

06-1107-CD  
Comm of PA vs Elizabeth Lezzer

2006-1107-CD  
Comm of PA vs Elizabeth Lezzer

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

COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION ) No. 06-1107-CD  
Respondent, )  
 )  
v. )  
 )  
 )  
ELIZABETH LEZZER ) Type of Pleading:  
Petitioner ) Petition for Appeal from  
 ) Suspension of Operating Privileges  
 )  
 ) Filed on Behalf of:  
 ) ELIZABETH LEZZER  
Petitioner )  
 )  
 ) Counsel of Record for this Party:  
 ) Betsy Dupuis, Esquire  
 ) PA Attorney I.D. # 80149  
 ) Erica L. Steele, Esquire  
 ) PA Attorney I.D. # 94546  
 )  
 ) Babst Calland Clements & Zomnir  
 ) 328 Innovation Blvd., Suite 200  
 ) State College, PA 16803

FILED 2cc Atty  
09/5/2006 Atty pd.  
JUL 12 2006 Atty pd.  
85.00  
William A. Shaw  
Prothonotary/Clerk of Courts  
LJ

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

COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION ) No. -CD  
Respondent, )  
 )  
v. )  
 )  
 )  
ELIZABETH LEZZER )  
Petitioner. )

**PETITION FOR APPEAL FROM SUSPENSION OF OPERATING PRIVILEGES**

AND NOW, comes Petitioner, Elizabeth Lezzer, by and through her attorneys, Elizabeth Dupuis, Esq. and Erica L. Steele, Esq. and the law firm of Babst, Calland, Clements & Zomnir, P.C. and files this Petition for Appeal From Suspension of Operating Privileges and in support thereof avers as follows:

1. Your Petitioner, Elizabeth Lezzer, is an individual residing at 70 Grandview Avenue, Curwensville, PA 16833.
2. On or about June 24, 2006, Petitioner received a letter from the Pennsylvania Department of Transportation (hereinafter "Penn Dot") notifying her that her driving privileges were being recalled indefinitely as of July 15, 2006. A true and correct copy of the letter is attached as Exhibit "A" and incorporated herein by reference.
3. This suspension arises from information received by Penn Dot which alleges Petitioner has a neurological disorder which prevents Petitioner from operating a motor vehicle safely.

4. Petitioner avers that the information received by Penn Dot was not sufficient to suspend Petitioner's driving privileges and is erroneous as a matter of law.

5. Petitioner scheduled an appointment with her neurologist, Brian Hyman, M.D. regarding continued problems with neuropathy in her legs and stability issues.

6. Dr. Hyman discovered fluid in Petitioner's brain as a result of an MRI and provided medication for treatment of the same.

7. To rule out all other issues Dr. Hyman recommended a neuropsychological evaluation be done on Petitioner.

8. Dr. Hyman referred Petitioner to Michael M. Keil, Ph.D., Licensed Psychologist, to perform the evaluation.

9. From the beginning, Petitioner was hesitant to have the neuropsychological evaluation performed on her because she did not feel a psychological evaluation was necessary nor did she believe it would reveal information about the neuropathy and stability.

10. Prior to Dr. Keil conducting the evaluation, Petitioner was not informed of the possible consequences of the evaluation including the potential for reporting the results to government authorities.

11. Had Petitioner been advised of the possible consequences of a negative evaluation, she may not have pursued the testing, since she believed the testing would not be necessary to resolve her problems.

12. Petitioner was to undergo several days of testing by Dr. Keil and Petitioner attended one session of testing and was asked to return to complete the testing at a later date.

13. Due to scheduling issues, Petitioner did not return for the additional testing.

14. Petitioner believes, and therefore avers, the evaluation performed by Dr. Keil is not sufficient to support a finding that her operating privileges should be suspended and the results of Dr. Keil's evaluation and the recommendations therefrom were compiled from incomplete testing.

15. Petitioner leads a healthy, active life and has relied on herself for transportation purposes all her life.

16. Petitioner owns a family business that requires a great deal of her time and attention and requires her to have a driver's license.

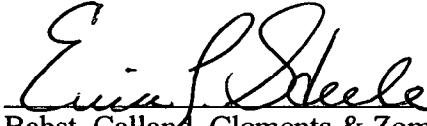
17. Petitioner is a widow and, therefore, cannot rely on her deceased husband to escort her around, in the event, she is forced to give up her Pennsylvania Driver's License.

18. Petitioner's children have busy lives assisting in the operation of the family business, therefore, she cannot rely on them to transport her around.

19. Due to the incomplete testing and the doctor's failure to give informed consent, Petitioner hereby appeals the license suspension by Penn Dot and requests a prompt hearing for testimony from Petitioner as well as other health professionals.

WHEREFORE, Petitioner respectfully requests that this appeal be granted and in the interim, that this Honorable Court enter a stay of the suspension of Petitioner's operating privileges pending this appeal.

Respectfully submitted by:

  
Elizabeth Dupuis  
Babst, Calland, Clements & Zomnir, P.C.  
Elizabeth Dupuis, Esquire

PA ID # 80149  
Erica L. Steele, Esquire  
PA ID # 94546  
328 Innovation Blvd., Suite 200  
State College, PA 16803  
Ph: (814) 867-8055  
Fax: (814) 867-8051

Date: 7-12-06

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: June 24, 2006

ELIZABETH LEZZER  
70 GRANDVIEW AVE  
CURWENSVILLE PA 16833

Dear Ms. ELIZABETH LEZZER:

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

As of 07/15/2006, 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.

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.

**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:

EXHIBIT

tables

A

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

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,



Janet L. Dolan, Director  
Bureau of Driver Licensing

Driver License #: 09029012

**VERIFICATION**

I, Elizabeth Lezzer, verify that the statements contained in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

Dated: 7-11-2006

Elizabeth Lezzer

Elizabeth Lezzer

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

COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION ) No. -CD  
Respondent, )  
 )  
v. )  
 )  
ELIZABETH LEZZER )  
Petitioner. )

CERTIFICATE OF SERVICE

I hereby certify that on this day, a true and correct copy of the Petition for Appeal from Suspension of Operating Privileges was served on the Commonwealth of Pennsylvania Department of Transportation, in the above entitled matter, via certified mail, return receipt required at the following address:

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

Date: 7-12-06



Betsy Dupuis, Esquire

PA ID # 80149

Erica L. Steele, Esquire

PA ID # 94546

Attorneys for Petitioner

Babst Calland Clements & Zomnir  
328 Innovation Blvd., Suite 200

State College, PA 16803

814-867-8055 phone

814-231-8001 fax

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

FILED 2cc  
01/9/52 AM  
JUL 12 2005  
ASSTY

William A. Shaw  
Prothonotary/Clerk of Courts

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

COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION, )  
    Respondent,         )      No.         -CD  
                          )  
    v.                    )  
                          )  
ELIZABETH LEZZER        )  
    Petitioner         )

**EMERGENCY PETITION FOR SUPERSEDEAS PENDING APPEAL**

AND NOW, comes Petitioner, Elizabeth Lezzer, by and through her attorneys, Elizabeth Dupuis, Esq. and Erica L. Steele, Esq. and the law firm of Babst, Calland, Clements & Zomnir, P.C. and files this Emergency Petition For Supersedeas Pending Appeal and in support thereof avers as follows:

1.     Your Petitioner, Elizabeth Lezzer, is an individual residing at 70 Grandview Avenue, Curwensville, PA 16833.
2.     On or about July 11, 2006, Petitioner filed a Petition for Appeal from Suspension of Operating Privileges. A true and correct copy of the Appeal is attached as Exhibit "1" and incorporated herein by reference.
3.     Petitioner's Appeal arises from a letter she received from the Pennsylvania Department of Transportation (hereinafter "Penn Dot") notifying her that her driving privileges were being recalled indefinitely as of July 15, 2006. A true and correct copy of the letter is attached to the Appeal.

4. The notice of suspension arose from information received by Penn Dot which alleges Petitioner has a neurological disorder which prevents Petitioner from operating a motor vehicle safely.

5. Petitioner avers that the information received by Penn Dot was not sufficient to suspend Petitioner's driving privileges and is erroneous as a matter of law.

6. In her Appeal, Petitioner states that she was not given informed consent of the potential reporting of any test results and the testing by the reporting physician was not completed.

7. Petitioner leads a healthy, active life and has relied on herself for transportation purposes all her life.

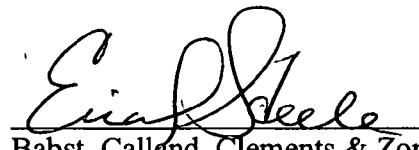
8. Petitioner owns a family business that requires a great deal of her time and attention and requires her to have a driver's license.

9. Petitioner is a widow and, therefore, cannot rely on her deceased husband to escort her around in the event she is forced to give up her Pennsylvania Driver's License.

10. Petitioner's children have busy lives assisting in the operation of the family business, therefore, she cannot rely on them to transport her around.

WHEREFORE, Petitioner respectfully requests that this Emergency Petition for Supersedeas Pending Appeal be granted to allow Petitioner the use of her Pennsylvania Driver's License pending this Honorable Court's decision on Petitioner's Petition for Appeal from Suspension of Operating Privileges.

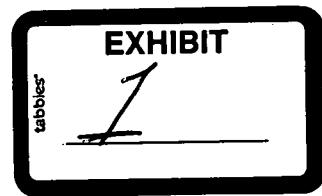
Respectfully submitted by:

  
Eric J. Steele  
Babst, Calland, Clements & Zomnir, P.C.

Elizabeth Dupuis, Esquire  
PA ID # 80149  
Erica L. Steele, Esquire  
PA ID # 94546  
328 Innovation Blvd., Suite 200  
State College, PA 16803  
Ph: (814) 867-8055  
Fax: (814) 867-8051

Date: 7-12-06

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



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

COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION ) No. -CD  
Respondent, )  
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v. )  
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ELIZABETH LEZZER )  
Petitioner. )

**PETITION FOR APPEAL FROM SUSPENSION OF OPERATING PRIVILEGES**

AND NOW, comes Petitioner, Elizabeth Lezzer, by and through her attorneys, Elizabeth Dupuis, Esq. and Erica L. Steele, Esq. and the law firm of Babst, Calland, Clements & Zomnir, P.C. and files this Petition for Appeal From Suspension of Operating Privileges and in support thereof avers as follows:

1. Your Petitioner, Elizabeth Lezzer, is an individual residing at 70 Grandview Avenue, Curwensville, PA 16833.
2. On or about June 24, 2006, Petitioner received a letter from the Pennsylvania Department of Transportation (hereinafter "Penn Dot") notifying her that her driving privileges were being recalled indefinitely as of July 15, 2006. A true and correct copy of the letter is attached as Exhibit "A" and incorporated herein by reference.
3. This suspension arises from information received by Penn Dot which alleges Petitioner has a neurological disorder which prevents Petitioner from operating a motor vehicle safely.

4. Petitioner avers that the information received by Penn Dot was not sufficient to suspend Petitioner's driving privileges and is erroneous as a matter of law.

5. Petitioner scheduled an appointment with her neurologist, Brian Hyman, M.D. regarding continued problems with neuropathy in her legs and stability issues.

6. Dr. Hyman discovered fluid in Petitioner's brain as a result of an MRI and provided medication for treatment of the same.

7. To rule out all other issues Dr. Hyman recommended a neuropsychological evaluation be done on Petitioner.

8. Dr. Hyman referred Petitioner to Michael M. Keil, Ph.D., Licensed Psychologist, to perform the evaluation.

9. From the beginning, Petitioner was hesitant to have the neuropsychological evaluation performed on her because she did not feel a psychological evaluation was necessary nor did she believe it would reveal information about the neuropathy and stability.

10. Prior to Dr. Keil conducting the evaluation, Petitioner was not informed of the possible consequences of the evaluation including the potential for reporting the results to government authorities.

11. Had Petitioner been advised of the possible consequences of a negative evaluation, she may not have pursued the testing, since she believed the testing would not be necessary to resolve her problems.

12. Petitioner was to undergo several days of testing by Dr. Keil and Petitioner attended one session of testing and was asked to return to complete the testing at a later date.

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14. Petitioner believes, and therefore avers, the evaluation performed by Dr. Keil is not sufficient to support a finding that her operating privileges should be suspended and the results of Dr. Keil's evaluation and the recommendations therefrom were compiled from incomplete testing.

15. Petitioner leads a healthy, active life and has relied on herself for transportation purposes all her life.

16. Petitioner owns a family business that requires a great deal of her time and attention and requires her to have a driver's license.

17. Petitioner is a widow and, therefore, cannot rely on her deceased husband to escort her around, in the event, she is forced to give up her Pennsylvania Driver's License.

18. Petitioner's children have busy lives assisting in the operation of the family business, therefore, she cannot rely on them to transport her around.

19. Due to the incomplete testing and the doctor's failure to give informed consent, Petitioner hereby appeals the license suspension by Penn Dot and requests a prompt hearing for testimony from Petitioner as well as other health professionals.

WHEREFORE, Petitioner respectfully requests that this appeal be granted and in the interim, that this Honorable Court enter a stay of the suspension of Petitioner's operating privileges pending this appeal.

Respectfully submitted by:

  
Babst, Calland, Clements & Zomnir, P.C.  
Elizabeth Dupuis, Esquire

PA ID # 80149  
Erica L. Steele, Esquire  
PA ID # 94546  
328 Innovation Blvd., Suite 200  
State College, PA 16803  
Ph: (814) 867-8055  
Fax: (814) 867-8051

Date: 7-12-04

### recallns

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION**

**Bureau of Driver Licensing**  
Mail Date: June 24, 2006

ELIZABETH LEZZER  
70 GRANDVIEW AVE  
CURWENSVILLE PA 16833

Dear Ms. ELIZABETH LEZZER:

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

As of 07/15/2006, you may no longer drive. Your driving privilege is hereby recalled indefinitely as mandated by Section 1519(c) of the Vehicle Code.

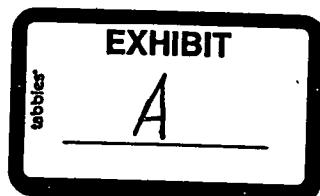
This decision has been made by comparing your medical condition with the standards recommended by our Medical Advisory Board and adopted by this Department. This action will remain in effect until we receive medical information that your condition has improved and you are able to safely operate a motor 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.

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.

**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

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,



Janet L. Dolan, Director  
Bureau of Driver Licensing

Driver License #: 09029012

**VERIFICATION**

I, Elizabeth Lezzer, verify that the statements contained in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

Dated: July 16 2006

Elizabeth Lezzer  
Elizabeth Lezzer

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

COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION ) No. -CD  
Respondent, )  
v. )  
ELIZABETH LEZZER )  
Petitioner. )

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, a true and correct copy of the Emergency Petition for Supersedeas Pending Appeal was served on the Commonwealth of Pennsylvania Department of Transportation, in the above entitled matter, via certified mail, return receipt required at the following address:

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

Date: 7-12-04

*Erica Steele*

Betsy Dupuis, Esquire  
PA ID # 80149  
Erica L. Steele, Esquire  
PA ID # 94546  
Attorneys for Petitioner  
Babst Calland Clements & Zomnir  
328 Innovation Blvd., Suite 200  
State College, PA 16803  
814-867-8055 phone  
814-231-8001 fax

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

## **RULE TO SHOW CAUSE**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon consideration of the foregoing Emergency Petition for Supersedeas Pending Appeal, it is hereby ordered that a rule is issued upon Respondent to show cause why the is not entitled to a stay pending appeal.

A hearing on the Emergency Motion for Supersedeas Pending Appeal shall be held on \_\_\_\_\_ day of \_\_\_\_\_, 2006, in Courtroom \_\_\_\_\_ of the Clearfield County Courthouse. Notice of the entry of this Order shall be provided to all parties by the Defendant.

BY THE COURT:

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

COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION ) No. 06-1107-CD  
Respondent, )  
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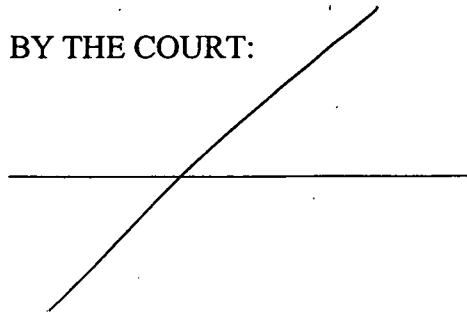
O R D E R

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, the Petitioner  
Elizabeth Lezzer having filed a Petition for Appeal from Suspension of Operating  
Privileges, it is hereby Ordered that the Court Administrator's Office is directed to  
schedule the matter for hearing at the next available License Suspension Appeal hearing  
date.

It is further Ordered that the Petitioner shall send a certified copy of this  
Order and of the Petition for Appeal From Order of Department of Transportation  
Suspending Operator's License by certified United States mail to Pennsylvania  
Department of Transportation, Office of Chief Counsel, Third Floor, Riverfront Office  
Center, Harrisburg, PA 17104-2516.

This Order shall act as a supersedeas of the action of the Pennsylvania  
Department of Transportation suspending Defendant's motor vehicle operating  
privileges.

BY THE COURT:



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

COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION ) No. 06-1107-CD  
Respondent, )  
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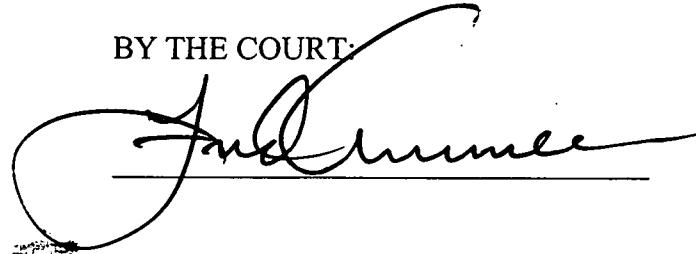
CA Atty  
01/10/2007 Depuis  
JUL 13 2006 CA notified  
Atty Kuhar by  
William A. Shaw Prothonotary/Clerk of Courts fax to Atty  
Depuis by  
phone 7/13/06

**RULE TO SHOW CAUSE**

AND NOW, this 12 day of July, 2006, upon consideration of the foregoing Petition for Appeal from Suspension of Operating Privileges, it is hereby ordered that a rule is issued upon Respondent to show cause why Petitioner's Appeal should not be granted.

A hearing on the Petition for Appeal from Suspension of Operating Privileges shall be held on 21st day of July, 2006, in Courtroom 1 of the Clearfield County Courthouse. Notice of the entry of this Order shall be provided to all parties by 11:00 AM  
Petitioner.

BY THE COURT:



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

COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION ) No. Cl0-1107CD  
Respondent, )  
 )  
v. )  
 )  
ELIZABETH LEZZER )  
Petitioner. )

**O R D E R**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, the Petitioner  
Elizabeth Lezzer having filed a Petition for Appeal from Suspension of Operating  
Privileges, it is hereby Ordered that the Court Administrator's Office is directed to  
schedule the matter for hearing at the next available License Suspension Appeal hearing  
date.

It is further Ordered that the Petitioner shall send a certified copy of this  
Order and of the Petition for Appeal From Order of Department of Transportation  
Suspending Operator's License by certified United States mail to Pennsylvania  
Department of Transportation, Office of Chief Counsel, Third Floor, Riverfront Office  
Center, Harrisburg, PA 17104-2516.

This Order shall act as a supersedeas of the action of the Pennsylvania  
Department of Transportation suspending Defendant's motor vehicle operating  
privileges.

BY THE COURT:

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# Transmission Report

Date/Time      07-12-2006      03:14:21 p.m.  
 Local ID 1      8147657649  
 Local ID 2

Transmit Header Text      COURT ADMINISTRATOR  
 Local Name 1      fax  
 Local Name 2

**This document : Failed**  
**(reduced sample and details below)**  
**Document size : 8.5"x11"**



**OFFICE OF COURT ADMINISTRATOR**  
**FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA**

DAVID S. MEHOLICK  
 COURT ADMINISTRATOR

CLEARFIELD COUNTY COURTHOUSE  
 SUITE 228, 230 EAST MARKET STREET  
**CLEARFIELD, PENNSYLVANIA 16830**  
 PHONE: (814) 765-2641  
 FAX: 1-814-765-7649

RONDA WISOR  
 DEPUTY COURT ADMINISTRATOR

**FACSIMILE MESSAGE**

**TO:**      Attorney Kuhar  
**FROM:**      Ronda Wisor, Deputy Court Administrator, Clfd. County  
**RE:**      License Suspension Appeal Filing  
**DATE:**      7/12/06

No. of Page(s) in Message:

Per our phone conversation attached is the paperwork on the License Suspension Appeal  
 of Operating Privileges that has been scheduled for July 21, 2006 at 11:00 AM following  
 the 10:00 AM Appeal hearing of Shelow.

Thank you.

*Ronda Wisor*

Total Pages Scanned : 12

Total Pages Confirmed : 0

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	655	14125657778	03:13:02 p.m. 07-12-2006	00:00:00	0/12	1	--	HS	FA

Abbreviations:

HS: Host send

PL: Polled local

MP: Mailbox print

TU: Terminated by user

HR: Host receive

PR: Polled remote

CP: Completed

TS: Terminated by system

G3: Group 3

WS: Waiting send

MS: Mailbox save

FA: Fail

RP: Report

EC: Error Correct

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

COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION )  
Respondent, )  
 )  
v. )  
 )  
ELIZABETH LEZZER )  
Petitioner. )

No. 06-1107-CD

CA  
FILED 1cc  
M7/20/2006 Atty  
JUL 20 2006  
William A. Shaw  
Prothonotary/Clerk of Courts  
ER

**MOTION FOR A CONTINUANCE**

AND NOW, comes Petitioner Elizabeth Lezzer, by and through her attorneys Babst, Calland, Clements & Zomnir, P.C. and files the within Motion whereof the following is a statement:

1. This matter is scheduled for a hearing on the Petition for Appeal from Suspension of Operating Privileges on Friday, July 21, 2006 at 11:00 am.
2. That the Petitioner is aware Respondent is entitled to sixty (60) days notice before a hearing is held.
3. That the Petitioner has scheduled an appointment with Dr. James R. Fick, M.D. for an evaluation in regards to the medical problems she has been experiencing. The appointment is scheduled for July 24, 2006.
4. That the Petitioner believes the result of Dr. Fick's evaluation is necessary for this Honorable Court to make a determination on the Petition for Appeal from Suspension of Operating Privileges.
5. That Petitioner believes Respondent will not be prejudiced by the request for a continuance.

WHEREFORE, the Petitioner respectfully requests that this Honorable Court grant a continuance of this matter for a period of not less than sixty (60) days or until such time as the Court may so decree.

Respectfully submitted,

  
Erica L. Steele, Esq.  
PA I.D. # 94546  
Elizabeth A. Dupuis, Esq.  
PA I.D. # 80149  
Attorneys for Petitioner

Babst Calland Clements & Zomnir  
328 Innovation Blvd, Suite 200  
State College, PA 16803  
(814) 867-8055

Date: 07/18/06

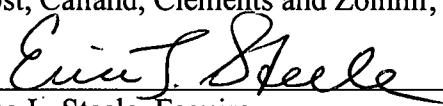
THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION ) No. -CD  
Respondent, )  
 )  
v. )  
 )  
ELIZABETH LEZZER )  
Petitioner. )

VERIFICATION

I verify that the statements made in the foregoing Motion for a Continuance are true and correct based upon information received from the Petitioner. The Petitioner, Elizabeth Lezzer, was not available and the verification of the Petitioner cannot be obtained within the time allowed for filing the pleading. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Babst, Calland, Clements and Zomnir, P.C.

  
Erica L. Steele, Esquire  
Attorney for the Petitioner

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

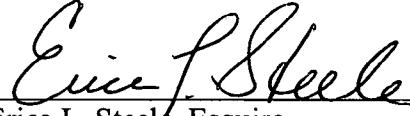
COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION ) No. -CD  
Respondent, )  
 )  
v. )  
 )  
ELIZABETH LEZZER )  
Petitioner. )

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, a true and correct copy of the Motion for A Continuance Pending Appeal was served on the Commonwealth of Pennsylvania Department of Transportation, in the above entitled matter via first mail US mail, at the following address:

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

Date: 7-18-06

  
Erica L. Steele, Esquire  
PA ID # 94546  
Betsy Dupuis, Esquire  
PA ID # 80149  
Attorneys for Petitioner  
Babst Calland Clements & Zomnir  
328 Innovation Blvd., Suite 200  
State College, PA 16803  
814-867-8055 phone  
814-231-8001 fax

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

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

vs.

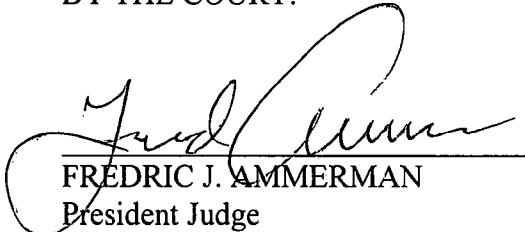
No. 06-1107-CD

ELIZABETH LEZZER

**ORDER**

AND NOW, this 7 day of August, 2006, it is the ORDER of the Court that hearing on Defendant's License Suspension Appeal in the above matter has been scheduled for Tuesday, September 26, 2006 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 this hearing will be heard.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

**FILED**

AUG 08 2006

0102-30/cw  
William A. Shaw  
Prothonotary/Clerk of Courts

Case 40

Attn: Kuttan

+

Attn: Steele

**FILED**

AUG 08 2006

DATE: 8-8-06

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 Kulhant.

Defendant(s)  Defendant(s) Attorney

Special Instructions:

William A. Shaw  
Prothonotary/Clerk of Courts

Erica L. Steele, Jr.

328 INNOVATION BLDG, STE 20  
STATE COLLEGE, PA 16803

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

COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION ) No. 06-1107-CD  
Respondent, )  
 )  
v. )  
 )  
ELIZABETH LEZZER )  
Petitioner. )

ORDER

AND NOW, this 21 day of Sept, 2006, the Petitioner

Elizabeth Lezzer having filed a Motion for Continuance and having received  
Respondent's consent thereto, it is hereby ORDERED AND DECREED that Petitioner's  
Motion is Granted

BY THE COURT:

FILED 2cc  
09/06/06  
SEP 26 2006  
Atty Steele  
(GP)

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: September

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**

SEP 26 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION )  
Respondent, )  
)

No. 06-1107-CD

v. )  
)  
)  
)

ELIZABETH LEZZER )  
Petitioner )

Type of Pleading:  
Motion for Continuance

Filed on Behalf of:  
ELIZABETH LEZZER  
Petitioner

Counsel of Record for this Party:  
Betsy Dupuis, Esquire  
PA Attorney I.D. # 80149  
Erica L. Steele, Esquire  
PA Attorney I.D. # 94546

Babst Calland Clements & Zomnir  
328 Innovation Blvd., Suite 200  
State College, PA 16803

FILED

SEP 19 2006  
12:51 PM  
William A. Shaw  
Prothonotary/Clerk of Courts

2 Cents to File

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

COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION ) No. 06-1107 -CD  
Respondent, )  
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**MOTION FOR A CONTINUANCE**

