

08-689-CD
Comm of PA vs David A. Billotte

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

COMMONWEALTH OF PENNSYLVANIA

vs.

No. 08 - 689 - CD

DAVID ALLEN BILLOTTE

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.
P.O. Box 202049

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

Dated: April 14, 2008

FILED *Atty pd \$95.00*
APR 14 2008 3CC Atty
13861

William A. Shaw
Prothonotary/Clerk of Courts

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

COMMONWEALTH OF PENNSYLVANIA

vs.

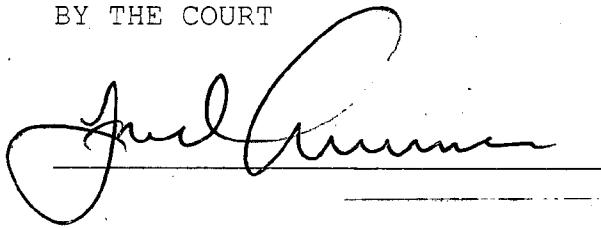
DAVID ALLEN BILLOTTE

* No. 08-689-CD

ORDER

NOW this 28th 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
(60)

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. * No. 08 - - CD

*

DAVID ALLEN BILLOTTE *

*

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
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

The letter is in regards to David Billotte. David had Acute Meningitis in March of 2008. He did have a seizure related to the illness. He had a full work up with NO abnormalities on CT of Brain or EEG. Pt 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
J. Davidson

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.

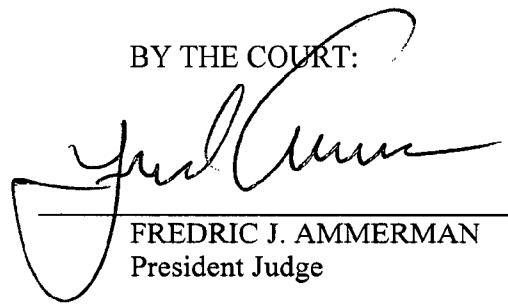
DAVID ALLEN BILLOTTE

NO. 2008-0689-CD

ORDER

AND NOW, this 25th 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 23rd 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**
08/25/2010
AUG 25 2010
william A. Shaw
Prothonotary/Clerk of Courts
ICC Atlys: Farkas
Nadded

CA

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

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION :

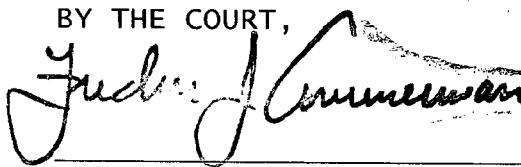
-VS- : No. 08-689-CD

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 02/04/2011 2:00 PM
S SEP 27 2010 Atty's:
William A. Shaw
Prothonotary/Clerk of Courts
Farkas
Nadelo

FILED

SEP 27 2010

William A. STRAW
Prothonotary/Clerk of Courts

DATE: 9/27/10

You are respectfully advised that the following parties:

The Plaintiff(s) Plaintiff(s) and Plaintiff(s) Attorney(s) Clerk

Defendant(s) Defendant(s) Attorney(s) Clerk

Specific Instructions: