

06-2077-CD
Frank Saupp vs Comm of PA

Frank Saupp vs Comm of PA
2006-2077-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK T. SAUPP,

Plaintiff

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Defendant

CIVIL DIVISION

NO. 06 - 2077 - CD

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

Filed on Behalf of:

Defendant, FRANK T. SAUPP

Counsel of Record for This
Party:

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

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

814/765-1566

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

FILED Atty. #4 85.00
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DEC 13 2006
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William A. Shaw
Prothonotary/Clerk of Courts

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

FRANK T. SAUPP,

Petitioner: No. 06 - - CD

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,

Respondent:

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

NOW COMES, Petitioner, Frank T. Saupp, by and through his Attorney, Paul Colavecchi, Esquire, files this Petition to Appeal Suspension of Driver's License and respectfully avers as follows:

1. Petitioner, Frank T. Saupp, by letter dated December 6, 2006, received notice that his privilege to operate a motor vehicle is being suspended as of December 27, 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 cognitive impairment condition which prevents him 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

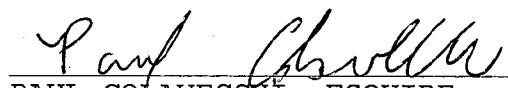
the Pennsylvania Vehicle Code, said Section titled, Termination of Competency.

4. Petitioner contends that he was examined by Dr. Philip A. Pilgram of the Geisinger Medical Group on or about October 11, 2006. Petitioner had gone to Dr. Pilgram for a routine medical checkup and complained that he was having some dizzy spells at the time. Thereafter, Petitioner was referred to Dr. Schaefer of the Geisinger Medical Group. Petitioner contends that he was given a very routine examination, around October 2006, in which he walked back and forth in a room and answered some basic questions. Petitioner was never notified that he was diagnosed with a cognitive impairment condition as a result of that medical examination by Dr. Schaefer.

5. Petitioner is aggrieved at this time by the suspension of his driving privileges because his wife is crippled and their only means of transportation relies on Petitioner having a valid driver's license. Further, his wife has to go for medical examinations every three months for her diabetes condition and Petitioner is the only means of getting his wife to her doctor's appointments as well as their only means of going grocery shopping.

6. Petitioner contends that the Commonwealth has not met its burden of proof in making a determination of incompetence so that his 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 FRANK T. SAUPP

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& COLAVECCHI
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P. O. BOX 131
CLEARFIELD, PA

DEC 27 last day

recallns

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: December 6, 2006**

FRANK SAUPP
1062 W CLARA ST
HOUTZDALE PA 16651

Dear Mr. FRANK SAUPP:

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

As of 12/27/2006, 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 #: 04249506

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK T. SAUPP,

Plaintiff

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Defendant

CIVIL DIVISION

No. 06 - 2077 - CD

**PETITION FOR HEARING ON
SUPERSEDEAS**

Filed on Behalf of:

Defendant, FRANK T. SAUPP

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

03/15/01
DEC 13 2006

3cc
atty Colavecchi
William A. Shaw
Prothonotary/Clerk of Courts

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

FRANK T. SAUPP, :
Petitioner: No. 06 - - CD
:
vs. :
:
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION, :
Respondent:

PETITION FOR HEARING ON SUPERSEDEAS

1. Petitioner is Frank T. Saupp having a mailing address of 1062 West Clara Street, Houtzdale, Pennsylvania 16651.
2. Petitioner was notified by the Commonwealth of Pennsylvania, Department of Transportation, by letter dated December 6, 2006, that his driving privileges are being suspended as of December 27, 2006.
3. The Commonwealth cited that medical information had been received which indicated that Petitioner has a cognitive impairment condition which prevents him from safely operating a motor vehicle.
4. Petitioner has filed an Appeal on this date, and has alleged that he has not been diagnosed with a cognitive impairment condition and has never seen any medical documentation that sets forth any such condition.
5. Further, Petitioner alleged that he has been treated by Dr. Philip A. Pilgram of Geisinger Medical Group, for a routine medical exam and had complained of dizzy spells but was not diagnosed with a cognitive impairment condition. In addition,

Petitioner was treated by Dr. Schaefer in October of 2006 but was not made aware that he was being diagnosed with a cognitive impairment condition.

6. Petitioner is in the process of setting up an examination by a neurologist to receive a definite diagnosis about the allegation that he suffers from a cognitive impairment condition.

7. Petitioner requests at this time that a supersedeas be entered so that he may operate his motor vehicle pending a hearing on the Appeal of his Driver's License Suspension.

8. 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 supersedeas if the suspension is based on reasons set forth in Section 1519.

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

10. Petitioner requests that the Court conduct a hearing and determine whether a supersedeas 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

12/13/06

DATE

12
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK T. SAUPP,

Plaintiff

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Defendant

CIVIL DIVISION

No. 06 - 2077 - CD

CRDER

Filed on Behalf of:

Defendant, FRANK T. SAUPP

Counsel of Record for This
Party:

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

COLAVECCHI & COLAVECCHI
221 East Market Street
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P. O. BOX 131
CLEARFIELD, PA

FILED 3CC ATTY
O/1135pm P. Colavecchi
DEC 19 2006 (GK)

William A. Shaw
Prothonotary/Clerk of Courts

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

FRANK T. SAUPP,

Plaintiff : No. 06 - - CD

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,

Defendant :

O R D E R

AND NOW, this 18 day of December, 2006, upon consideration of the foregoing Petition for Hearing on Supersedeas, 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 30th day of January, 2007, at 1:00 o'clock P.M. at the Clearfield County Courthouse, Courtroom No. 3.

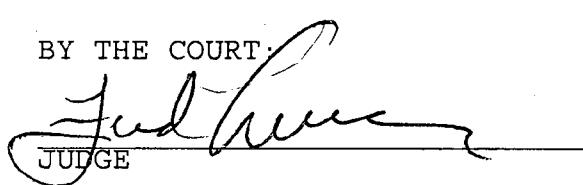
A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED 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

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

BY THE COURT:


JUDGE

DATE: 12-19-2006

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

DEC 19 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

FRANK T. SAUPP :
Plaintiff :
:
vs. : No. 06 - 2077 - CD
:
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
Defendant :
:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the December 20, 2006, a Petition to Appeal Suspension of Driver's License, Petition for Hearing on Supersedeas, and an Order scheduling Hearing on Supersedeas in the above matter was served on the following by depositing said copy in the United States Mail, first class, postage prepaid and addressed as follows:

William A. Kuhar, Esquire
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

DATE: 12-20-06

BY: Paul Colavecchi
PAUL COLAVECCHI, ESQUIRE
221 East Market Street
P.O. Box 131
Clearfield, PA 16830
814/765-1566

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

FILED
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DEC 21 2006
NACC

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK T. SAUPP,
Plaintiff
vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Defendant

CIVIL DIVISION
No. 06 - 2077 - CD

ORDER

Filed on Behalf of:

Defendant, FRANK T. SAUPP

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

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

FRANK T. SAUPP, :
Plaintiff : No. 06 - 2077 - CD
:
vs. :
: :
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION, :
Defendant :

O R D E R

AND NOW, this _____ day of _____, 200____, upon consideration of the foregoing Amended Petition for Hearing on Supersedeas, 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 _____ day of _____, 200____, at _____ o'clock _____.M. at the Clearfield County Courthouse, Courtroom No. _____.

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 _____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK T. SAUPP,

Plaintiff

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Defendant

CIVIL DIVISION

No. 06 - 2077 - CD

**AMENDED PETITION FOR HEARING
ON SUPERSEDEAS**

Filed on Behalf of:

Defendant, FRANK T. SAUPP

Counsel of Record for This
Party:

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

COLAVECCHI & COLAVECCHI
221 East Market Street
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& COLAVECCHI
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CLEARFIELD, PA

FILED 3cc
09:45 AM Atty Colavecchi
DEC 21 2006

William A. Shaw
Prothonotary/Clerk of Courts

16

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

FRANK T. SAUPP, :
Petitioner: No. 06 - - CD
:
vs. :
: :
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION, :
Respondent:

**AMENDED PETITION FOR
HEARING ON SUPERSEDEAS**

1. Petitioner is Frank T. Saupp having a mailing address of 1062 West Clara Street, Houtzdale, Pennsylvania 16651.

2. Petitioner was notified by the Commonwealth of Pennsylvania, Department of Transportation, by letter dated December 6, 2006, that his driving privileges are being suspended as of December 27, 2006.

3. The Commonwealth cited that medical information had been received which indicated that Petitioner has a cognitive impairment condition which prevents him from safely operating a motor vehicle.

4. Petitioner has filed an Amended Appeal on this date, and has alleged that he has not been diagnosed with a cognitive impairment condition and has never been diagnosed with any such condition.

5. According to the medical records, Dr. Schaefer set forth that she would like his driving retested because she was concerned given his score on MMSC that he may not be a good driver. Further, the record set forth that the Plaintiff did discuss his driving

with Dr. Schaefer. The record set forth that Mr. Saupp stated he hadn't had any difficulty with driving or getting lost and that he is able to drive both day and night. Copies of the records are attached hereto and marked Exhibit "A".

6. Further, Petitioner alleged that he has been treated by Dr. Philip A. Pilgram of Geisinger Medical Group, for a routine medical exam and had complained of dizzy spells but was not diagnosed with a cognitive impairment condition. In addition, Petitioner was treated by Dr. Schaefer in October of 2006 but was not made aware that he was being diagnosed with a cognitive impairment condition.

7. Petitioner is in the process of setting up an examination by a neurologist to receive a definite diagnosis about the allegation that he suffers from a cognitive impairment condition.

8. Petitioner requests at this time that a supersedeas be entered so that he may operate his motor vehicle pending a hearing on the Appeal of his Driver's License Suspension.

9. 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 supersedeas if the suspension is based on reasons set forth in Section 1519.

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

11. Petitioner requests that the Court conduct a hearing and determine whether a supersedeas 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

12/19/06

DATE

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		
Visit Information	Date 10/09/2006	Time 2:00 PM	Department Neurology Mo Valley	Provider Kathleen A. Schaefer, MD
				Encounter # 58349662

Progress Notes Note dictated
10/9/2006
Kathleen A. Schaefer, MD

Blood pressure 130/62, pulse 68, weight 135 lbs (61.2 kg).

SUBJECTIVE:

Mr. Saupp comes today in F/U of Alzheimer's dementia. He's on Aricept 10, Namenda 10 bid. He's noncommittal about whether or not his memory is worse.

On MMSE he scores a 20 out of 30 which is down. He does have impaired visual/spacial relationships.

EXAMINATION:

Blood pressure 130/62, pulse 68, weight 135 lbs (61.2 kg).

IMPRESSION/PLAN:

Alzheimer's dementia.

I've advised the pt that I would like his driving retested. I am concerned given his score on MMSE that he may not be a good driver. I informed him that I will send a letter to PennDot re the above. Return in 6 mos.

Kathleen A. Schaefer, M.D.
Neurology

KAS/tlm
DT: 10/16/2006

Patient Instructions

Return for Care Return in about 6 months (around 4/9/2007).

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		
Visit Information	Date 04/10/2006	Time 2:40 PM	Department Neurology Mo Valley	Provider Kathleen A. Schaefer, MD
				Encounter # 57084758

Progress Notes Note dictated
4/10/2006
Kathleen A. Schaefer, MD

SUBJECTIVE:

Mr. Saupp comes today in follow up of cognitive dysfunction and some gait dysfunction. He is on Aricept 10 and has added Namenda Dosepak 10 bid. He is tolerating this well and feels he is doing better.

OBJECTIVE:

Blood pressure 130/70, pulse 60, weight 135 lbs (61.2 kg). Weight has fluctuated somewhat. On MMSE his score is up to 22/30. Strength is full in the lower extremities. Gait is mildly unsteady.

EXHIBIT
"A"

ASSESSMENT & PLAN:

1. Gait dysfunction with query mild parkinsonism. Will follow.
2. Cognitive dysfunction. Continue Namenda and Aricept. Monitor weight. Call if significant weight loss.

Return in 8 weeks.

Kathleen A. Schaefer, M.D.
Associate - Neurology

KAS/mg

DT: 4/13/06

Patient Instructions

Return for Care Return in about 6 months (around 10/10/2006).

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		
Visit Information	Date 02/06/2006	Time 2:20 PM	Department Neurology Mo Valley	Provider Kathleen A. Schaefer, MD
				Encounter # 56482153

Progress Notes

SUBJECTIVE:

Mr. Saupp comes today in follow up of cognitive dysfunction. He is taking and tolerating Aricept 10 hs well and his weight has picked up. He doesn't think his memory is any better although no worse. We discussed driving. He hasn't had any difficulty with driving or getting lost. He is able to drive both day and night. The patient feels he is walking better as well without any other clear interventions.

OBJECTIVE:

Blood pressure 136/80, pulse 64, weight 138 lbs (62.6 kg). On mini-mental he scores a 20/30. Vibration is present at the ankles. Ankle jerks are trace. Gait is a little bit steppage but I had not previously noted that and his strength feels full in the tibialis anterior.

ASSESSMENT & PLAN:

1. Gait dysfunction, query mild parkinsonism. Will not change anything at this point or add any Parkinson's meds.
2. Cognitive dysfunction of unclear etiology. Add Namenda Dosepak followed by Namenda 10 bid. Not to be taken with Dextromethorphan.

Return in 8 weeks.

Kathleen A. Schaefer, M.D.
Associate - Neurology

KAS/mg

DT: 2/10/06

Patient Instructions

Return for Care Return in about 8 weeks (around 4/6/2006).

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		
Visit Information	Date 01/06/2006	Time 10:40 AM	Department Neurology Mo Valley	Provider Kathleen A. Schaefer, MD
				Encounter # 55878845

Progress Notes SUBJECTIVE: Frank comes today in f/up of mild Parkinsonism and dementia. He is on Aricept 10 mg. His mini mental has gone up from 21 to 24 out of 30 and he feels it has done him some good. He hasn't had any falls. He has lost 6 lbs since he was here last, but says he is eating well.

EXAMINATION: BP 120/70 | Pulse 64 | Wt 134 lbs (60.782kg)

IMPRESSION/PLAN: Parkinsonism with dementia.

We discussed possibly stopping the Aricept. What he elects to do at this point is continue it and weigh himself weekly. If he continues to lose weight, he will lower the Aricept to 5 mg hs and continue monitor weight. I will see him back in 4 wks and make a decision. If he loses weight, we will try Namenda.

Kathleen A. Schaefer, M.D.
Neurology

KAS/bkb

DT: 1/11/2006

Patient Instructions

Return for Care Return in about 4 weeks (around 2/6/2006).

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		
Visit Information	Date 11/16/2005	Time 1:20 PM	Department Neurology Mo Valley	Provider Kathleen A. Schaefer, MD
				Encounter # 53282756

Progress Notes Note dictated
11/16/2005
Kathleen A. Schaefer, MD

SUBJECTIVE:

Mr. Saupp comes today in follow up of mild parkinsonism and chronic unsteadiness. Sinemet wasn't helpful and discontinuing it has made him no worse. His wife notes for the last year gradual onset gradually progressive memory loss primarily with short term memory, difficulty with subtraction. No difficulty otherwise with praxis or naming. No difficulty with disorientation, abnormal visual spacial relations. His driving has been normal.

OBJECTIVE:

Weight 139 lbs (63.1 kg). On mini-mental he scores a 21/30 having difficulty in multiple realms. Spontaneous speech is non-aphasic. There is facial masking, a stooped gait with increased steps per turn. No resting tremor is noted.

ASSESSMENT & PLAN:

1. Parkinsonism, which is likely the etiology of his gait dysfunction, which is mild. No specific therapy at this time but once he acclimates to medication for dementia, will consider the addition of a Dopamine Agonist; such as, Mirapex or Requip.
2. Dementia associated with #1. He may have a dementia associated with

parkinsonism or vascular dementia. He doesn't seem to have a typical Alzheimer's dementia. Check for treatable causes, then if they are unremarkable, begin Aricept 5 hs for a month, then 10 hs. Common side effects discussed including weight loss.

Return in 6 weeks.

Kathleen A. Schaefer, M.D.
Associate - Neurology

KAS/mg

DT: 11/21/05

Patient Instructions

Return for Care Return in about 6 weeks (around 12/28/2005).

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		
Visit Information	Date 07/13/2005	Time 2:00 PM	Department Neurology Mo Valley	Provider Kathleen A. Schaefer, MD
				Encounter # 52516156

Progress Notes Note dictated
7/13/2005
Kathleen A. Schaefer, MD

SUBJECTIVE:

Mr. Saupp comes today in F/U of chronic unsteadiness and mild Parkinsonism. Vestibular therapy has not been helpful. We started him on low dose Sinemet CR 25-100 increasing to t.i.d. hasn't been helpful.

OBJECTIVE:

He is alert, no facial masking or resting tremor is noted. His gait is unremarkable, but he does have increased steps per turn, and the steps are shuffling.

IMPRESSION/PLAN:

Mild Parkinson's Disease. Pt. has not been helped by Sinemet. Chronic unsteadiness of unclear etiology. Mildly abnormal ENG, but not vestibular therapy.

Taper and discont. Sinemet. He'll recheck in 3-4 mos., and he'll notify me if his worse off the Sinemet.

Gait unsteadiness of unclear etiology, no specific therapy.

Kathleen A. Schaefer, M.D.
Neurology

KAS/tlm
DT: 7/19/2005

Patient Instructions

Return for Care Return in about 4 months (around 11/13/2005).

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		
Visit Information	Date	Time	Department	Provider
				Encounter #

06/01/2005 10:40 AM Neurology Mo Valley Kathleen A. Schaefer, MD 51477600

Progress Notes Note dictated
6/1/2005
Kathleen A. Schaefer, MD

SUBJECTIVE:

Mr. Saupp comes today in follow up of chronic dizziness. Vestibular therapy has not been helpful.

OBJECTIVE:

His gait is stooped and mildly shuffling. There is no resting tremor or cogwheel rigidity. BP 132/70. Pulse 68. Weight 138.

ASSESSMENT & PLAN:

Vague lightheadedness with mild symptoms of parkinsonism but not Parkinson's disease. Trial of Sinemet CR 25/100 bid with meals for 5 days and then tid. Common side effects discussed. Call if ineffective or not tolerated.

Kathleen A. Schaefer, M.D.
Associate - Neurology

KAS/mg

Patient Instructions

Return for Care Return in about 6 weeks (around 7/13/2005).

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOOTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		
Visit Information	Date 04/06/2005	Time 10:20 AM	Department Neurology Mo Valley	Provider Kathleen A. Schaefer, MD
				Encounter # 50693072

Progress Notes Note dictated
4/6/2005
Kathleen A. Schaefer, MD

SUBJECTIVE:

Mr. Saupp comes today in follow up of chronic dizziness. His EMG showed a right peripheral etiology and a central etiology as well. MRI was reviewed and showed chronic ischemic changes bilaterally, mostly supratentorial. There is a question of some tiny area of ischemia in the left mid brain/pons. Good flow void is seen through the basilar artery. Dr. Pilgram decreased the dose of his antihypertensive without any improvement of his symptoms.

OBJECTIVE:

Reveals no nystagmus, normal finger-to-nose, normal heel-to-shin. Gait is slightly shuffling.

ASSESSMENT & PLAN:

Multifactorial gait imbalance. Peripheral vertigo. Query central, age related changes in balance. Vestibular therapy. Mild parkinsonism without signs of Parkinson's disease. Will follow.

Return in 8 weeks.

Kathleen A. Schaefer, M.D.
Associate - Neurology

KAS/mg

Patient Instructions

Return for Care Return in about 8 weeks (around 6/1/2005).

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK T. SAUPP,

Plaintiff

CIVIL DIVISION

vs.

No. 06 - 2077 - CD

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Defendant

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

Filed on Behalf of:

Defendant, FRANK T. SAUPP

Counsel of Record for This
Party:

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

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

814/765-1566

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

FILED 3 CC
01/05/07
DEC 21 2006 Atty Colavecchi

William A. Shaw
Prothonotary/Clerk of Courts (610)

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

FRANK T. SAUPP,

Petitioner: No. 06 - 2077 - CD

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,

Respondent:

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

NOW COMES, Petitioner, Frank T. Saupp, by and through his Attorney, Paul Colavecchi, Esquire, files this Petition to Appeal Suspension of Driver's License and respectfully avers as follows:

1. Petitioner, Frank T. Saupp, by letter dated December 6, 2006, received notice that his privilege to operate a motor vehicle is being suspended as of December 27, 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 cognitive impairment condition which prevents him 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 he was examined by Dr. Philip A. Pilgram of the Geisinger Medical Group on or about October 11, 2006. Petitioner had gone to Dr. Pilgram for a routine medical checkup and complained that he was having some dizzy spells at the time. Thereafter, Petitioner was referred to Dr. Schaefer of the Geisinger Medical Group. Petitioner contends that he was given a very routine examination, around October 2006, in which he walked back and forth in a room and answered some basic questions. Petitioner was never notified that he was diagnosed with a cognitive impairment condition as a result of that medical examination by Dr. Schaefer.

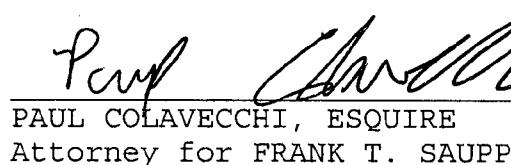
5. According to the medical records, Dr. Schaefer set forth that she would like his driving retested because she was concerned given his score on MMSC that he may not be a good driver. Further, the record set forth that the Plaintiff did discuss his driving with Dr. Schaefer. The record set forth that Mr. Saupp stated he hadn't had any difficulty with driving or getting lost and that he is able to drive both day and night. Copies of the records are attached hereto and marked Exhibit "B".

6. Petitioner is aggrieved at this time by the suspension of his driving privileges because his wife is crippled and their only means of transportation relies on Petitioner having a valid

driver's license. Further, his wife has to go for medical examinations every three months for her diabetes condition and Petitioner is the only means of getting his wife to her doctor's appointments as well as their only means of going grocery shopping.

7. Petitioner contends that the Commonwealth has not met its burden of proof in making a determination of incompetence so that his 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 FRANK T. SAUPP

DEC 27 last day

recallns

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: December 6, 2006**

FRANK SAUPP
1062 W CLARA ST
HOUTZDALE PA 16651

Dear Mr. FRANK SAUPP:

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

As of 12/27/2006, 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 #: 04249506

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		

Visit Information	Date	Time	Department	Provider	Encounter #
	10/09/2006	2:00 PM	Neurology Mo Valley	Kathleen A. Schaefer, MD	58349662

Progress Notes Note dictated
10/9/2006
Kathleen A. Schaefer, MD

Blood pressure 130/62, pulse 68, weight 135 lbs (61.2 kg).

SUBJECTIVE:

Mr. Saupp comes today in F/U of Alzheimer's dementia. He's on Aricept 10, Namenda 10 bid. He's noncommittal about whether or not his memory is worse.

On MMSE he scores a 20 out of 30 which is down. He does have impaired visual/spacial relationships.

EXAMINATION:

Blood pressure 130/62, pulse 68, weight 135 lbs (61.2 kg).

IMPRESSION/PLAN:

Alzheimer's dementia.

I've advised the pt that I would like his driving retested. I am concerned given his score on MMSE that he may not be a good driver. I informed him that I will send a letter to PennDot re the above. Return in 6 mos.

Kathleen A. Schaefer, M.D.
Neurology

KAS/tlm
DT: 10/16/2006

Patient Instructions

Return for Care Return in about 6 months (around 4/9/2007).

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		

Visit Information	Date	Time	Department	Provider	Encounter #
	04/10/2006	2:40 PM	Neurology Mo Valley	Kathleen A. Schaefer, MD	57084758

Progress Notes Note dictated
4/10/2006
Kathleen A. Schaefer, MD

SUBJECTIVE:

Mr. Saupp comes today in follow up of cognitive dysfunction and some gait dysfunction. He is on Aricept 10 and has added Namenda Dosepak 10 bid. He is tolerating this well and feels he is doing better.

OBJECTIVE:

Blood pressure 130/70, pulse 60, weight 135 lbs (61.2 kg). Weight has fluctuated somewhat. On MMSE his score is up to 22/30. Strength is full in the lower extremities. Gait is mildly on block.

EXHIBIT
"B"

ASSESSMENT & PLAN:

1. Gait dysfunction with query mild parkinsonism. Will follow.
2. Cognitive dysfunction. Continue Namenda and Aricept. Monitor weight. Call if significant weight loss.

Return in 8 weeks.

Kathleen A. Schaefer, M.D.
Associate - Neurology

KAS/mg

DT: 4/13/06

Patient Instructions

Return for Care Return in about 6 months (around 10/10/2006).

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		
Visit Information	Date 02/06/2006	Time 2:20 PM	Department Neurology Mo Valley	Provider Kathleen A. Schaefer, MD
				Encounter # 56482153

Progress Notes

SUBJECTIVE:

Mr. Saupp comes today in follow up of cognitive dysfunction. He is taking and tolerating Aricept 10 hs well and his weight has picked up. He doesn't think his memory is any better although no worse. We discussed driving. He hasn't had any difficulty with driving or getting lost. He is able to drive both day and night. The patient feels he is walking better as well without any other clear interventions.

OBJECTIVE:

Blood pressure 136/80, pulse 64, weight 138 lbs (62.6 kg). On mini-mental he scores a 20/30. Vibration is present at the ankles. Ankle jerks are trace. Gait is a little bit steppage but I had not previously noted that and his strength feels full in the tibialis anterior.

ASSESSMENT & PLAN:

1. Gait dysfunction, query mild parkinsonism. Will not change anything at this point or add any Parkinson's meds.
2. Cognitive dysfunction of unclear etiology. Add Namenda Dosepak followed by Namenda 10 bid. Not to be taken with Dextromethorphan.

Return in 8 weeks.

Kathleen A. Schaefer, M.D.
Associate - Neurology

KAS/mg

DT: 2/10/06

Patient Instructions

Return for Care Return in about 8 weeks (around 4/5/2006).

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		
Visit Information	Date 01/06/2006	Time 10:40 AM	Department Neurology Mo Valley	Provider Kathleen A. Schaefer, MD
				Encounter # 55878845

Progress Notes SUBJECTIVE: Frank comes today in f/up of mild Parkinsonism and dementia. He is on Aricept 10 mg. His mini mental has gone up from 21 to 24 out of 30 and he feels it has done him some good. He hasn't had any falls. He has lost 6 lbs since he was here last, but says he is eating well.

EXAMINATION: BP 120/70 | Pulse 64 | Wt 134 lbs (60.782kg)

IMPRESSION/PLAN: Parkinsonism with dementia.

We discussed possibly stopping the Aricept. What he elects to do at this point is continue it and weigh himself weekly. If he continues to lose weight, he will lower the Aricept to 5 mg hs and continue monitor weight. I will see him back in 4 wks and make a decision. If he loses weight, we will try Namenda.

Kathleen A. Schaefer, M.D.
Neurology

KAS/bkb

DT: 1/11/2006

Patient Instructions

Return for Care Return in about 4 weeks (around 2/6/2006).

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		
Visit Information	Date 11/16/2005	Time 1:20 PM	Department Neurology Mo Valley	Provider Kathleen A. Schaefer, MD
				Encounter # 53282756

Progress Notes Note dictated
11/16/2005
Kathleen A. Schaefer, MD

SUBJECTIVE:

Mr. Saupp comes today in follow up of mild parkinsonism and chronic unsteadiness. Sinemet wasn't helpful and discontinuing it has made him no worse. His wife notes for the last year gradual onset gradually progressive memory loss primarily with short term memory, difficulty with subtraction. No difficulty otherwise with praxis or naming. No difficulty with disorientation, abnormal visual spacial relations. His driving has been normal.

OBJECTIVE:

Weight 139 lbs (63.1 kg). On mini-mental he scores a 21/30 having difficulty in multiple realms. Spontaneous speech is non-aphasic. There is facial masking, a stooped gait with increased steps per turn. No resting tremor is noted.

ASSESSMENT & PLAN:

1. Parkinsonism, which is likely the etiology of his gait dysfunction, which is mild. No specific therapy at this time but once he acclimates to medication for dementia, will consider the addition of a Dopamine Agonist, such as, Mirapex or Requip.
2. Dementia associated with #1. He may have a dementia associated with

parkinsonism or vascular dementia. He doesn't seem to have a typical Alzheimer's dementia. Check for treatable causes, then if they are unremarkable, begin Aricept 5 hs for a month, then 10 hs. Common side effects discussed including weight loss.

Return in 6 weeks.

Kathleen A. Schaefer, M.D.
Associate - Neurology

KAS/mg

DT: 11/21/05

Patient Instructions

Return for Care Return in about 6 weeks (around 12/28/2005).

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		
Visit Information	Date 07/13/2005	Time 2:00 PM	Department Neurology Mo Valley	Provider Kathleen A. Schaefer, MD
				Encounter # 52516156

Progress Notes Note dictated
7/13/2005
Kathleen A. Schaefer, MD

SUBJECTIVE:

Mr. Saupp comes today in F/U of chronic unsteadiness and mild Parkinsonism. Vestibular therapy has not been helpful. We started him on low dose Sinemet CR 25-100 increasing to t.i.d. hasn't been helpful.

OBJECTIVE:

He is alert, no facial masking or resting tremor is noted. His gait is unremarkable, but he does have increased steps per turn, and the steps are shuffling.

IMPRESSION/PLAN:

Mild Parkinson's Disease. Pt. has not been helped by Sinemet. Chronic unsteadiness of unclear etiology. Mildly abnormal ENG, but not vestibular therapy.

Taper and discont. Sinemet. He'll recheck in 3-4 mos., and he'll notify me if his worse off the Sinemet.

Gait unsteadiness of unclear etiology, no specific therapy.

Kathleen A. Schaefer, M.D.
Neurology

KAS/tlm
DT: 7/19/2005

Patient Instructions

Return for Care Return in about 4 months (around 11/13/2005).

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		
Visit Information	Date	Time	Department	Provider
				Encounter #

06/01/2005 10:40 AM Neurology Mo Valley Kathleen A. Schaefer, MD 51477600

Progress Notes Note dictated

6/1/2005

Kathleen A. Schaefer, MD

SUBJECTIVE:

Mr. Saupp comes today in follow up of chronic dizziness. Vestibular therapy has not been helpful.

OBJECTIVE:

His gait is stooped and mildly shuffling. There is no resting tremor or cogwheel rigidity. BP 132/70. Pulse 68. Weight 138.

ASSESSMENT & PLAN:

Vague lightheadedness with mild symptoms of parkinsonism but not Parkinson's disease. Trial of Sinemet CR 25/100 bid with meals for 5 days and then tid. Common side effects discussed. Call if ineffective or not tolerated.

Kathleen A. Schaefer, M.D.
Associate - Neurology

KAS/mg

Patient Instructions

Return for Care Return in about 6 weeks (around 7/13/2005).

Patient Information	Saupp, Frank T [1084340] 1062 W CLARA ST HOUTZDALE, PA 16651	DOB	09/08/1920	Male
		Home Phone	814-378-8130	
		Work Phone		
Visit Information	Date 04/06/2005	Time 10:20 AM	Department Neurology Mo Valley	Provider Kathleen A. Schaefer, MD
				Encounter # 50693072

Progress Notes Note dictated

4/6/2005

Kathleen A. Schaefer, MD

SUBJECTIVE:

Mr. Saupp comes today in follow up of chronic dizziness. His EMG showed a right peripheral etiology and a central etiology as well. MRI was reviewed and showed chronic ischemic changes bilaterally, mostly supratentorial. There is a question of some tiny area of ischemia in the left mid brain/pons. Good flow void is seen through the basilar artery. Dr. Pilgram decreased the dose of his antihypertensive without any improvement of his symptoms.

OBJECTIVE:

Reveals no nystagmus, normal finger-to-nose, normal heel-to-shin. Gait is slightly shuffling.

ASSESSMENT & PLAN:

Multifactorial gait imbalance. Peripheral vertigo. Query central, age related changes in balance. Vestibular therapy. Mild parkinsonism without signs of Parkinson's disease. Will follow.

Return in 8 weeks.

Kathleen A. Schaefer, M.D.
Associate - Neurology

KAS/mg

Patient Instructions

Return for Care Return in about 8 weeks (around 6/1/2005).

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK T. SAUPP,

Plaintiff

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Defendant

CIVIL DIVISION

No. 06 - 2077 - CD

AFFIDAVIT OF SERVICE

Filed on Behalf of:

Defendant, FRANK T. SAUPP

Counsel of Record for This
Party:

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

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

814/765-1566

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

FILED
01/25/2007
DEC 26 2006
NCC
JW

William A. Shaw
Prothonotary/Clerk of Courts

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

FRANK T. SAUPP, :
Plaintiff : No. 06 - 2077 - CD
VS. :
COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
Defendant :

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS

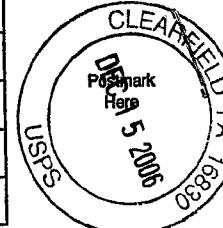
Before me, the undersigned officer, personally appeared Paul Colavecchi, Esquire, who, being duly sworn according to law, deposes and says that a copy of the Petition to Appeal Suspension of Driver's License and Petition for Hearing on Supersedeas was mailed to Pennsylvania Department of Transportation at Office of Chief Counsel, 3rd Floor, Riverfront Office Center, Harrisburg, Pennsylvania 17104, on December 15, 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

Postage	\$.63
Certified Fee	\$ 2.40
Return Receipt Fee (Endorsement Required)	\$ 1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88



PA
CLEARFIELD, PA
Postmark
Here
5 2006
USPS

Sent To PA Dept. of Transportation
 Office of Chief Counsel
 Street, Apt. No.: _____
 or PO Box No. 3rd Fl, Riverfront Office Ctr.
 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 to Appeal Suspension of Driver's License and Petition for Hearing on Supersedeas were received by Pennsylvania Department of Transportation on December 18, 2006, as shown on the receipt signed by and attached below:

Frank Saupp

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

PA Department of Transportation
Office of Chief Counsel
3rd Fl., Riverfront Office Ctr.
Harrisburg, PA 17104

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent
 Addressee

B. Received by (Printed Name)

Commonwealth of Pennsylvania

DEC 18 2006

Department of Transportation

If YES, enter delivery address below:

DEC 18 2006

OFFICE OF CHIEF COUNSEL

~~Motor & Traffic Law Division~~

3. Service Type

<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.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

(Transfer from service label)

7004 2510 0007 6099 8006

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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


PAUL COLAVECCHI, ESQUIRE
Attorney for Plaintiff

Sworn to and subscribed before me

this 26 day of December 2006.



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 COUNTY, PENNSYLVANIA

FRANK T. SAUPP,

Plaintiff

CIVIL DIVISION

NO. 06 - 2077 - CD

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Defendant

AFFIDAVIT OF SERVICE

Filed on Behalf of:

Defendant, FRANK T. SAUPP

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
01/09/2001
JAN 09 2001
NOCC

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

FRANK T. SAUPP,

Plaintiff : NO. 06 - 2077 - CD

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,

Defendant :

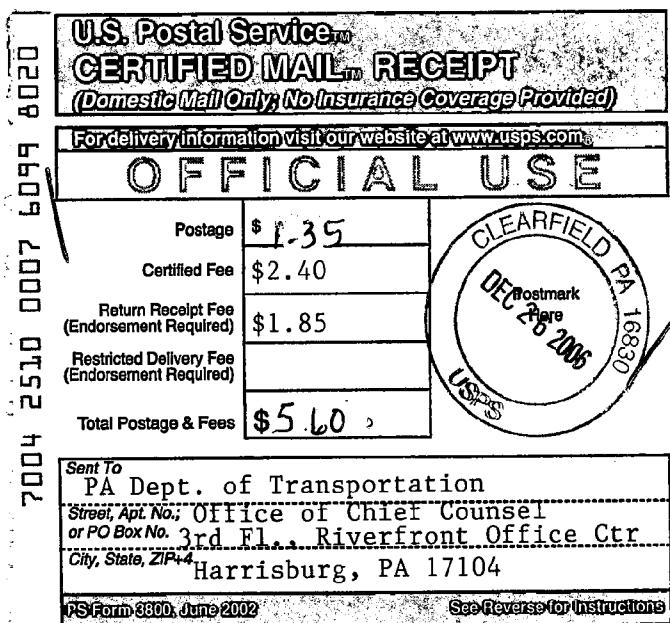
AFFIDAVIT OF SERVICE

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 Amended Petition to Appeal Suspension of Driver's License and Petition for Hearing on Supersedeas was mailed to Pennsylvania Department of Transportation at Office of Chief Counsel, 3rd Floor, Riverfront Office Center, Harrisburg, Pennsylvania 17104, on December 26, 2006, as shown on the certified mail receipt attached below:



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

Further, this Petition to Appeal Suspension of Driver's License and Petition for Hearing on Supersedeas were received by Pennsylvania Department of Transportation on December 28, 2006, as shown on the receipt signed by and attached below:

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) DEC 28 2006 C. Date of Delivery</p> <p>Commonwealth of Pennsylvania Department of Transportation</p> <p>Commonwealth of Pennsylvania Department of Transportation</p> <p>DEC 28 2006</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>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
1. Article Addressed to: PA Dept. of Transportation Office of Chief Counsel 3rd Fl., Riverfront Office Ctr Harrisburg, PA 17104		7004 2510 0007 6099 8020	
2. Article Number (Transfer from service label)		PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

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


PAUL COLAVECCHI, ESQUIRE
Attorney for Plaintiff

Sworn to and subscribed before me
this 9 day of January 9, 2007.



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 COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA : :

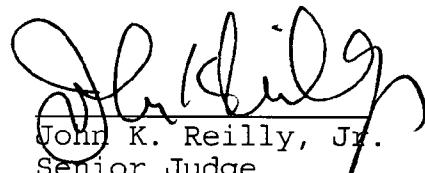
VS. : NO. 06-2077-CD

FRANK T. SAUPP : License Suspension Appeal

O R D E R

NOW, this 30th day of January, 2007, this being the day and date set for hearing into the above-captioned Motion for Supersedeas from License Suspension; the Commonwealth having failed to appear, it is the ORDER of this Court that, upon presentation of medical documentation verifying that the Defendant is competent to operate a motor vehicle, said Motion shall be sustained. Failure to provide such adequate medical documentation within thirty (30) days shall result in said Motion being dismissed and the action of the Department of Transportation affirmed.

BY THE COURT,



John K. Reilly, Jr.
Senior Judge
Specially Presiding

FILED 2CC
1/9/2007 Atty: P. Colavecchia
FEB 02 2007 Kuhar

William A. Shaw
Prothonotary/Clerk of Courts 60

FILED

FEB 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE 2/2/07

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:

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

FRANK T. SAUPP,
Plaintiff

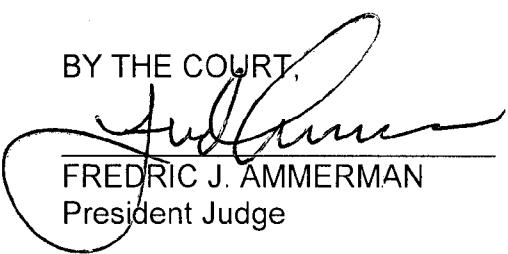
vs.
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Defendant

*
*
* NO. 06-2077-CD
*
*
*

ORDER

NOW, this 16th day of November, 2007, it is the ORDER of this Court that a hearing on the Motion for Supersedeas from License Suspension is scheduled for the **19th day of December, 2007 at 10:30 a.m.** in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania. Thirty minutes has been reserved for this hearing.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
01/23/2008
NOV 19 2007
P. Colavocchi
Kuhar

William A. Shaw
Prothonotary/Clerk of Courts

(6K)

FILED

NOV 19 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/19/07

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:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

FRANK T. SAUPP :
VS. : NO. 06-2077-CD
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :

O R D E R

AND NOW, this 19th day of December, 2007, this being the rescheduled date for hearing on the Plaintiff's Amended Petition to Appeal Suspension of Driver's License and Petition for Supersedeas; the Plaintiff having failed to appear and counsel having certified he has not heard from his client; there being no medical doctors present to provide any evidentiary basis for granting the appeal, it is the ORDER of this Court that the Petition to Appeal Suspension of Driver's License and Petition for Supersedeas be and are hereby dismissed.

BY THE COURT,



President Judge

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014:00061 Atty: Kuhar
DEC 20 2007 P.Cobavech;

William A. Shaw
Prothonotary/Clerk of Courts 6K

FILED

DEC 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/20/07

 You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions: