

06-1651-CD

Mary Frailey vs Comm of PA

2006-1651-CD

Mary Frailey vs Comm of PA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY FRAILEY,
Petitioner
vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

CIVIL DIVISION
No. 06 - 1651 - CD

**PETITION FOR HEARING ON
SUPERCEDES**

Filed on Behalf of:

Petitioner, MARY FRAILEY

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

FILED 4CC
010:3564 Atty Colavecch
OCT 09 2000 S

William A. Shaw
Prothonotary/Clerk of Courts

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

Originals
upstairs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY FRAILEY,
Petitioner
vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

CIVIL DIVISION
No. 06 - 1651 - CD

**PETITION TO APPEAL SUSPENSION
OF DRIVER'S LICENSE**

Filed on Behalf of:

Petitioner, MARY FRAILEY

Counsel of Record for This
Party:

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

COLAVECCHI & COLAVECCHI
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FILED Atty pd. 85.00
01/30/07 4CC Atty
OCT 09 2006 Colavecchi

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CA

MARY FRAILEY,
Petitioner
vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

CIVIL DIVISION

No. 06 - 1651 - CD

**PETITION TO APPEAL SUSPENSION
OF DRIVER'S LICENSE**

Filed on Behalf of:

Petitioner, MARY FRAILEY

Counsel of Record for This
Party:

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FILED Atypd.85.00
10/30/06 400 Atyp
OCT 09 2006 Colavecchi

William A. Shaw
Prothonotary/Clerk of Courts

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

MARY FRAILEY, :
Petitioner: No. 06 - - CD
:
VS. :
: :
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION, :
Respondent:

***PETITION TO APPEAL SUSPENSION
OF DRIVER'S LICENSE***

NOW COMES, Petitioner, Mary Frailey, 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, Mary Frailey, by letter dated September 23, 2006, received notice that her privilege to operate a motor vehicle is being suspended as of October 14, 2006, a copy of said letter being attached hereto marked Exhibit "A".

2. The reason given for the suspension of driving privileges is that the Commonwealth of Pennsylvania, Department of Transportation, had received medical information indicating that Petitioner had a seizure disorder condition which prevents her from safely operating a motor vehicle.

3. Pursuant to said letter, Petitioner's driving privileges have been recalled indefinitely as mandated by Section 1519(c) of

the Pennsylvania Vehicle Code, said Section titled, Termination of Competency.

4. Petitioner contends that she was examined at the DuBois Regional Medical Center by Dr. Phuong Wirths on September 11, 2006, due to the fact that she went to the Emergency Room after a very bad panic attack and was referred to Dr. Phuong Wirths. She was not diagnosed by Dr. Wirths as having a seizure disorder condition. The assessment by Dr. Wirth was set forth as depression with anxiety and insomnia, which was situationally induced. A copy of said medical report is attached hereto and marked Exhibit "B."

5. Petitioner is aggrieved at this time by the suspension of her driver's privileges because it is her only means of transportation.

6. Petitioner contends that the Commonwealth has not met its burden of proof in making a determination of incompetence so that her driving privilege should be suspended indefinitely.

WHEREFORE, Petitioner prays that your Honorable Court grant this Appeal and after a hearing on the merits and reverse said suspension.



PAUL COLAVECCHI, ESQUIRE
Attorney for MARY FRAILEY

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

recallns

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: September 23, 2006**

MARY FRAILEY
172 STRONACH RD
GRAMPIAN PA 16838

Dear Ms. MARY FRAILEY:

We have received medical information indicating that you have Psychiatric and Seizure Disorder conditions which prevents you from safely operating a motor vehicle.

As of 10/14/2006, 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

"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,

A handwritten signature in black ink that reads "Janet L. Dolan".

Janet L. Dolan, Director
Bureau of Driver Licensing

Driver License #: 23650189

DUBOIS REGIONAL MEDICAL CENTER
PENN TOWNSHIP HEALTH CENTER
1541 CURWENSVILLE/GRAMPIAN HWY
GRAMPIAN, PA 16838

NAME: Mary Frailey
CHART#: 416176

AGE: 02-24-74

DATE: 9/11/06 1020

T 97⁸ P 76 R 20 WT 136 HT BP 140/80 Pain Scale 10

CC Panic attack went to ER

NURSING RX Given ativan had CT of Head

Take 1/2 of prozac. Has been taking ativan. Chen JP
(Nurse Signature)

FRAILEY, MARY

MR# 416176

09/11/06

The patient is here because she had a very bad panic attack and went to the Emergency Room this past weekend. She was given Ativan with some help. According to the patient, her and her husband recently separated and she is having extreme difficulty dealing with what is going on. Her sister is present with her today and according to her sister, every time that she takes the Prozac which she has been on for approximately 4 or 5 months, she has been extremely lethargic and has this blank look on her face after taking the medication. No suicidal or homicidal ideation reported however. She does have significant family support at home in her sisters and mother.

No examination was done today. Time was spent talking to the patient and her sister lasting approximately 10 to 15 minutes.

ASSESSMENT:

1. Depression with anxiety and insomnia, situational induced.

PLAN: We will go ahead and D/C the Prozac and put the patient on Wellbutrin SR 150 mg one tablet p.o. q.d. for three days and then one tablet p.o. b.i.d. after that. Continue with Ativan p.r.n. for anxiety and sleep. Followup back here in about three or four weeks. If any problem between now and next visit to call and let me know.

D: 09/11/06

T: 09/20/06 PW/bac

Dr. Phuong Wirths

Provider Signature: _____ Date: _____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY FRAILEY,

Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

CIVIL DIVISION

No. 06 - 1651 - CD

**PETITION FOR HEARING ON
SUPERCEDES**

Filed on Behalf of:

Petitioner, MARY FRAILEY

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

FILED 4CC
01/09/2006 Atty Colavecchi
OCT 09 2006 S
S

William A. Shaw
Prothonotary/Clerk of Courts

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

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

MARY FRAILEY,

Petitioner: No. 06 - 1651 - CD

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Respondent:

FILED
9/3/2006
OCT 13 2006
Colavecchi
4cc
9/3/2006
Colavecchi
William A. Shaw
Prothonotary/Clerk of Courts
b/c

O R D E R

AND NOW, this 13 day of October, 2006, upon consideration of the foregoing Petition for Hearing on Supercedes, a Rule is hereby issued upon the Commonwealth of Pennsylvania, Department of Transportation, to Show Cause why the Petition should not be granted. Rule Returnable the 20th day of November, 2006, at 1:30 o'clock P.M. at the Clearfield County Courthouse, Courtroom No. 3.

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SECOND AND MARKET STREETS
CLEARFIELD, PA 16830
814/765-2641 EXT. 5982

BY THE COURT:


JUDGE

FILED

OCT 13 2006

**William A. Shaw
Prothonotary/Clerk of Courts**

DATE: 10/13/06

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

Defendant(s) Defendant(s) Attorney

Special Instructions:

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

MARY FRAILEY, :
Petitioner: No. 06 - - CD
:
vs. :
:
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION, :
Respondent:

PETITION FOR HEARING ON SUPERCEDES

1. Petitioner is Mary Frailey having a mailing address of P.O. Box 709, Drifting, Pennsylvania 16834.
2. Petitioner was notified by the Commonwealth of Pennsylvania, Department of Transportation, by letter dated September 23, 2006, that her driving privileges are being suspended as of October 14, 2006.
3. The Commonwealth cited that medical information had been received which indicated that Petitioner has a seizure disorder condition which prevents her from safely operating a motor vehicle.
4. Petitioner has filed an Appeal on this date, and has alleged that she has not been diagnosed with a seizure disorder condition and has never seen any medical documentation that sets forth any such condition.

Further, Petitioner alleged that she has been treated by Dr. Phuong Wirths of the DuBois Regional Medical Center for a very bad

panic attack but was not diagnosed with a seizure disorder condition. On the contrary, the assessment was depression with anxiety and insomnia, situationally induced. A copy of said medical report being attached hereto marked Exhibit "A".

Petitioner requests at this time that a supersedes be entered so that she may operate her motor vehicle pending a hearing on the Appeal of her Driver's License Suspension.

6. Petitioner files this Petition for a hearing pursuant to Section 1550 of the Pennsylvania Motor Vehicle Code which sets forth that an Appeal shall not act as a supercedes if the suspension is based on reasons set forth in Section 1519.

7. Section 1550 sets forth that the Appeal shall not act as a supercedes unless Ordered by the Court after hearing attended by Petitioner.

8. Petitioner requests that the Court conduct a hearing and determine whether a supercedes can be entered so that Petitioner can operate a motor vehicle pending the Appeal.


PAUL COLAVECCHI, ESQUIRE
Attorney for Plaintiff
221 East Market Street
Clearfield, PA 16830

DUBOIS REGIONAL MEDICAL CENTER
PENN TOWNSHIP HEALTH CENTER
1541 CURWENSVILLE/GRAMPIAN HWY
GRAMPIAN, PA 16838

NAME: Mary Frailey

CHART#: 416176

AGE: 02-24-74

DATE: 9/11/06 1020

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(Nurse Signature)

FRAILEY, MARY

MR# 416176

09/11/06

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D: 09/11/06

T: 09/20/06 PW/bac


Dr. Phuong Wirths

Provider Signature: _____ Date: _____

EXHIBIT

"A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY FRAILEY,

Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

CIVIL DIVISION

No. 06 - 1651 - CD

AFFIDAVIT OF SERVICE

Filed on Behalf of:

Petitioner, MARY FRAILEY

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

FILED
03:44 PM
OCT 27 2006
15

William A. Shaw
Prothonotary/Clerk of Courts

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

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

MARY FRAILEY,

Plaintiff : No. 06 - 1651 - CD

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,

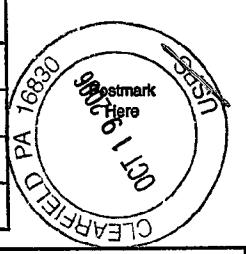
Defendant :

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :
:

Before me, the undersigned officer, personally appeared Paul Colavecchi, Esquire, who, being duly sworn according to law, deposes and says that a copy of the Petition for Hearing on Supercedes was mailed to the PA Department of Transportation, Office of Chief Counsel, at 3rd Floor, Riverfront Office Center, Harrisburg, Pennsylvania 17104 on October 19, 2006, as shown on the certified mail receipt attached below:

7004 2510-007 6099 7955

U.S. Postal ServiceTM CERTIFIED MAILTM RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 1.63
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88
<i>Postmark Here</i>	
	
Sent To PA Dept. of Transportation Street, Apt. No. Office of Chief Counsel or PO Box No. 3rd Fl. Riverfront Office Cnt City, State, ZIP+4 Harrisburg, PA 17104	
PS Form 3800, June 2002	
See Reverse for Instructions	

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
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P. O. BOX 131
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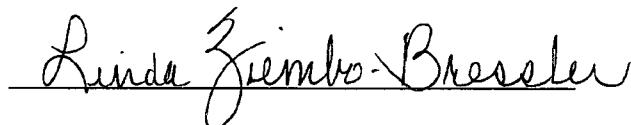
Further, this Petition was received by the PA Department of Transportation on October 23, 2006, as shown on the receipt attached below:

Frailey	
SENDER: COMPLETE THIS SECTION	
<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.	
<p>1. Article Addressed to: PA Dept. of Transportation Office of Chief Counsel 3rd Fl., Riverfront Office Cnt. Harrisburg, PA 17104</p>	
<p>2. Article Number (Transfer from service label)</p>	
<p>7004 2510 0007 6099 7955</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	
<p>COMPLETE THIS SECTION ON DELIVERY</p>	
<p>A. Signature</p>	
<p><input checked="" type="checkbox"/> Agent</p>	
<p><input type="checkbox"/> Addressee</p>	
<p>B. Recipient's Printed Name <i>JAMIE HOLLAND</i> Date of Delivery <i>OCT 23 2006</i></p>	
<p>C. Mailing Address</p>	
<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
<p>3. Service Type</p>	
<p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p>	
<p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p>	
<p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

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


PAUL COLAVECCHI, ESQUIRE
Attorney for Plaintiff

Sworn to and subscribed before me
this 27 day of October 2006.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY FRAILEY,
Petitioner
vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

CIVIL DIVISION
No. 06 - 1651 - CD

AFFIDAVIT OF SERVICE

Filed on Behalf of:

Petitioner, MARY FRAILEY

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

FILED
03:44 PM
OCT 27 2006
NO CC
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William A. Shaw
Prothonotary/Clerk of Courts

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

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

MARY FRAILEY,

Plaintiff : No. 06 - 1651 - CD

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,

Defendant :

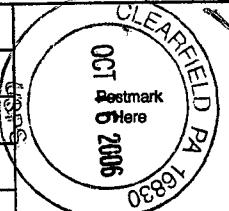
AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :

: SS

COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared Paul Colavecchi, Esquire, who, being duly sworn according to law, deposes and says that a copy of the Petition to Appeal Suspension of Driver's License was mailed to the PA Department of Transportation, Office of Chief Counsel, at 3rd Floor, Riverfront Office Center, Harrisburg, Pennsylvania 17104 on October 16, 2006, as shown on the certified mail receipt attached below:

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com		
OFFICIAL USE		
7948 6669 6060 7070 25104 7004	Postage	\$ 1.63
	Certified Fee	2.40
	Return Receipt Fee (Endorsement Required)	1.85
	Restricted Delivery Fee (Endorsement Required)	
	Total Postage & Fees	\$ 4.88
		
Sent To PA. Dept. of Transportation Street, Apt. No.: Office of Chief Counsel or PO Box No.: 3rd Fl., Riverfront Office Center City, State, ZIP+4: Harrisburg, PA 17104		
PS Form 3800, June 2002 See Reverse for Instructions		

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

Further, this Petition was received by the PA Department of Transportation on October 18, 2006, as shown on the receipt attached below:

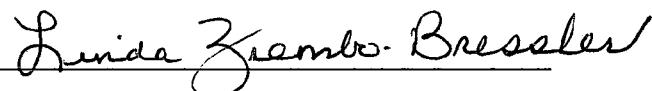
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X</p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) OCT 18 2006</p> <p><small>Commonwealth of Pennsylvania Department of Transportation</small></p> <p>C. Date of Delivery OCT 18 2006</p> <p><small>Commonwealth of Pennsylvania Department of Transportation</small></p> <p>D. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>OFFICE OF CHIEF COUNSEL Vehicle & Traffic Law Division</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>2. Article Addressed to: PA Dept. of Transportation Office of Chief Counsel 3rd Fl., Riverfront Office Center Harrisburg, Pa 17104</p> <p>2. Article Number (Transfer from service label) 7004 2510 0007 6099 7948</p> <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

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


PAUL COLAVECCHI, ESQUIRE
Attorney for Plaintiff

Sworn to and subscribed before me
this 23 day of October 2006.

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



2

NOTARIAL SEAL
LINDA ZIEMBO-BRESSLER, Notary Public
Clearfield Boro, Clearfield County, PA
My Commission Expires December 17, 2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :

vs. : No. 06 - 1651 - CD

MARY FRAILEY :

ORDER OF COURT

AND NOW, this 20^h day of November, 2006, this being the date and time set for hearing on the above-captioned Petition for Supercedes pending hearing on the appeal from driver's license suspension, and the Commonwealth of Pennsylvania Department of Transportation having failed to appear either in person or by counsel and having received due and proper notice thereof, **IT IS THE ORDER OF THIS COURT** said Petition is hereby granted and supercedes entered in the above-captioned matter pending hearing on the appeal from driver's license suspension.

BY THE COURT:



The Honorable JOHN K. REILLY, JR.
Senior Judge, Specially Presiding

FILED

01/09/07
NOV 27 2006
WM

CC Atys:
P. Cadeach;
W. Kuhar

William A. Shaw
Prothonotary/Clerk of Courts

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NOV 27 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/27/00 You are responsible for serving all appropriate parties.
X The Prothonotary's Office has provided service to the following parties:
X Plaintiff(s) Attorney _____ Other _____
 Plaintiff(s) _____
X Defendant(s) Attorney _____
 Defendant(s) _____
Special Instructions: _____

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

MARY FRAILEY, :
Plaintiff :
vs. : No. 2006-1651-CD
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION, :
Defendant :
:

ORDER OF COURT

AND NOW, to wit: this 31st day of October, 2007, this appeal

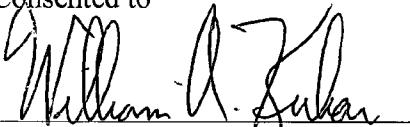
by the plaintiff, Mary Frailey, from a September 23, 2006 order of the Pennsylvania Department of Transportation's Bureau of Driver Licensing for the recall of her driving privilege pursuant to 75 Pa.C.S. §1519(c) is, with the consent of the Bureau, remanded to the Bureau to restore the petitioner's driving privilege from the appealed recall, which was stayed by order of this Court dated November 20, 2006, if such action has not already been taken.

By the Court:



J.

Consented to


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

FILED 1CC Atty's:
0140064 P. Colavecchi
OCT 31 2007
Kuhar

William A. Shaw
Prothonotary/Clerk of Courts

(60)

FILED

OCT 31 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/31/07

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: