

NOTICE OF APPEAL OF SUSPENSION OF DRIVERS LICENSE

**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 OBTAIN A LIST OF ATTORNEYS PRACTICING IN WYOMING COUNTY FROM THE PROTHONOTARY WEBSITE.

***THE PROTHONOTARY STAFF IS UNABLE TO ASSIST YOU IN COMPLETING
THIS FORM***

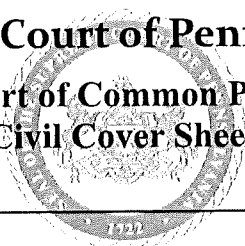
**FILING A PETITION FOR APPEAL FROM A SUSPENSION OF
DRIVERS LICENSE**

1. Fill out the Petition. You will need to refer to the letter from PennDot notifying you of the suspension.
 - a. Near the top of the first page, write your name in the space above the word "Appellant."
 - b. Leave the space after the words "Case No.:" blank; this is where the Prothonotary will place the docket number when you file the Petition.
 - c. In Paragraph 1, write your name (you are the Appellant), address and telephone number.
 - d. In Paragraph 2, write your driver's license number.
 - e. In Paragraph 4, write the date of the letter from PennDot and the date the suspension is to take effect.
 - f. In Paragraph 5, explain the reason you believe the suspension is improper.
 - g. Sign on the line above the words "signature of Appellant."
 - h. Sign the Verification on the third page, on the line above the words "signature of Appellant." Write the date in the space to the left of your signature.
2. Fill out the Supreme Court of Pennsylvania, Court of Common Pleas Civil Cover Sheet.
 - a. Write "Wyoming" before the word "County" in the top left corner.
 - b. Check the box for "Petition" in the first part of Section A, under "Commencement of Action."
 - c. Write your name where it says "Lead Plaintiff's Name."
 - d. Write "PennDot" where it says "Lead Defendant's Name."
 - e. Check "No" after "Are money damages requested?" Leave "Dollar Amount Requested" section blank.
 - f. Check "No" after "Is this a Class Action Suit?"
 - g. Check the box where it says "Check here if you have no attorney (are a self-represented [Pro Se] Litigant)."
 - h. In Section B, check the box under the "Civil Appeals" section, for "Department of Transportation."
3. Make three (3) copies of the Petition, and three (3) copies of the letter you received from PennDot. (DOUBLE SIDED COPIES WILL NOT BE ACCEPTED). Attach a copy of the letter to the back of each copy of the Petition. One of these copies will be given back to you for mailing to PennDot. (Keep the original letter from PennDot for your records).

4. Take all of these documents to the Prothonotary for filing. The filing fee for this Petition is \$135.00, unless you also file a Petition for IFP. (An IFP Petition can be found on the website).
5. You must mail a copy of the Petition for Appeal to PennDot at the address on the Certificate of Service. This must be sent by certified mail. File the Certificate of Service with the white certified mail slip with the Prothonotary's Office upon mailing.
6. The Prothonotary will send the Petition to the Court for scheduling and then mail one copy of the Scheduling Order to you and one copy to PennDot with the date and time of the hearing. **You must attend the hearing or your appeal will be dismissed.**

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet



County _____

For Prothonotary Use Only:

Docket No: _____

TIME STAMP

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:

- ☐ Complaint
 ☐ Writ of Summons
 ☐ Petition
 ☐ Transfer from Another Jurisdiction
 ☐ Declaration of Taking

Lead Plaintiff's Name: _____

Lead Defendant's Name: _____

Are money damages requested? ☐ Yes ☐ No

Dollar Amount Requested: ☐ within arbitration limits
(check one) ☐ outside arbitration limits

Is this a *Class Action Suit*? ☐ Yes ☐ No

Is this an *MDJ Appeal*? ☐ Yes ☐ No

Name of Plaintiff/Appellant's Attorney: _____

☐ 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.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other: _____

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☐ Employment Dispute:
 Discrimination
☐ Employment Dispute: Other

☐ Other: _____

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

☐ Zoning Board

☐ Other: _____

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other: _____

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other: _____

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other: _____

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional: _____

NOTICE

Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:

Rule 205.5. Cover Sheet

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.

(Petitioner/Appellant)
vs.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION
(Appellee)

1. The Petitioner/Appellant is _____, residing at _____
(name)
_____, with a telephone
(mailing address)
number of _____.

2. The Petition/Appellant's Pennsylvania Driver's License Number is _____.

3. Appellee herein is the Department of Transportation of the Commonwealth of Pennsylvania, having a mailing address of: Department of Transportation, Bureau of Motor Vehicles, Harrisburg, Pennsylvania 17123.

4. On _____ the Appellant/Petitioner received notice from the Department
(date)
of Transportation that his/her operator's license is suspended effective _____.
(date)

Said notice is attached as Exhibit "A."

5. Appellant/Petition believes the suspension to be unlawful for the following reasons:

WHEREFORE, Appellant/Petitioner prays that a hearing de novo be scheduled, that this appeal be sustained, and that this appeal shall operate as a supersedeas of the suspension pending the hearing.

Respectfully submitted:

Date

Appellant

Telephone Number

Address

VERIFICATION

I, _____, verify that the statements made in this Petition are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Petitioner

Date: _____

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

	:	
<i>(Appellant)</i>	:	
vs.	:	Case No.: CV-_____-20____
	:	
COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION	:	
<i>(Appellee)</i>	:	

ORDER

AND NOW, this ____ day of _____, 20____, upon consideration of the foregoing License Suspension Appeal,

IT IS ORDERED AND DECREED that a Rule to Show Cause is granted in the above-captioned matter for the Commonwealth of Pennsylvania, Department of Transportation to show cause why the Appeal from the suspension of _____ should not be granted. Said Rule Returnable on the ____ day of _____, 20____ at ____ o'clock, Courtroom No. ____, Wyoming County Courthouse, Tunkhannock, Pennsylvania. A stay is issued on the Appellant's suspension until a hearing is held in this matter.

BY THE COURT:

P.J.

IN THE COURT OF COMON PLEAS OF WYOMING COUNTY, PENNSYLVANIA
CIVIL DIVISION

_____	:	
(Appellant)	:	
vs.	:	Case No.: CV-_____-20____
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF TRANSPORTATION	:	
(Appellee)	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Petition and Order have been served upon the Commonwealth of Pennsylvania, Department of Transportation by certified mail, return receipt requested at the below address on the _____ day of _____, 20____:

Pennsylvania Department of Transportation
Office of Chief Counsel
1101 South Front Street
Third Floor, Riverfront Office Center
Harrisburg, PA 17104-2516

The white copy of the receipt of service is attached hereto.

Petitioner