

05-39-CD
A. Roselli vs. Comm of PA

PENNSYLVANIA

Anthony Roselli v Com of Pa.
2005-039-CD

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

ANTHONY R. ROSSELLI,
Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Respondent

No. 05 - 39 - CD

Type of Pleading:

PETITION FOR REVIEW OF
ORDER OF DEPARTMENT OF
TRANSPORTATION RECALLING
OPERATING PRIVILEGE

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa. I.D. 06820

207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

*Original
to C/A*

FILED

JAN 10 2005

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William A. Shaw

Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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ANTHONY R. ROSSELLI,
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Respondent

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O R D E R

AND NOW, this 20th day of January, 2005, upon consideration of the Petition of James A. Naddeo, Esquire, for review of an order of the Department of Transportation recalling Petitioner's driver's license, a hearing de novo is granted to determine whether the action of the Department of Transportation in recalling Petitioner's driver's license should be set aside.

Hearing on the above-captioned matter shall be set by the Clearfield County Court Administrator on the next license suspension appeal date. It is further Order of this Court that Petitioner be directed forthwith to serve a notice of the appeal and a copy of the Petition for Review and Order for hearing on the Department of Transportation at the address shown in the Department's notice recalling Petitioner's driver's license by certified mail, return receipt requested.

BY THE COURT,

FILED

① 10:52 AM 100 batty

JAN 20 2005

Frederick J. Cunningham
Judge

William A. Shaw
Prothonotary

(A)

CLEARFIELD, PENNSYLVANIA 16830

P.O. BOX 552

207 EAST MARKET STREET

ATTORNEY AT LAW

JAMES A. NADDEO

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Respondent

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No. 05 - - CD

PETITION FOR REVIEW OF ORDER OF
DEPARTMENT OF TRANSPORTATION
RECALLING OPERATING PRIVILEGE

Petitioner, Anthony R. Rosselli, by the undersigned counsel, respectfully petitions the Court pursuant to 75 Pa.C.S.A. §1550 for review of an order of the Department of Transportation recalling Petitioner's operating privilege, and in support thereof represents as follows:

1. That Petitioner is Anthony R. Rosselli, an adult individual, who resides at 609 Dorey Street, Clearfield, Pennsylvania 16830.

2. That your Petitioner currently possesses a valid driver's license which has not heretofore been recalled, suspended, cancelled or revoked.

3. That by letter dated December 13, 2004, Petitioner was notified in writing by the Department of Transportation that


his driver's license is recalled for an indefinite period of time. A copy of said notice is attached hereto as Exhibit "A"

4. That the recall of Petitioner's operating privilege to be effective January 17, 2005, is improper and unlawful for the following reasons:

A. Petitioner has no medical condition which is sufficiently severe as to impair his ability to operate a motor vehicle.

WHEREFORE, Petitioner respectfully requests that the Court set this matter for de novo hearing pursuant to 75 Pa.C.S.A. §1550 and that the suspension order of the Department of Transportation be set aside.

Respectfully submitted,


James A. Naddeo, Esquire
Attorney for Petitioner

COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared ANTHONY R. ROSSELLI, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

Anthony R. Rosselli
Anthony R. Rosselli

SWORN and SUBSCRIBED before me this 7th day of January, 2005.

Jennifer L. Royer

Notarial Seal
Jennifer L. Royer, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires May 17, 2007

recalls

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: December 13, 2004**

ANTHONY ROSSELLI
609 DOREY ST
CLEARFIELD PA 16830

Dear Mr. ANTHONY ROSSELLI:

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

As of 01/17/2005, 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 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"

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,

Rebecca L. Bickley

Rebecca L. Bickley, Director
Bureau of Driver Licensing

Driver License #: 05053779

OK

JAMES A. NADDEO
ATTORNEY AT LAW
207 EAST MARKET STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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FILED

JAN 10 2005

William A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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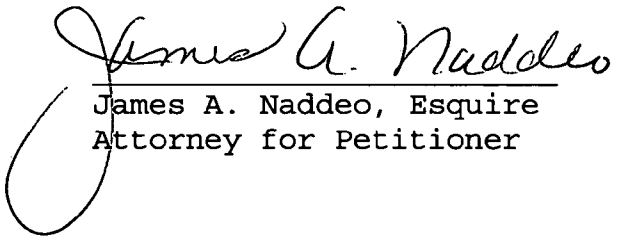
No. 05 - 39 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and certified copy of Petition for Review and Order filed in the above-captioned action was served on the following entity and in the following manner on the 21st day of January, 2005:

First-Class Mail, Postage Prepaid

Pennsylvania Department of Transportation
Office of Chief Counsel
Third Floor, Riverfront Office Center
Harrisburg, PA 17104-2516


James A. Naddeo, Esquire
Attorney for Petitioner

JAMES A. NADDEO
ATTORNEY AT LAW
207 EAST MARKET STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

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FILED

JAN 21 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

ANTHONY R. ROSSELLI

vs.

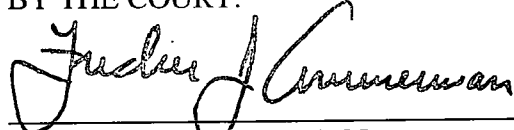
COMMONWEALTH OF PENNSYLVANIA

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: No. 05-39-CD
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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 2:30 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

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AUG 25 2005

2CC C/A

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William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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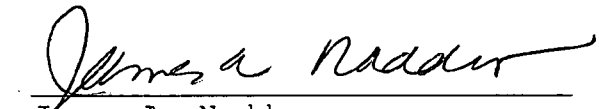
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No. 05 - 39 - CD

PRAECIPE TO WITHDRAW APPEAL

TO THE PROTHONOTARY:

Please withdraw the appeal filed in the above-captioned case.



James A. Naddeo
Attorney for Petitioner

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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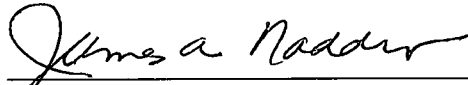
No. 05 - 39 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and certified copy of Praecipe to Withdraw Appeal filed in the above-captioned action was served on the following entity and in the following manner on the 8th day of September, 2005:

First-Class Mail, Postage Prepaid

Pennsylvania Department of Transportation
Office of Chief Counsel
Third Floor, Riverfront Office Center
Harrisburg, PA 17104-2516


James A. Naddeo, Esquire
Attorney for Petitioner