

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Susan Octave on behalf  
of James Octave, an  
incapacitated person, and  
Susan Octave

v.

David Wade Walker, and  
Commonwealth of Pennsylvania,  
Department of Transportation

Appeal of: Department of  
Transportation

No. 532 C.D. 2011

Susan Octave on behalf of  
James Octave, an incapacitated  
person, and Susan Octave

v.

David Wade Walker, and  
Commonwealth of Pennsylvania,  
Department of Transportation

Appeal of: David Wade Walker

No. 540 C.D. 2011

**ORDER**

NOW, February 15, 2012, having considered the application for reargument *en banc* filed by appellee Susan Octave on behalf of James Octave and on her own behalf, and the answer filed by appellee David Wade Walker, the application is denied.

BY THE COURT:

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DAN PELLEGRINI,  
President Judge