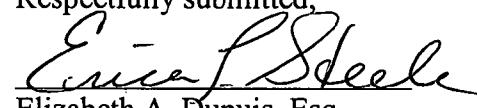
AND NOW, comes Petitioner Elizabeth Lezzer, by and through her attorneys Babst, Calland, Clements & Zomnir, P.C. and files the within Motion whereof the following is a statement:

1. This matter is scheduled for a hearing on the Petition for Appeal from Suspension of Operating Privileges on Tuesday, September 26, 2006 at 10:00 am.
2. That Petitioner was in the hospital the week of September 11, 2006, for testing.
3. That Petitioner had surgery for Normal Pressure Hydrocephalus (NPH), which is a neurological condition that is potentially fully reversible.
4. That Dr. Michael Horowitz performed the surgery on Friday, September 15, 2006.
5. That Petitioner believes a hearing on this matter would not be beneficial at this time until her doctor is able to evaluate the success of the surgery.

6. That attorney for Respondent, William Kuhar, has agreed to Petitioner's request for a continuance, therefore, Respondent will not be prejudiced by Petitioner's request.

WHEREFORE, the Petitioner respectfully requests that this Honorable Court grant a continuance of this matter for a period of not less than sixty (60) days or until such time as the Court may so decree.

Respectfully submitted,

  
Elizabeth A. Dupuis, Esq.  
PA I.D. # 80149  
Erica L. Steele, Esq.  
PA I.D. # 94546  
Attorneys for Petitioner

Babst Calland Clements & Zomnir  
328 Innovation Blvd, Suite 200  
State College, PA 16803  
(814) 867-8055

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

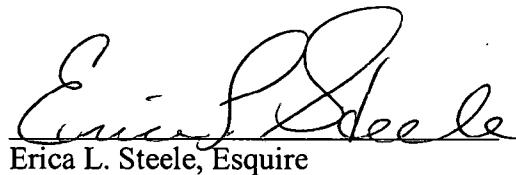
COMMONWEALTH OF )  
PENNSYLVANIA, DEPARTMENT OF )  
TRANSPORTATION ) No. 06-1107-CD  
Respondent, )  
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v. )  
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ELIZABETH LEZZER )  
Petitioner. )

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, a true and correct copy of the Motion for A Continuance was served on the Commonwealth of Pennsylvania Department of Transportation, in the above entitled matter via first mail US mail, at the following address:

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

Date: 9/18/06



Erica L. Steele, Esquire  
PA ID # 94546

Betsy Dupuis, Esquire  
PA ID # 80149

Attorneys for Petitioner  
Babst Calland Clements & Zomnir  
328 Innovation Blvd., Suite 200  
State College, PA 16803  
814-867-8055 phone  
814-231-8001 fax

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

COMMONWEALTH OF PENNSYLVANIA :  
DEPARTMENT OF TRANSPORTATION, :  
Respondent :  
vs. : No. 2006-1107-CD  
ELIZABETH LEZZER, :  
Petitioner :  
:

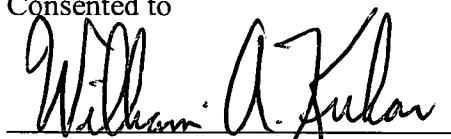
**ORDER OF COURT**

AND NOW, to wit: this 1<sup>st</sup> day of November, 2007, this appeal by the petitioner, Elizabeth Lezzer, from a June 24, 2006 order of the Pennsylvania Department of Transportation's Bureau of Driver Licensing for the recall of her driving privilege pursuant to 75 Pa.C.S. §1519(c) is, with the consent of the Bureau, remanded to the Bureau to restore the petitioner's driving privilege from the appealed recall, which took effect on July 15, 2006, if such action has not already been taken.

By the Court:

  
\_\_\_\_\_  
J.

Consented to

  
\_\_\_\_\_  
William A. Kuhar, Jr.

William A. Kuhar, Jr., Esquire  
Attorney for the Bureau of Driver Licensing

**FILED**  
NOV 02 2007  
William A. Shaw  
Prothonotary/Clerk of Courts  
Attnys:  
Kuhar  
Steele  
cc: GKB