

04-1030-CD
COMMONWEALTH OF PA DPT OF TRANSPORTATION VS ALICE EKIS

Comm of PA vs Alice Ekis
2004-1030-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Respondent

vs.

ALICE EKIS

Petitioner

CIVIL DIVISION

No. 04 - 1030 - CD

PETITION TO APPEAL SUSPENSION
OF DRIVER'S LICENSE

Filed on Behalf of:

Petitioner, ALICE EKIS

Counsel of Record for This
Party:

PAUL COLAVECCHI, ESQUIRE
Pa. I.D. #83274

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED

JUL 07 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
Respondent :
vs. : No. 04 - - CD
ALICE EKIS :
Petitioner :

PETITION TO APPEAL SUSPENSION OF DRIVER'S LICENSE

NOW COMES, Petitioner, Alice Ekis, by and through her Attorney, Paul Colavecchi, Esquire, files this Petition to appeal suspension of driver's license, and respectfully avers as follows:

1. Petitioner, Alice Ekis, by letter dated June 8, 2004, received notice that her privilege to operate a motor vehicle is being suspended as of July 13, 2004. A copy of said letter being attached hereto marked Exhibit "A".

2. The reason given for the suspension of said driving privilege is that the Pennsylvania Department of Transportation had received medical information indicating that Petitioner has a Neuropsychiatric condition preventing her from safely operating a motor vehicle.

recalls

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

Bureau of Driver Licensing

Mail Date: June 8, 2004

ALICE EKIS
192 S FOREST RD
MARIENVILLE PA 16239

Dear Ms. ALICE EKIS:

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

As of 07/13/2004, 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

EXHIBIT "A"

ALICE EKIS
192 S FOREST RD
MARIENVILLE PA 16239

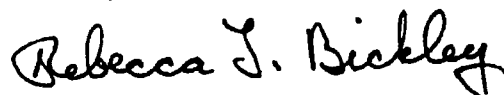
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You still must send in your license before the effective date of recall unless you appear in person before a judge and receive an order permitting you to continue driving.

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 written in a cursive style with a large, stylized "R" and "B".

Rebecca L. Bickley, Director
Bureau of Driver Licensing

Driver License #: 04188970

ALICE EKIS
192 S FOREST RD
MARLENVILLE PA 16239

0418897000254005



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Respondent

CIVIL DIVISION

No. 04 - 1030 - CD

AFFIDAVIT OF SERVICE

vs.

Filed on Behalf of:

ALICE EKIS

Petitioner

Petitioner, ALICE EKIS

Counsel of Record for This
Party:

PAUL COLAVECCHI, ESQUIRE
Pa. I.D. #83274

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CLEARFIELD, PA

FILED *no cc*
013:2604
JUL 13 2004
William A. Shaw
Prothonotary/Clerk of Court

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
Respondent :
vs. : No. 04 - 1030 - CD
ALICE EKIS :
Petitioner :

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS

Before me, the undersigned officer, personally appeared PAUL COLAVECCHI, ESQUIRE, who, being duly sworn according to law, deposes and says that a copy of a Petition to Appeal Suspension of Driver's License and Petition for Hearing on Supercedeas was mailed to the Commonwealth of Pennsylvania, Plaintiff, at the Office of Chief Counsel, Third Floor, Riverfront Office Center, Harrisburg, Pennsylvania, 17104, as shown on the certified mail receipt attached below:

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only. No Insurance Coverage Provided)	
OFFICIAL USE	
Postage	\$.83
Certified Fee	2.30
*Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88
Sent To PA Department of Transportation Office of Chief Counsel Street, Apt. No.; Third Fl., Riverfront Office or PO Box No. Center City, State, ZIP+4 Harrisburg, PA 17104	
PS Form 3800, January 2001 See Reverse for Instructions	

9036 4046 1000 0467 1002

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

Further, these Petitions were received by the Commonwealth of Pennsylvania, Department of Transportation, on July 8, 2004 as shown on the receipt stamped by the Office of Chief Counsel, Vehicle & Traffic Law Division and attached below:

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ 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.		A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Pennsylvania Department of Transportation, Office of Chief Counsel, Third Floor, Riverfront Office Center Harrisburg, PA 17104		B. Received by (Printed Name)	C. Date of Delivery JUL 08 2004
2. Article Number (Transfer from service label) 7001 1940 0001 9404 9308		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No JUL 08 2004	
		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) <input type="checkbox"/> Yes	

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

The above statements are true and correct to the best of affiant's knowledge, information and belief.

Paul Colavecchi
PAUL COLAVECCHI, ESQUIRE
Attorney for Alice Ekis
221 East Market Street
Clearfield, PA 16830
814/765-1566

Sworn to and subscribed before

me this 12th day of July, 2004.

Linda Ziembo

NOTARIAL SEAL
LINDA L. ZIEMBO, Notary Public
Clearfield Boro, Clearfield County, PA
My Commission Expires December 17, 2005

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION
No. 04 - 1030 - CD

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Respondent

vs.

ALICE EKIS
Petitioner

AFFIDAVIT OF SERVICE

FILED

JUL 13 2004

William A. Straw
Prothonotary/Clerk of Courts

COLAVECCHI
RYAN & COLAVECCHI
ATTORNEYS AT LAW
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(ACROSS FROM COURTHOUSE)
P.O. BOX 131
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CR

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :

vs.

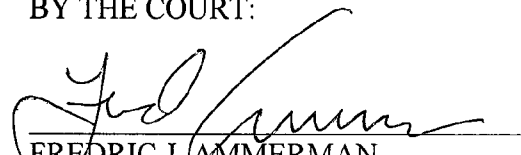
: No. 04-1030-CD
:
:
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ALICE EKIS

ORDER

AND NOW, this 2 day of September, 2004, it is the ORDER of the Court that hearing on Plaintiff's License Suspension Appeal in the above matter has been scheduled for **Friday, September 17, 2004 at 9:30 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 2cc to
9/30/04 CIA - will
SEP 02 2004 serve
William A. Shaw
Prothonotary/Clerk of Courts

FILED

SEP 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA :

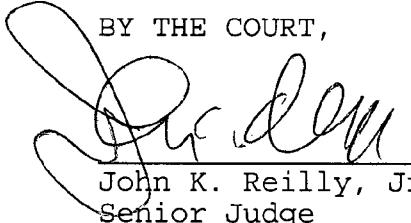
VS. : NO. 04-1030-CD

ALICE EKIS : License Suspension Appeal

O R D E R

NOW, this 17th day of September, 2004, following hearing into the above-captioned Appeal from License Suspension; Appellant having failed to appear, it is the ORDER of this Court that said appeal be and is hereby dismissed and the action of the Department affirmed.

BY THE COURT,



John K. Reilly, Jr.
Senior Judge
Specially Presiding

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SEP 20 2004 ^{ICC Kuhar}

William A. Shaw
Prothonotary/Clerk of Courts

FILED

SEP 20 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA :

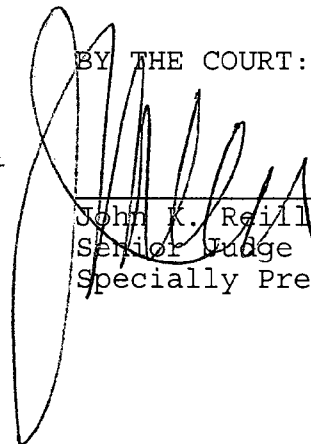
VS. : NO. 04-1030-CD

JONATHAN ROSENTHAL : 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; counsel for Appellant having advised this Court that said appeal is being withdrawn, it is the ORDER of this Court that said appeal shall be and is hereby withdrawn, Defendant found guilty and the judgment of the magistrate affirmed.

BY THE COURT:


John K. Reilly, Jr.
Senior Judge
Specially Presiding

EGK
FILED

2CC
Pl 10:26/37
NOV 23 2004

Atty Kuhar
P. Colavecchi

William A. Shaw
Prothonotary/Clerk of Courts

FILED

NOV 23 2004

William A. Shaw
Prothonotary/Clerk of Courts