

08-2326-CD
Kenneth Hoffman vs Comm of PA

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

KENNETH A. HOFFMAN,

APPELLANT,

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,

APPELLEE.

: No. 08-2326-CD

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FILED No. 6.
012.00um
DEC 04 2008
William A. Shaw
Prothonotary/Clerk of Courts

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Appellant

Counsel of Record:

: Theron G. Noble, Esquire
Ferraraccio & Noble
: 301 East Pine Street
: Clearfield, PA 16830
: (814)-375-2221
: PA I.D.#: 55942

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

KENNETH A. HOFFMAN,)
APPELLANT,) No. 08- 2326 -CD
v.)
COMMONWEALTH OF PENNSYLVANIA,)
DEPARTMENT OF TRANSPORTATION,)
APPELLEE.)

NOTICE OF SERVICE

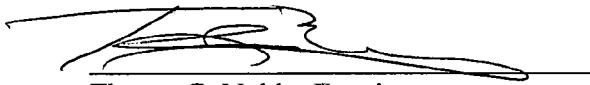
To: William A. Shaw, Prothonotary

Date: December 4, 2008

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, attorney for Appellant, does hereby certify this 4th day of December, 2008, that I did mail a true and correct copy of the APPEAL OF DETERMINATION TO RECALL DRIVER'S LICENSE, filed in the above captioned matter, via United States Mail, certified mail, addressed as follows:

Pennsylvania Department of Transportation
Office of Chief Counsel
Third Floor, Riverfront Office Center
Harrisburg, PA 17104

Respectfully Submitted,



THERON G. NOBLE, ESQUIRE
Attorney for Appellant
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
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KENNETH A. HOFFMAN,

APPELLANT,

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,

APPELLEE.

Type of Pleading:

PRAECIPE TO DISCONTINUE

Filed By:

Appellant

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED No CC,
m/1:50pm No cert requested.
DEC 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

KENNETH A. HOFFMAN,)
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v.)
COMMONWEALTH OF PENNSYLVANIA,)
DEPARTMENT OF TRANSPORTATION,)
APPELLEE.)

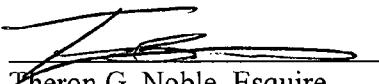
PRAECIPE TO DISCONTINUE

To: William A. Shaw, Prothonotary

Date: December 21, 2008

Since Respondent has reinstated Petitioner's driver's license given the lack of evidence to support its medical recall, Petitioner respectfully requests this matter be DISMISSED WITHOUT PREJUDICE.

Respectfully Submitted,



THERON G. NOBLE, ESQUIRE
ATTORNEY FOR APPELLANT
FERRARACCIO & NOBLE
301 EAST PINE STREET
CLEARFIELD, PA 16830
(814)-375-2221
PA I.D. #: 55942

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

KENNETH A. HOFFMAN,)
APPELLANT,) No. 08-2326-CD
v.)
COMMONWEALTH OF PENNSYLVANIA,)
DEPARTMENT OF TRANSPORTATION,)
APPELLEE.)

NOTICE OF SERVICE

To: William A. Shaw, Prothonotary

Date: December 21, 2008

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, attorney for Appellant, does hereby certify this 21st day of December, 2008, that I did mail a true and correct copy of the PRAECIPE TO DISCONTINUE, filed in the above captioned matter, via United States Mail, certified mail, addressed as follows:

Pennsylvania Department of Transportation
Office of Chief Counsel
Third Floor, Riverfront Office Center
Harrisburg, PA 17104

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Appellant
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

(A)

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

KENNETH A. HOFFMAN,

APPELLANT,

: No. 08-2326-CD

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,

APPELLEE.

Type of Pleading:

APPEAL OF DETERMINATION
TO RECALL DRIVER'S LICENSE

Filed By:

Appellant

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED *3cc*
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DEC 04 2008 *Atty Noble*
Atty pd.
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William A. Shaw
Prothonotary/Clerk of Courts

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

KENNETH A. HOFFMAN,)
)
)
 APPELLANT,)
) No. 08-_____ -CD
 v.)
)
)
 COMMONWEALTH OF PENNSYLVANIA,)
 DEPARTMENT OF TRANSPORTATION,)
)
)
 APPELLEE.)

APPEAL OF DETERMINATION TO RECALL DRIVER'S LICENSE

AND now, comes the Appellant, Kenneth A. Hoffman, by and through his counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who aver as follows in support of APPEAL OF DETERMINATION TO RECALL DRIVER'S LICENSE:

1. That appellant is Kenneth A. Hoffman, also known as "Nick Hoffman", who does, and at all material times, unless otherwise noted, resides at 224 N. 3rd Street, DuBois, Clearfield County, Pennsylvania.
2. That appellee is the Commonwealth of Pennsylvania, Department of Transportation, upon information and belief, with appropriate address for this purpose of Office of Chief Counsel, Third Floor, Riverfront Office Center, Harrisburg, Dauphin County, Pennsylvania, 17104.

Background

3. That Appellant has a driver's license issued by the Commonwealth of Pennsylvania, believed to be number 19701204.
4. That on October 7, 2008, Mr. Hoffman experienced a medical condition in which he

fainted while grocery shopping, hit his head and for which he received medical treatment.

5. That apparently it was reported to Appellee, as is required pursuant to Pennsylvania law, specifically 75 Pa.C.S.A. §1518, that Mr. Hoffman suffers some type of medical condition which might render him incapable of safe driving.
6. That Appellee in response to said information, has issued a recall of Appellant's driver's license pursuant to 75 Pa.C.S.A. §1519(c).

Count I: Appeal of Recall Determination

75 Pa.C.S.A. §1550

7. That the averments of paragraphs 1 - 6, inclusive, are hereby incorporated as if again fully set forth at length.
8. That Mr. Hoffman has undergone and continues to undergo medical treatment, including testing, since the aforementioned incident of October 7th.
9. That upon information and belief, Mr. Hoffman's medical condition is not chronic nor likely to repeat itself such that he is capable of safe driving and should not have his driver's license recalled pursuant to 75 Pa.C.S.A. §1519(c).
10. That the information provided to Appellee by a treating physician, pursuant to 75 Pa.C.S.A. §1518, was so provided prior to a more complete and accurate assessment of Mr. Hoffman's condition, or lack thereof.
11. However, in that Mr. Hoffman's neurologist presently recommends he not drive, Mr. Hoffman does not at this time desire a supersedeas, reserving the right for such motion after further consultation with his neurologist and other physicians (which are scheduled to occur around the time his right to appeal lapses).

**WHEREFORE, Appellant respectfully requests that his driver's license not be
recalled.**

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Appellant
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

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

KENNETH A. HOFFMAN,)
APPELLANT,)
v.) No. 08-_____ -CD
COMMONWEALTH OF PENNSYLVANIA,)
DEPARTMENT OF TRANSPORTATION,)
APPELLEE.)

VERIFICATION

I, Kenneth A. Hoffman, Appellant, do hereby swear and affirm that I have read the foregoing APPEAL OF DETERMINATION TO RECALL DRIVER'S LICENSE and that the averments therein contained are true and correct to the best of my knowledge, information and belief. Furthermore, I am over the age of 18 years of age and give this unsworn statement knowing it is to authorities and subject to the penalties of 18 Pa.C.S.A. 4904.

So made this 1st day of December, 2008.

By,

Kenneth A. Hoffman
Kenneth A. Hoffman, Appellant

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

KENNETH A. HOFFMAN

vs.

: No. 08-2326-CD

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

FILED

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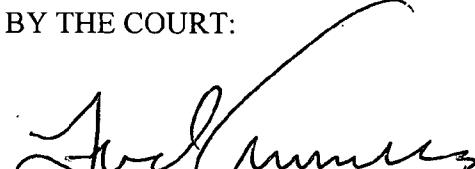
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William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 25 day of February, 2009, it is the ORDER of the Court that hearing on Appellant's Appeal of Determination to Recall Driver's License in the above matter has been scheduled for Friday, March 27, 2009 at 1:30 P.M. before the Honorable Fredric J. Ammerman in Courtroom No. 1., in the Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED

FEB 25 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2-25-09

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: Attny Kuhn