

2004-1836-CD
GLEN D. SMITH

VS

COMMONWEALTH OF PA. DEPT. OF TRANS.

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

GLEN D. SMITH

vs.

COMMONWEALTH OF PENNSYLVANIA

:
:
: No. 04-1836-CD
:
:

ORDER

AND NOW, this 28 day of August, 2005, 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 23, 2005 at 2:00 P.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 this hearing will be heard.

BY THE COURT:

FREDRIC J. AMMERMAN
President Judge

205

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GLEN D. SMITH,

Petitioner

vs.

COMMONWEALTH OF PA.,
DEPARTMENT OF
TRANSPORTATION

Respondent

CIVIL ACTION--LAW

NO: 2004-1836-C0

FILED

NOV 19 2004
William A. Shaw
Prothonotary/Clerk of Courts
1 can to C/D
4 cert to WTT

APPEAL OF LICENSE SUSPENSION

AND NOW, comes the Petitioner, GLEN D. SMITH, by and through his attorney, W. Jeffrey Yates, Esq., and respectfully avers the following:

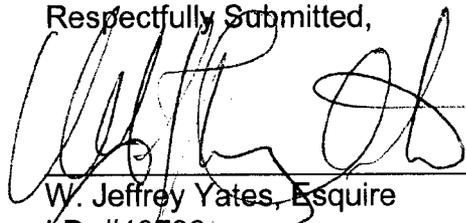
1. Glen D. Smith (hereinafter "Petitioner") is an adult individual, currently residing at 1599 Shimels Road, Clearfield County, Pennsylvania.
2. Petitioner is a licensed driver within the Commonwealth of Pennsylvania having a Commonwealth of Pennsylvania driver's license number, 24113942.
3. Prior to August of 1992, the Petitioner resided in the State of Arizona.
4. Since August of 1992, the Petitioner is a resident of the Commonwealth of Pennsylvania.
5. During his residence in Arizona, the Petitioner was cited, and the Petitioner paid the necessary fines and costs for one or more traffic violations.
6. The Petitioner is currently applying for a CDL driver's license in the Commonwealth of Pennsylvania.
7. On or about October 20, 2004, Petitioner received notice from the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver

Licensing, (hereinafter "Respondent"), that (1) upon consideration of Petitioner's CDL application was denied due to information from the State of Arizona indicating that Petitioner's driving privileges are suspended in Arizona; and (2) Petitioner is required the surrender of Petitioner's regular Pennsylvania Driver's license on or before November 24, 2004. A copy of said Notice is attached hereto and incorporated herein and marked as Exhibit "A".

8. Petitioner avers that his driving privileges are not suspended in the State of Arizona.
9. Petitioner has employed an Arizona attorney to assist in determining the state of Petitioner's driving privileges in that state.

WHEREFORE, petitioner respectfully requests that this Honorable Court set a date and time for a hearing on Petitioner's Appeal and issue a Rule to Show Cause upon the office of Chief Counsel, Pennsylvania Department of Transportation, as to Petitioner's appeal of the suspension of his operating privileges.

Respectfully Submitted,



W. Jeffrey Yates, Esquire
J.D. #40798
Attorney for Plaintiff

425 Market Street, 2nd Floor
Williamsport, PA 17701
Telephone: (570) 322-4511

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
OCTOBER 20, 2004

GLEN D SMITH
1599 SHIMELS RD
MORRISDALE PA 16858

WID # 042876122367857 001
PROCESSING DATE 10/13/2004
DRIVER LICENSE # 24113942
DATE OF BIRTH 06/12/1956

Dear Motorist:

Your right to apply for a driver's license or learner's permit is being denied due to information received from the State of ARIZONA indicating that your driving privileges are suspended. This denial is authorized by Section 1572 of the Vehicle Code. You will not be able to apply for a driver's license or learner's permit until sufficient proof of restoration is received from the State of ARIZONA.

In order to comply with this sanction you are required to return any current driver's license, learner's permit and/or temporary driver's license (camera card) in your possession no later than the effective date listed. If you cannot comply with the requirements stated above, you are required to submit a DL16LC Form or a sworn affidavit stating that you are aware of the sanction against your driving privilege. Failure to comply with this notice shall result in this Bureau referring this matter to the Pennsylvania State Police for prosecution under SECTION 1571(a)(4) of the Vehicle Code.

WHEN THE DEPARTMENT RECEIVES YOUR LICENSE OR ACKNOWLEDGEMENT, WE WILL SEND YOU A RECEIPT. IF YOU DO NOT RECEIVE THIS RECEIPT WITHIN 15 DAYS CONTACT THE DEPARTMENT IMMEDIATELY. OTHERWISE, YOU WILL NOT BE GIVEN CREDIT TOWARD SERVING THIS SANCTION.

The effective date of cancellation is 11/24/2004, 12:01 a.m.

You have the right to appeal the Department's action to the Court of Common Pleas (Civil Division) within 30 days of the mail date (OCTOBER 20, 2004) of this notice. You must still send in your license before the effective date of cancellation unless you appear in person before a Judge and receive an order permitting you to continue to drive.

Exhibit A

042876122367857

AFTER THE APPEAL HAS BEEN FILED IN THE COUNTY COURT, A TIME-STAMPED CERTIFIED COPY OF THE APPEAL MUST BE SENT BY CERTIFIED MAIL TO:

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

Sincerely,

Rebecca J. Bickley

Rebecca L. Bickley, Director
Bureau of Driver Licensing

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

Fingerprint Card
ID CARD
\$5.00

Phoenix Police Dept.
Attn: Public Records
620 W. Washington St.
Phoenix, AZ 85003

(AZ - Dept of Trans)

(520-629-9808)



Police

602-534-1127

602-262-6421 (Court)

3367900
3367901

(Docket #)
(Docket #)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GLEN D. SMITH,

Petitioner

vs.

COMMONWEALTH OF PA.,
DEPARTMENT OF
TRANSPORTATION

Respondent

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NO: 2004-1836-00

CIVIL ACTION--LAW

FILED (E)

NOV 19 2004

0103301 WMS
William A. Shaw

Prothonotary/Clerk of Courts

4 cases to file

MOTION FOR SUPERSEDEAS PURSUANT TO
75 Pa.C.S.A. §1550(b)

1. Simultaneous to this motion, Petitioner brought a Petition for Appeal seeking a judicial review of the suspension of petitioner's privilege to drive a motor vehicle.
2. The effective date of the suspension is November 11, 2004.
3. Petitioner is entitled to Supersedeas of the suspension pending final determination of the Petition for Appeal pursuant to 75 Pa. C.S.A. §1550(b).
4. Petitioner is and always has been a licensed driver.
5. The suspension is based on an error on the part of either the Respondent, or the State of Arizona.
6. It is highly likely that the Petitioner's Arizona information is incorrect.
7. It is highly likely that the Petition for Appeal will be granted.
8. Movant certifies that counsel for the Respondent is not opposed to the Supersedeas.

Wherefore, petitioner requests this court to enter an order granting a
Supersedeas of the suspension issued by the Pennsylvania Department of
Transportation.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'W. Jeffrey Yates', written over a horizontal line.

W. Jeffrey Yates, Esquire
I.D. #40798
Attorney for Plaintiff

425 Market Street, 2nd Floor
Williamsport, PA 17701
Telephone: (570) 322-4511

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GLEN D. SMITH,

Petitioner

vs.

COMMONWEALTH OF PA.,
DEPARTMENT OF
TRANSPORTATION

Respondent

NO: 2004-1836-CD

CIVIL ACTION--LAW

ORIGINAL
w/ 2 copies
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FILED

NOV 19 2004

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William A. Shaw

Prothonotary/Clerk of Courts

1 CRN TO C/A

4 CRN TO APPL

APPEAL OF LICENSE SUSPENSION

AND NOW, comes the Petitioner, GLEN D. SMITH, by and through his attorney, W. Jeffrey Yates, Esq., and respectfully avers the following:

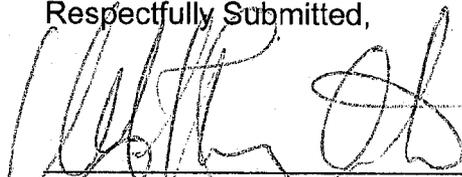
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2. Petitioner is a licensed driver within the Commonwealth of Pennsylvania having a Commonwealth of Pennsylvania driver's license number, 24113942.
3. Prior to August of 1992, the Petitioner resided in the State of Arizona.
4. Since August of 1992, the Petitioner is a resident of the Commonwealth of Pennsylvania.
5. During his residence in Arizona, the Petitioner was cited, and the Petitioner paid the necessary fines and costs for one or more traffic violations.
6. The Petitioner is currently applying for a CDL driver's license in the Commonwealth of Pennsylvania.
7. On or about October 20, 2004, Petitioner received notice from the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver

Licensing, (hereinafter "Respondent"), that (1) upon consideration of Petitioner's CDL application was denied due to information from the State of Arizona indicating that Petitioner's driving privileges are suspended in Arizona; and (2) Petitioner is required the surrender of Petitioner's regular Pennsylvania Driver's license on or before November 24, 2004. A copy of said Notice is attached hereto and incorporated herein and marked as Exhibit "A".

8. Petitioner avers that his driving privileges are not suspended in the State of Arizona.
9. Petitioner has employed an Arizona attorney to assist in determining the state of Petitioner's driving privileges in that state.

WHEREFORE, petitioner respectfully requests that this Honorable Court set a date and time for a hearing on Petitioner's Appeal and issue a Rule to Show Cause upon the office of Chief Counsel, Pennsylvania Department of Transportation, as to Petitioner's appeal of the suspension of his operating privileges.

Respectfully Submitted,



W. Jeffrey Yates, Esquire
I.D. #40798
Attorney for Plaintiff

425 Market Street, 2nd Floor
Williamsport, PA 17701
Telephone: (570) 322-4511

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
OCTOBER 20, 2004

GLEN D SMITH
1599 SHIMELS RD

MORRISDALE PA 16058

WID # 042876122367857 001
PROCESSING DATE 10/13/2004
DRIVER LICENSE # 24113942
DATE OF BIRTH 06/12/1956

Dear Motorist:

Your right to apply for a driver's license or learner's permit is being denied due to information received from the State of ARIZONA indicating that your driving privileges are suspended. This denial is authorized by Section 1572 of the Vehicle Code. You will not be able to apply for a driver's license or learner's permit until sufficient proof of restoration is received from the State of ARIZONA.

In order to comply with this sanction you are required to return any current driver's license, learner's permit and/or temporary driver's license (camera card) in your possession no later than the effective date listed. If you cannot comply with the requirements stated above, you are required to submit a DL16LC Form or a sworn affidavit stating that you are aware of the sanction against your driving privilege. Failure to comply with this notice shall result in this Bureau referring this matter to the Pennsylvania State Police for prosecution under SECTION 1571(a)(4) of the Vehicle Code.

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The effective date of cancellation is 11/24/2004, 12:01 a.m.

You have the right to appeal the Department's action to the Court of Common Pleas (Civil Division) within 30 days of the mail date (OCTOBER 20, 2004) of this notice. You must still send in your license before the effective date of cancellation unless you appear in person before a Judge and receive an order permitting you to continue to drive.

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THIRD FLOOR, RIVERFRONT OFFICE CENTER
HARRISBURG, PA. 17104

Sincerely,

Rebecca J. Bickley

Rebecca L. Bickley, Director
Bureau of Driver Licensing

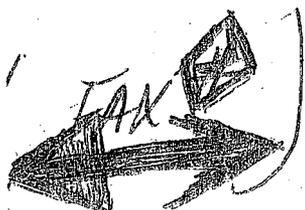
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TDD OUT-OF-STATE 717-391-6191

Fingerprint Card
ID CARD
15.00

Phoenix Police Dept.
Attn: Public Records
620 W. Washington St.
Phoenix, AZ 85003

(AZ - Dept of TRANS)

(520-629-9808)



Police
602-534-1127

602-262-6421 (court)

3367900
3367901
(Docket##)
(Docket##)

VERIFICATION

I, **GLEN D. SMITH**, hereby state that I am the Petitioner/Plaintiff in the foregoing **PETITION/COMPLAINT**, and that the facts contained therein are true, correct, and accurate to the best of my knowledge, information, and belief. I further understand that false statements made herein are subject to the penalties of 18 Pa C.S.A. §4904 relating to Unsworn Falsification to Authorities.


GLEN D. SMITH

Dated: 11/15/04

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GLEN D. SMITH,

Petitioner

vs.

COMMONWEALTH OF PA.,
DEPARTMENT OF
TRANSPORTATION

Respondent

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NO: 2004-1836-CD

CIVIL ACTION--LAW

FILED (e)

NOV 19 2004
0/10:25 LW
William A. Shaw
Prothonotary/Clerk of Courts
1 CAN TO C/A
4 CENT TO APPEL

APPEAL OF LICENSE SUSPENSION

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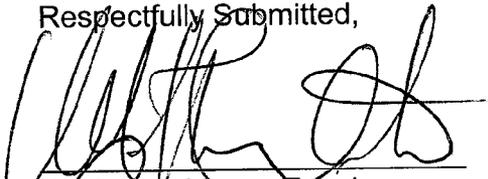
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Respectfully Submitted,



W. Jeffrey Yates, Esquire
I.D. #40798
Attorney for Plaintiff

425 Market Street, 2nd Floor
Williamsport, PA 17701
Telephone: (570) 322-4511

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
OCTOBER 20, 2004

GLEN D SMITH
1599 SHIMELS RD
MORRISDALE PA 16858

WID # 042876122367857 001
PROCESSING DATE 10/13/2004
DRIVER LICENSE # 24113942
DATE OF BIRTH 06/12/1956

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

Sincerely,

Rebecca J. Bickley

Rebecca L. Bickley, Director
Bureau of Driver Licensing

INFORMATION (7:00 AM to 9:00 PM)
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OUT-OF-STATE 717-391-6190
TDD IN STATE 1-800-228-0676
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(AZ - Dept of TRANS)

(520-629-9808)

FAX

Police
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602-262-6421 (Court)

3367900
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GLEN D. SMITH,

Petitioner

vs.

COMMONWEALTH OF PA.,
DEPARTMENT OF
TRANSPORTATION

Respondent

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NO: 2004-1836-CO

CIVIL ACTION--LAW

FILED 

NOV 19 2004
0 10:30 AM
William A. Shaw
Prothonotary/Clerk of Courts
4 cases to file

MOTION FOR SUPERSEDEAS PURSUANT TO
75 Pa.C.S.A. §1550(b)

1. Simultaneous to this motion, Petitioner brought a Petition for Appeal seeking a judicial review of the suspension of petitioner's privilege to drive a motor vehicle.
2. The effective date of the suspension is November 11, 2004.
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6. It is highly likely that the Petitioner's Arizona information is incorrect.
7. Is highly likely that the Petition for Appeal will be granted.
8. Movant certifies that counsel for the Respondent is not opposed to the Supersedeas.

Wherefore, petitioner requests this court to enter an order granting a
Supersedeas of the suspension issued by the Pennsylvania Department of
Transportation.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'W. Jeffrey Yates', written over a horizontal line.

W. Jeffrey Yates, Esquire
I.D. #40798
Attorney for Plaintiff

425 Market Street, 2nd Floor
Williamsport, PA 17701
Telephone: (570) 322-4511

CA

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

GLEN D. SMITH :
 :
 :
 vs. : No. 04-1836-CD
 :
 :
 COMMONWEALTH OF PENNSYLVANIA :

ORDER

AND NOW, this 25th day of August, 2005, 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 23, 2005 at 2:00 P.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 this hearing will be heard.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED
9/2:20 cm 2cc C/A
AUG 25 2005 

William A. Shaw
Prothonotary

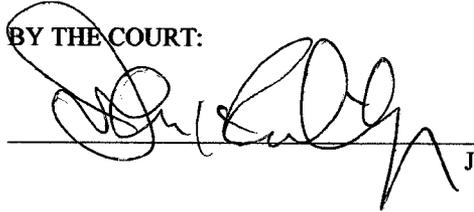
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

GLEN D. SMITH,
Petitioner
vs.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent
No. 2004-1836-CD

ORDER OF COURT

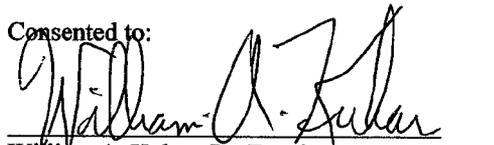
AND NOW: to wit: this 23rd day of September, 2005, this appeal by the petitioner, Glen D. Smith, from the Department of Transportation's October 20, 2004 order for the cancellation of his Pennsylvania driver license pursuant to 75 Pa.C.S. §1572 is, with the consent of the Department, remanded to the Department to rescind the appealed October 20, 2004 cancellation order and update the petitioner's driving record to show that his driving privilege in the State of Arizona has been restored.

BY THE COURT:



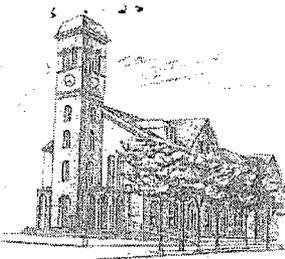
J.

Consented to:



William A. Kuhar, Jr., Esquire
Attorney for the Department of Transportation

FILED ^{CR} 2CC Atty's:
013:5437
SEP 23 2005
William A. Shroy
Prothonotary, Clerk of Courts
Yates
Kuhar



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: