

08-689-CD

Comm of PA vs David A. Billette

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

COMMONWEALTH OF PENNSYLVANIA

vs.

DAVID ALLEN BILLOTTE

No. 08 - 689 - CD

Type of Pleading:

**APPEAL FROM SUSPENSION OF  
OPERATOR'S LICENSE**

Filed on behalf of:  
Defendant

Counsel of Record for  
this party:

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

&

Trudy G. Lumadue, Esq.  
Pa I.D. 202049

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

Dated: April 14, 2008

**FILED**

APR 14 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Any pd. \$95.00  
3cc Any

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

COMMONWEALTH OF PENNSYLVANIA

vs.

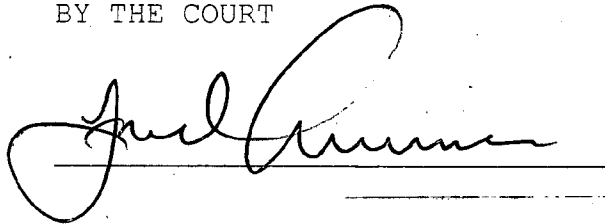
DAVID ALLEN BILLOTTE

No. 08 -689 - CD

ORDER

NOW this 22<sup>nd</sup> day of April, 2008, upon consideration of the License Suspension Appeal filed by Appellant, David Allen Billotte, which Appeal contains a physician's certification that Appellant does not have a seizure disorder, nor has he been prescribed seizure medication, it is the ORDER of this Court that a Supersedeas is hereby GRANTED pending hearing upon said Appeal and that Appellant is permitted to operate a motor vehicle.

BY THE COURT



**FILED**

08:40 a.m. GK

APR 23 2008

3cc ATTY  
NADDEO

William A. Shaw  
Prothonotary/Clerk of Courts

(GK)

**FILED**

**APR 23 2008**

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

DATE: April 23, 2008

☒ 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

COMMONWEALTH OF PENNSYLVANIA

vs.

DAVID ALLEN BILLOTTE

\*  
\*  
\*  
\*  
\*

No. 08 - - CD

**APPEAL FROM SUSPENSION OF OPERATOR'S LICENSE**

1. The Appellant is David Allen Billotte who resides at 1155 Coudley Station Road, Frenchville, Pennsylvania 16836.

2. The Appellant has been issued Pennsylvania Driver's License Number 16430064.

3. By letter dated April 2, 2008, Appellant was advised that his driving privileges were being recalled indefinitely due to it being reported that Appellant has a Seizure Disorder Condition which mandated the same under Section 1519 of the Vehicle Code. A copy of said letter is attached as Exhibit "A".

---

4. That your Appellant does not have the Seizure Disorder Condition as was initially indicated to the Commonwealth of Pennsylvania, Department of Transportation.

5. That your Appellant's treating physician has documented the same by written letter dated April 7, 2008. A copy of said statement by Dr. Davidson is attached hereto as Exhibit "B."

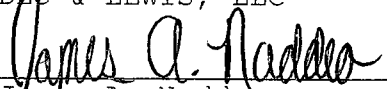
---

WHEREFORE, Appellant requests Your Honorable Court to enter an Order setting aside the suspension pending final disposition of the appeal from her summary conviction.

Respectfully submitted this 14th day of April, 2008.

NADDEO & LEWIS, LLC

By



James A. Naddeo  
Attorney for Appellant

recalszr

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: 4/2/2008

DAVID ALLEN BILLOTTE  
1155 COUDLEY STATION RD  
FRENCHVILLE PA 16836

Dear Mr. DAVID ALLEN BILLOTTE:

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

As of 04/23/2008, 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.

Since you have a seizure disorder, you must remain seizure free for a six month period, with or without medication, before you will be eligible for reinstatement of your driving privilege. Our records indicate that your seizure occurred on 3/7/2008.

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 must present two (2) forms of proper identification (e.g., birth certificate, valid U.S. passport, marriage certificate, etc.) in order to obtain your photo identification card.

Exhibit "A"

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 certified 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 4:15 p.m.

Sincerely,



Janet L Dolan, Director  
Bureau of Driver Licensing

Driver License # 16430064

---

---



FROM THE DESK OF

JAMES P. DAVIDSON, D.O.  
502 PARK AVENUE  
CLEARFIELD, PA 16830

TELEPHONE (814) 765-1521

4/7/08

This letter is in regards to David Billotte. David had Aseptic Meningitis in March of 2008. He did have a seizure related to this illness. He had a full work up with no abnormalities on CT of Brain or EEG. His symptoms have resolved.

I do not believe he has a seizure disorder. These studies are available at your request.

He is on no medication for seizures.

Thank you

Joel O

Exhibit "B"

V E R I F I C A T I O N

I, David A. Billotte, Appellant ~~Plaintiff~~ verify that the statements made in the foregoing License Suspension Appeal are true and correct upon my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

By: David A. Billotte  
David A. Billotte  
Appellant

Dated: 4-9-08

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

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

VS.

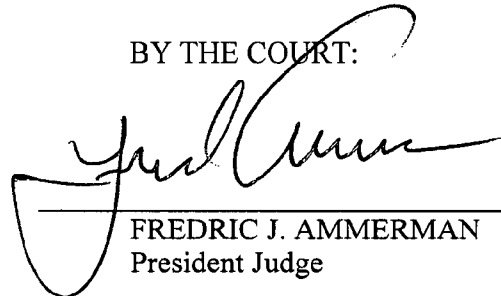
DAVID ALLEN BILLOTTE

NO. 2008-0689-CD

**ORDER**

AND NOW, this 25<sup>th</sup> day of August 2010, it is the ORDER of the Court that a hearing on the above captioned case shall be and is hereby scheduled for the 23<sup>rd</sup> day of September, 2010 at 3:00 o'clock P.M. in Courtroom #1 of the Court of Common Pleas of Clearfield County, Pennsylvania. One half hour has been set aside for this hearing.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

5  
FILED  
012/51/01  
AUG 25 2010  
William A. Shaw  
Prothonotary/Clerk of Courts  
ICC Atty's: Farkas  
Naddeo

CA

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA, :  
DEPARTMENT OF TRANSPORTATION :

-VS-

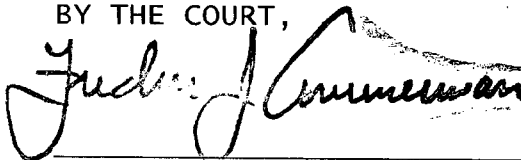
No. 08-689-CD

DAVID A. BILLOTTE :

O R D E R

AND NOW, this 23rd day of September, 2010, the  
Petitioner, David A. Billotte, having provided satisfactory  
medical documentation that meets the Department's medical  
standards, the Appeal filed in the above-referenced matter is  
remanded to the Department to update Petitioner's driving  
record to rescind the recall which is the subject of this  
appeal.

BY THE COURT,



President Judge

FILED

SEP 27 2010

William A. Shaw  
Prothonotary/Clerk of Courts

2cc  
Atty's:  
Farkas  
Naddeo

FILED

SEP 27 2010

William A. Shaw  
Prothonotary/Clerk of Courts

DATE 9/27/10

       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: