

07-1587-CD
In Re: James & Lisa Yoder

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: JAMES M. YODER and LISA
A. YODER

2007 No. 1587-C.D. - 2007 C.D.

FILED *(F)*

SEP 28 2007

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William A. Shaw

Prothonotary/Clerk of Courts

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Type of Pleading: APPEAL OF
OFFICIAL NOTICE OF
DEPARTMENT OF
TRANSPORTATION

Filed on behalf of: Plaintiffs

Counsel of Record for this party:
Jeffrey Lundy, Esquire
PA I.D. 25823

Lukehart & Lundy
219 East Union Street
P.O. Box 74
Punxsutawney, PA 15767
(814) 938-8110

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C/A.

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SEP 28 2007

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William A. Shaw
Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: JAMES M. YODER and LISA
A. YODER

2007 No. 1587-C.D. - 2007 C.D.

Type of Pleading: APPEAL OF
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Filed on behalf of: Plaintiffs

Counsel of Record for this party:
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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: JAMES M. YODER and LISA A. YODER : No. - 2007 C.D.
: : Type of Pleading: APPEAL OF
: : OFFICIAL NOTICE OF
: : DEPARTMENT OF
: : TRANSPORTATION

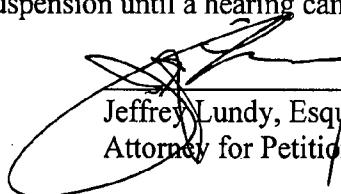
Appeal of Official Notice of Department of Transportation

AND NOW, comes James M. Yoder and Lisa A. Yoder, by and through their attorney Jeffrey Lundy, presents the following:

1. James M. Yoder and Lisa A. Yoder are adult individuals, married who reside at 966 Yoder Road, Mahaffey, Clearfield County, Pennsylvania, 15757.
2. By letter dated August 29, 2007 Petitioners received an Official Notice of suspension of their registration of vehicles for the following:
 - a. Ford 1997 Station Wagon, License Plate Number GLS 1947, Title 519796, VIN# 1FMDU34E7VUD42148, attached hereto as Exhibit "A".
 - b. Jeep 1999 Station Wagon, License Plate Number DGW1492, Title 56327716, VIN# 1J4FF6iS9XL521965, attached hereto as Exhibit "B".
3. Petitioners as of the date of filing of this Petition have insurance in effect concerning both of these vehicles.
4. James and Lisa Yoder were not aware of any Notification of insurance coverage being terminated by Nationwide Insurance on June 29th, 2007, and believe insurance was in effect at that time.
5. Your Petitioners do not believe that their vehicle registration should be suspended as authorized in said Notice pursuant to section 1786(d) and request a full hearing before the Court of Common Pleas of Clearfield County in this matter to determine if the suspension was proper.

WHEREFORE, your Petitioners request a full hearing before the Court of Common Pleas and that this Appeal act as an automatic supersedes and effectively put a stay on the Petitioners registration suspension until a hearing can be held.

Date: 9-27-07


Jeffrey Lundy, Esquire
Attorney for Petitioners

VERIFICATION

We verify that the statements made in this Appeal are true and correct. We understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to the authorities.

James M. Yoder
James M. Yoder

Lisa A. Yoder
Lisa A. Yoder

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BUREAU OF MOTOR VEHICLES
PO BOX 68674
HARRISBURG, PA 17106-8674
www.dmv.state.pa.us**

WID# 072349999013902 001
TITLE# 51397965
PROCESSING DATE 070822
TRANSACTION CODE 00060

LISA A YODER
966 YODER RD
MAHAFFEY, PA 15757

OFFICIAL NOTICE

MAIL DATE: 08/29/07

Dear Customer:

The Department recently requested that you provide us with proof of financial responsibility (insurance) for the following vehicle:

MAKE: FORD **YEAR: 1997** **BODY TYPE: STATION WAGON**
LICENSE PLATE#: GLS1972 **TITLE#: 51397965** **VIN#: 1FMDU34E7VUD42148**

This information was requested because NATIONWIDE INSUR CO OF AMERICA notified us that the insurance policy covering the vehicle listed above was terminated on 06/29/07. Either no response was received or the information you provided was not acceptable.

As a result, the registration for the vehicle listed above will be suspended for three months effective 10/03/07 at 12:01 A.M. as authorized by Section 1786(d) of the Vehicle Code.

THIS IS A FINAL ORDER OF SUSPENSION. You are required to return your current registration plate, sticker and card to the Department immediately. Credit toward serving this suspension will not begin until the Department receives your registration products. Additionally, you are required to pay a restoration fee in the amount of \$50 to the Department in accordance with Section 1960 of the Vehicle Code. Please make check or money order payable to the PA Department of Transportation. DO NOT SEND CASH. Within 30 days of your eligibility date for restoration, you will also be required to show proof of insurance for this vehicle.

We have enclosed a self-addressed envelope for your use when corresponding and a mailing label to assist with the return of your registration plate, sticker and card. When the Department receives your registration products, we will send you a letter within 3 weeks confirming that they were received. If, after 3 weeks of mailing your registration plate, sticker and card to the Department you do not receive a letter stating your registration products were received, please contact us immediately.

You have the right to appeal this suspension to the Court of Common Pleas of the county of your residence within thirty(30) days of the mail date of this letter. 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 the appeal to be valid, you must send this time stamped certified copy of the appeal by certified mail to:

**Pennsylvania Dept of Transportation
Office of Chief Counsel
1101 S Front Street-3rd Floor
Harrisburg, PA 17104-2516**



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BUREAU OF MOTOR VEHICLES
PO BOX 68674
HARRISBURG, PA 17106-8674
www.dmv.state.pa.us

WID# 072349999019650 001
TITLE# 56327716
PROCESSING DATE 070822
TRANSACTION CODE 000060

JAMES M YODER
966 YODER RD
MAHAFFEY, PA 15757

OFFICIAL NOTICE

MAIL DATE: 08/29/07

Dear Customer:

The Department recently requested that you provide us with proof of financial responsibility (insurance) for the following vehicle:

MAKE: JEEP YEAR: 1999 BODY TYPE: STATION WAGON
LICENSE PLATE#: DGW1492 TITLE#: 56327716 VIN#: 1J4FF68S9XL521965

This information was requested because NATIONWIDE INSUR CO OF AMERICA notified us that the insurance policy covering the vehicle listed above was terminated on 06/29/07. Either no response was received or the information you provided was not acceptable.

As a result, the registration for the vehicle listed above will be suspended for three months effective 10/03/07 at 12:01 A.M. as authorized by Section 1786(d) of the Vehicle Code.

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Pennsylvania Dept of Transportation
Office of Chief Counsel
1101 S Front Street-3rd Floor
Harrisburg, PA 17104-2516

EXHIBIT

B

No Docket #
Prothonotary/Clerk of Courts
William A Shaw

SEP 28 2007

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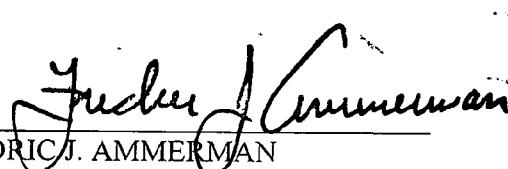
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
vs. : No. 07-1587-CD
JAMES YODER AND LISA YODER :
:

O R D E R

AND NOW, this 22nd day of April, 2008, it is the ORDER of the Court that hearing on Defendant's License Suspension Appeal in the above matter has been scheduled for Tuesday, June 24, 2008 at 2:15 P.M. before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding, in Courtroom #2 of the Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

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

DATE: 4/23/08

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

IN RE: JAMES M. YODER and LISA
A. YODER

No. 1587 - 2007 C.D.

Type of Pleading: MOTION TO
REQUEST RESCHEDULING OF
HEARING

Filed on behalf of: Plaintiffs

Counsel of Record for this party:
Jeffrey Lundy, Esquire
PA I.D. 25823

Lukehart & Lundy
219 East Union Street
P.O. Box 74
Punxsutawney, PA 15767
(814) 938-8110

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: JAMES M. YODER and LISA
A. YODER

1587

No. - 2007 C.D.

Type of Pleading: MOTION TO
REQUEST RESCHEDULING OF
HEARING

MOTION TO REQUEST RESCHEDULING OF HEARING

AND NOW, comes James M. Yoder and Lisa A. Yoder, by and through their attorney Jeffrey Lundy, Esquire, presents the following:

1. Above matter is scheduled for Hearing on the Appeal for Tuesday, January 24, 2008, at 2:15 p.m.

2. By Order dated April 22, 2008, the above matter was scheduled for Hearing for June 24, 2008, at 2:15 p.m. before the Honorable Judge John Reilly.

3. By letter dated April 25, 2008, the Plaintiff's Counsel forwarded Notice of the Hearing to the Defendants, James Yoder and Lisa Yoder.

4. By telephone call on June 24, 2008, at 9:30 a.m., Defendants' Counsel received a call from Lisa Yoder for which she stated she had not received notice, although the letter mailed to the Defendants had not been returned.

5. James Yoder and Lisa Yoder are both employed and advised that they could not get off work under the circumstances and request that the matter be rescheduled so that they may attend the hearing to defend the appeal.

6. Attorney Jeffrey Lundy, Esquire, will appear at 2:15 p.m. to present this Motion formally before the Court.

WHEREFORE, your Petitioners request that the above-captioned matter be rescheduled.

Date: *6/24/08*

Jeffrey Lundy, Esquire
Attorney for Petitioners

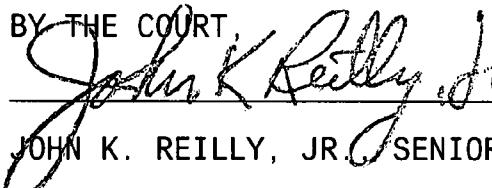
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA }
DEPARTMENT OF TRANSPORTATION }
VS } NO. 07-1587-CD
JAMES YODER AND LISA YODER }

O R D E R

NOW, this 7th day of July, 2008, this matter having been rescheduled for today's date and the parties having entered into a stipulation, it is ORDERED and DECREED as follows:

1. The appeal is DISMISSED.
2. The suspension of the Ford Explorer Title No. 51397965 is to begin not earlier than three (3) weeks from this date or as soon thereafter as may be practical.
3. The Court recommends that the suspension for the Jeep Cherokee Title No. 56327716 be delayed for a period of four (4) months for hardship reasons.

BY THE COURT,

JOHN K. REILLY, JR. SENIOR JUDGE
SPECIALLY PRESIDING

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Kuhar
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ICC Attes:
William A. Shaw
Prothonotary/Clerk of Courts
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We, the undersigned, do hereby consent to the entry of
the foregoing Order.

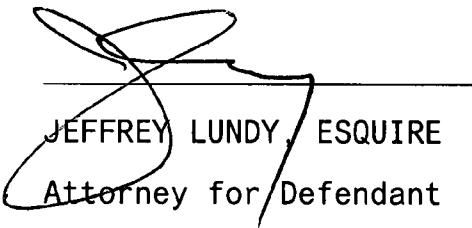


ANDREW M. RAPACH, ESQUIRE
Attorney for Commonwealth



LISA YODER

Defendant



JEFFREY LUNDY, ESQUIRE
Attorney for Defendant

FILED

JUL 07 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/7/08

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: