

LICENSE-REGISTRATION SUSPENSION APPEAL

**IT IS STRONGLY RECOMMENDED THAT
YOU CONSULT AN ATTORNEY**

DISCLAIMER

THE STAFF IN ANY COURT OFFICE ARE NOT PERMITTED TO GIVE YOU LEGAL ADVICE. THE INFORMATION IN THIS PACKET IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON THEIR CONTENTS. IF YOU WANT TO OBTAIN THE SERVICES OF AN ATTORNEY BUT DO NOT KNOW WHOM TO CONTACT, YOU MAY CALL THE LUZERNE COUNTY LAWYER REFERRAL SERVICE AT (570) 822-6029.

LICENSE-REGISTRATION SUSPENSION APPEAL

1. Complete the attached petition and brief.
2. You must include your original letter from PennDOT as Exhibit "A". Check to see that you are still within your 30-day appeal period.
3. Present the petition and brief to Court Administration to schedule hearing date.
4. File petition and brief in the Prothonotary's office. All copies will be time-stamped and payment is due at the time of filing.
5. Return a time-stamped copy to Court Administration, mail a time-stamped copy to PennDOT via certified mail, retain a time-stamped copy of petition for date and time of hearing.

** If a MEDICAL ISSUE caused the license suspension, the Petitioner must inform PennDOT of when they will present a supersedeas motion to the motion's Judge (Monday-Friday 8:30-9:15am). The Judge will decide whether or not the supersedeas is granted. Follow the above steps.

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet



County _____

<i>For Prothonotary Use Only:</i>	TIME STAMP
Docket No: _____	

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:	
<input type="checkbox"/> Complaint	<input type="checkbox"/> Writ of Summons
<input type="checkbox"/> Transfer from Another Jurisdiction	<input type="checkbox"/> Declaration of Taking
<input type="checkbox"/> Petition	
Lead Plaintiff's Name: _____	Lead Defendant's Name: _____
Are money damages requested? <input type="checkbox"/> Yes <input type="checkbox"/> No	Dollar Amount Requested: <input type="checkbox"/> within arbitration limits (check one) <input type="checkbox"/> outside arbitration limits
Is this a <i>Class Action Suit</i> ? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is this an <i>MDJ Appeal</i> ? <input type="checkbox"/> Yes <input type="checkbox"/> No
Name of Plaintiff/Appellant's Attorney: _____	
<input type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)	

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

<p>TORT (do not include Mass Tort)</p> <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other: _____ _____	<p>CONTRACT (do not include Judgments)</p> <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input type="checkbox"/> Debt Collection: Other _____ _____ <input type="checkbox"/> Employment Dispute: Discrimination <input type="checkbox"/> Employment Dispute: Other _____ _____ <input type="checkbox"/> Other: _____ _____	<p>CIVIL APPEALS</p> <input type="checkbox"/> Administrative Agencies <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other _____ _____ <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other: _____ _____
<p>MASS TORT</p> <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other: _____ _____	<p>REAL PROPERTY</p> <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Other: _____ _____	<p>MISCELLANEOUS</p> <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input type="checkbox"/> Other: _____ _____
<p>PROFESSIONAL LIABILITY</p> <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional: _____ _____		

	:	IN THE COURT OF COMMON PLEAS
Petitioner	:	OF LUZERNE COUNTY
	:	
vs.	:	LICENSE SUSPENSION APPEAL
	:	
Commonwealth of Pennsylvania	:	
Department of Transportation	:	_____ of 20 _____
Bureau of Driver Licensing	:	
Respondent	:	

ORDER

AND NOW, this _____ day of _____, 20____, **IT IS HEREBY ORDERED**, upon consideration of the attached Petition for Appeal from an Order of the Department of Transportation suspending Appellant’s operating privilege/denial of driver’s license/suspension of motor vehicle registration, a *de novo* hearing is **GRANTED** to determine whether the action of the Department of Transportation should be set aside.

The *de novo* hearing in the above-captioned matter is scheduled for _____, the ____ day of _____, 20 __, at _____ o’clock __. m. in the assigned courtroom of the Luzerne County Courthouse, 200 North River Street or Penn Place, 20 North Pennsylvania Avenue, Wilkes-Barre, Pennsylvania.

Pending the *de novo* hearing, the filing of the attached Petition for Appeal and Order scheduling a *de novo* hearing shall serve as a supersedeas, as provided in 75 Pa.C.S.A § 1550(b)(1)(i).

Petitioner is directed forthwith to serve a notice of the entry of the Petition for Appeal and Order for hearing upon the Department of Transportation at the address shown in the Department’s notice of entry of order, by certified mail, return receipt requested.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS
OF LUZERNE COUNTY

Appellant

Civil Division

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

NO. OF 20 _____

Appellee

ORDER

NOW, this _____ day of _____, 20_____, after *de novo*
hearing on Appellant's Petition for Appeal, **IT IS HEREBY ORDERED AND DECREED**
that said appeal is SUSTAINED/OVERRULED.

BY THE COURT:

_____, J.

IN THE COURT OF COMMON PLEAS OF LUZERNE COUNTY, PENNSYLVANIA

CIVIL DIVISION

:

Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

: File No. _____

:

:

:

:

**PETITION FOR APPEAL FROM A SUSPENSION OF OPERATING PRIVILEGE /
DENIAL OF DRIVER'S LICENSE / SUSPENSION OF MOTOR VEHICLE REGISTRATION**

1. Appellant herein is _____,
residing at and having a mailing address of: _____

2. Appellee herein is the Department of Transportation of the Commonwealth of
Pennsylvania, having a mailing address of:

___ Department of Transportation, Bureau of Driver Licensing, Harrisburg, Pennsylvania
17123.

___ Department of Transportation, Bureau of Motor Vehicles, Harrisburg, Pennsylvania
17123.

3. By letter or notice dated _____, a copy of which is attached hereto as
Exhibit A, the Department of Transportation

___ ordered Appellant to surrender his / her operating license / motor vehicle registration
for a period of _____.

___ denied the issuance / renewal of a driver's license.

4. Supersedeas:

___ Pursuant to 75 Pa.C.S.A. § 1550(b)(1)(i), Appellant is retaining driver's license until final determination of the suspension of operating privilege.

___ Pursuant to 75 Pa.C.S.A. § 1550(b)(1)(ii), a hearing attended by the Appellant must be held before the Court of Common Pleas before an order of supersedeas can be issued.

___ Pursuant to 75 Pa.C.S.A. § 1377(a), Appellant is retaining motor vehicle registration until final determination of the suspension of registration.

5. The said suspension of Appellant's operating privileges / registration is improper or unlawful for the following reasons:

Appellant respectfully requests that this matter be set down for a hearing and that the order of suspension / order of denial be set aside.

Respectfully submitted by,

Appellant

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

Date: _____

_____ Appellant

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: _____

Signature: _____

Name: _____

Attorney No. (if applicable): _____

Petitioner

vs.

Commonwealth of Pennsylvania
Department of Transportation
Bureau of Driver Licensing
Respondent

: IN THE COURT OF COMMON PLEAS
: OF LUZERNE COUNTY
:
:
: LICENSE SUSPENSION APPEAL
:
: _____ of 20 _____
:
:

PETITIONER'S BRIEF IN SUPPORT OF THE MOTOR VEHICLE SUSPENSION APPEAL

WHEREFORE, Petitioner respectfully requests the within appeal be sustained.

RESPECTFULLY SUBMITTED,

NAME

DATE: _____

_____	:	IN THE COURT OF COMMON PLEAS
_____	:	OF LUZERNE COUNTY
_____	:	
Plaintiff (s)	:	
vs.	:	CIVIL
_____	:	
_____	:	
Defendant (s)	:	NO. _____

ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY
PURSUANT TO PA. R.C.P. NO. 1930.8

Please enter my appearance as a Self-Represented Party in the above captioned proceeding:

1. My name: _____
(Print legibly)

2. My address where pleadings and other legal papers may be served:

3. My contact telephone number (s):

 Fax number: _____

4. I understand that I am under a continuing obligation to provide current contact information to the Court, to other self-represented parties and to attorneys of record.

5. (If applicable) – I am currently represented by an attorney of record and I wish to be self represented, and
 - a. ___ I have given contemporaneous notice of this assertion to my attorney of record; or
 - b. ___ Attached to this entry of appearance is the withdrawal of appearance signed by my attorney of record.

I understand that I must give a filed copy of this entry of appearance to all self-represented parties and attorney s of record.

Date

Name