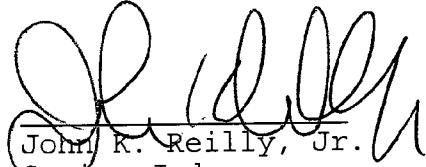
VS.

: NO. 04-575-CD

REBECCA L. BICKLEY, DIRECTOR,
BUREAU OF DRIVER LICENSING,
PENNSYLVANIA DEPARTMENT OF
TRANSPORTATIONO R D E R

AND NOW, 9th day of November, 2005, upon
consideration of the Application to Leave to File Appeal Nunc
Pro Tunc, it is the ORDER of this Court that said application be
and is hereby denied.

BY THE COURT,

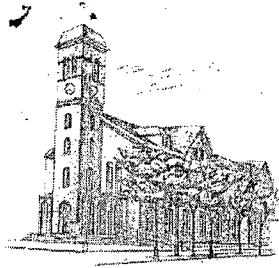

John K. Reilly, Jr.
Senior Judge
Specially Presiding

FILED 1CC
010:17.301 Piff.
NOV 14 2005 Def.
William A. Shaw
Prothonotary/Clerk of Courts

FILED

NOV 14 2005

William A. Shaw
Prothonotary/Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

CA

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

THOMAS L. COCCIMIGLIO, :
Petitioner :
: :
vs. : No. 2004-575-CD
: :
REBECCA L. BICKLEY, DIRECTOR, BUREAU :
OF DRIVER LICENSING, PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION, :
Respondent. :
:

APPLICATION FOR LEAVE TO PROCEEDED
ON APPEAL IN FORMA PAUPERIS

NOW COMES Thomas L. Coccimiglio, applicant/petitioner, pro se, pursuant to Pa.R.A.P. 552(a), and applies for leave to proceed in forma pauperis on appeal on the ground that he is unable to pay the fees and costs of prosecuting an appeal as set forth in the attached verified statement.

WHEREFORE, applicant respectfully requests relief from the following fees and costs: applicable filing fees, the costs of reproducing records or briefs, or filing supersedeas security, because irreparable harm would result unless waived.

Respectfully submitted,

Thomas L. Coccimiglio
Thomas L. Coccimiglio, Pro Se
#GD-4793
801 Butler Pike
Mercer, PA 16137

FILED NO cc
3/10/05
DEC 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN FORMA PAUPERIS VERIFIED STATEMENT

Thomas L. Coccimiglio states under the penalties provided by 18 Pa.C.S. § 4904 (unsworn falsification to authorities) that:

1. I am the petitioner in the above action and because of my financial condition am unable to pay the following fees and costs: appellate filing fees, costs of reproducing records or briefs, or filing of supersedeas security if irreparable harm would result if not waived.

2. The information below relating to my ability to pay the fees and costs of prosecuting an appeal are true and correct.

(a) I am presently unemployed and have been since November 2003, at which time I received an average earned wage of \$1,500.00 per month.

(b) I have received no income from any source of any kind within the past twelve months.

(c) I own no checking or savings accounts, and I have \$21.00 in my inmate prison account.

(d) I own no real estate, stocks, bonds, notes, automobiles, or other valuable property.

(e) I have no persons dependent upon me for support.

(f) I have outstanding debts and obligations to the Court of Common Pleas of Clearfield County, Pennsylvania, in the amount of approximately \$800.00.

3. I understand that a false statement in this verified statement will subject me to the penalties provided by law (misdemeanor of the second degree).

Date: 12-7-05

Thomas L. Coccimiglio
Thomas L. Coccimiglio

FILED

DEC 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

 COPY

December 15, 2005

Thomas L. Coccimiglio
GD-4793
SCI-Mercer
801 Butler Pike
Mercer, PA 16137

Dear Mr. Coccimiglio:

Your request for in forma pauperis status regarding the filing of your appeal has not been granted. Your appeal is being returned to you. If you wish to proceed, submit an original and a copy of your notice to appeal to the Prothonotary's office with two checks or money orders. Make one payable to "Prothonotary" in the amount of \$45.00; make the second one payable to "Superior Court" in the amount of \$60.00.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

Enclosures

 COPY

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

Thomas L. Coccimiglio,
Petitioner

vs.

Rebecca L. Bickley, Director,
Bureau of Driver Licensing,
Pennsylvania Department of
Transportation,

Respondent

No. 04-575-CD

NOTICE OF APPEAL

Filed on Behalf of:
Thomas L. Coccimiglio,
Petitioner

Counsel of Record for
this Party:

Thomas L. Coccimiglio, Pro Se

#GD-4793
SRCF @ Mercer
801 Butler Pike
Mercer, PA 16137

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

THOMAS L. COCCIMIGLIO, :
Petitioner :
: vs. : No. 04-575-CD
: :
REBECCA L. BICKLEY, DIRECTOR, BUREAU :
OF DRIVER LICENSING, PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION, :
Respondent. :
:

NOTICE OF APPEAL

Notice is hereby given that Thomas L. Coccimiglio, petitioner above named, hereby appeals to the Commonwealth Court of Pennsylvania from the order entered in this matter of the 14th day of November, 2005. This order has been entered in the docket as evidenced by the attached copy of the docket entry.

Respectfully submitted,

By Thomas L. Coccimiglio
Thomas L. Coccimiglio
Pro se Petitioner

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

THOMAS L. COCCIMIGLIO, :
Petitioner :
: vs. : No. 04-575-CD
REBECCA L. BICKLEY, DIRECTOR, BUREAU :
OF DRIVER LICENSING, PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION, :
Respondent. :

REQUEST FOR TRANSCRIPT

A notice of appeal having been filed in this matter,
the official court reporter is hereby requested to produce,
certify and file the transcript in this matter in conformity with
Rule 1922 of the Pennsylvania Rules of Appellate Procedure.

Respectfully submitted,

By Thomas L. Coccimiglio
Thomas L. Coccimiglio
Pro se Petitioner

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

CERTIFICATE OF SERVICE

I do hereby certify that on the **10th** day of December, 2005, a true and correct copy of the Notice of Appeal was served by First Class United States Mail on the following:

Hon. John R. Reilly, Jr. Court Reporter
Clearfield County Courthouse Clearfield County Courthouse
230 East Market Street 230 East Market Street
Clearfield, PA 16830 Clearfield, PA 16830

William A. Kuhar, Jr., Esquire
Office of Chief Counsel
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(Counsel for Respondent)

By Thomas L. Coccimiglio
Thomas L. Coccimiglio
#GD-4793
SRCF @ Mercer
801 Butler Pike
Mercer, PA 16137

PRISON MAILBOX RULE APPLIES TO FILING AND SERVICE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

THOMAS C. COCCIMIGLIO :
VS. : NO. 04-575-CD
REBECCA L. BICKLEY, DIRECTOR, :
BUREAU OF DRIVER LICENSING, :
PENNSYLVANIA DEPARTMENT OF :
TRANSPORTATION :
:

O R D E R

AND NOW, 9th day of November, 2005, upon
consideration of the Application to Leave to File Appeal Nunc
Pro Tunc, it is the ORDER of this Court that said application be
and is hereby denied.

BY THE COURT,

/s/ JOHN K. REILLY, JR.

John K. Reilly, Jr.
Senior Judge
Specially Presiding

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

NOV 14 2005

Attest:

John K. Reilly
Prothonotary/
Clerk of Courts

Date: 11/21/2005

Time: 04:27 PM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

User: BILLSHAW

Case: 2004-00575-CD

Current Judge: John K. Reilly Jr.

Thomas L. Coccimiglio vs. Commonwealth of Pennsylvania Dept of Transporation

Civil Other

Date

Judge

11/14/2005	Order AND NOW, 9th day of November, 2005, upon consideration of the Application to Leave to File Appeal Nunc Pro Tunc, it is the ORDER of this Court that said Application be and is hereby denied. BY THE COURT: /s/ John K. Reilly, Jr. SJSP. 1CC plff and deft.	John K. Reilly Jr.
10/31/2005	Application For Leave to File Appeal Nunc Pro Tunc, filed by s/ Thomas L. Coccimiglio, Pro-Se, Petitioner. No CC	John K. Reilly Jr.
9/23/2005	Motion for Reinstatement of Appeal Nunc Pro Tunc and Reply to Motion to Quash, filed by s/Matthew Taladay One CC Atty Taladay	John K. Reilly Jr.
11/12/2004	Order, NOW, this 10th day of Nov, 2004, Appellant having failed to appear, it is the ORDER of this Court that the Defendant/Appellant be found guilty, said appeal be dismissed and the action of the Department in suspending the Appellant's license affirmed. BY THE COURT: /s/ John K. Reilly, Jr. Senior Judge. 2CC to Def., 1CC to Atty Kuhar	John K. Reilly Jr.
10/22/2004	Certified Mail Receipt, copy of Order of Oct. 15th, 2004 scheduling Plaintiff's License Suspension Appeal mailed to Thomas L. Coccimiglio, delivered and signed for on 10-20-04.	John K. Reilly Jr.
10/15/2004	Order, AND NOW, this 15th day of October, 2004, it is the ORDER of the court that hearing on Plaintiff's License Suspension Appeal in the above matter has been scheduled for Wednesday, November 10, 2004 at 10:00 a.m. before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding in the Clfd. Co. Courthouse. Report to Court Administrator's Office. BY THE COURT: /s/Fredric J. Ammerman, President Judge. 2 CC to C/A for Ser.	Fredric Joseph Ammerman
4/23/2004	Filing: License Suspension Appeal Paid by: Coccimiglio, Thomas L. (plaintiff) Receipt number: 1877854 Dated: 04/23/2004 Amount: \$85.00 (Cash) 1 Cert. to Petitioner and copy to C/A	No Judge