

**ADVANCE SHEET**

Pages 106-110

**THE**  
**Dauphin County Reporter**

(USPS 810-200)

---

A WEEKLY JOURNAL  
CONTAINING THE DECISIONS RENDERED IN THE  
12th JUDICIAL DISTRICT

---

No. 5704, Vol. 124

April 3, 2009

No. 40

---

Entered as Second Class Matter, February 16, 1898, at the Post Office at Harrisburg, Pa.,  
under the Act of Congress of March 31, 1879

---

Dock v. Harrisburg Hospital, et al.  
Bar Association Page

106  
Inside Back Cover

**INTELLECTUAL PROPERTY LAW**

Patentability and Infringement Studies  
Patent Applications Worldwide  
*Can client use invention without infringing?*  
*Can client prevent others from using invention?*

**Hooker & Habib, P. C.**

Jeffrey S. Habib  
Charles A. Hooker  
Thomas Hooker

[www.h-hpc.com](http://www.h-hpc.com)

100 Chestnut Street, Suite 304  
Harrisburg, PA 17101-2518  
Telephone: 717-232-8771  
Facsimile: 717-232-8773  
E-Mail: [hhpc@ptd.net](mailto:hhpc@ptd.net)

---

38 Years in Harrisburg

**THE  
DAUPHIN COUNTY REPORTER**  
**Edited and Published**  
**by the**  
**DAUPHIN COUNTY BAR**  
**ASSOCIATION**  
**213 North Front Street**  
**Harrisburg, PA 17101-1493**  
**(717) 232-7536**

**DONALD MORGAN**  
**Executive Director**  
**JOYCE TAMBOLAS**  
**Administrative Assistant**  
**BRIDGETTE L. HILBISH**  
**Office Assistant**

**Printed by**  
**KURZENKNABE PRESS**  
**1424 Herr St., Harrisburg, PA 17103**

---

---

THE DAUPHIN COUNTY REPORTER (USPS 810-200) is published weekly by the Dauphin County Bar Association, 213 North Front Street, Harrisburg, PA 17101. Periodical postage paid at Harrisburg, PA. POSTMASTER: Send address changes to THE DAUPHIN COUNTY REPORTER, 213 North Front Street, Harrisburg, PA 17101.

---

---

#### **TERMS**

Advertisements must be received before 12 o'clock noon on Tuesday of each week at the office of the Dauphin County Reporter, 213 North Front Street, Harrisburg, PA 17101.

Telephone (717) 232-7536

---

---

#### **Estate Notices**

##### **DECEDENTS ESTATES**

NOTICE IS HEREBY GIVEN that letters testamentary or of administration have been granted in the following estates. All persons indebted to the estate are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors or their attorneys named below.

##### **FIRST PUBLICATION**

ESTATE OF WILLIAM S. BEARD, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executrix: Tracey A. Howard, 2934 Lincoln Highway East, Gordonville, PA 17529. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. a3-a17

ESTATE OF DOROTHY A. LESHER, late of Elizabethville, Dauphin County, Pennsylvania. Co-Executors: Ronald Leshner, 301 Tennessee Avenue, Elizabethville, PA 17023 and Michael Leshner, 92 Enders Road, Halifax, PA 17032. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethville, PA 17023. a3-a17

---

ESTATE OF LILLIAN ABELES, late of South Hanover Township, Dauphin County, Pennsylvania (died February 26, 2009). Executrix: Bonnie Diak, 7703 Hanoverdale Drive, Harrisburg, PA 17112. Attorney: James D. Cameron, Esq., 1325 North Front Street, Harrisburg, PA 17102. a3-a17

---

ESTATE OF MARY JANE FRONK, late of the Borough of Middletown, Dauphin County, Pennsylvania (died March 15, 2009). Executrix: Brenda J. Brubaker, 625 Hoffer Street, Middletown, PA 17057. Attorney: John S. Davidson, Esq., 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. a3-a17

---

ESTATE OF MARGARET TITTIGER, late of Lower Paxton Township, Dauphin County, Pennsylvania (died February 10, 2009). Executor: Frank Tittiger. Attorney: Marielle F. Hazen, Esq., 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. a3-a17

---

ESTATE OF DUSHAN TALEFF, late of Lower Swatara Township, Dauphin County, Pennsylvania (died December 26, 2008). Executrix: Nadine Vukovich, 806 Tamar Road, Mechanicsburg, PA 17050. Attorney: Stanley A. Smith, Esq., Rhoads & Sinon LLP, One S. Market Square, P.O. Box 1146, Harrisburg, PA 17108-1146. a3-a17

---

ESTATE OF JEAN A. LONG, late of Lower Swatara Township, Dauphin County, Pennsylvania. Co-Executors: Richard Stambaugh and Carol Stambaugh, 5 Bells Hill, Landisburg, PA 17040. Attorney: Allen E. Hench, Esq., 220 Market Street, Newport, PA 17074. Telephone (717) 567-3139. a3-a17

---

---

**FIRST PUBLICATION**

---

**Estate Notices**

---

ESTATE OF LARRY E. HUNTZINGER, late of Harrisburg, Dauphin County, Pennsylvania (died January 4, 2009). Executrix: Josephine L. Huntzinger, 305 S. Lakeview Drive, Harrisburg, PA 17110. Attorney: Richard S. Friedman, Esq., Richard S. Friedman, P.C., 300 North Second Street, Suite 402, Harrisburg, PA 17101. a3-a17

---

ESTATE OF DONNA JEAN KYLER, late of Steelton Borough, Dauphin County, Pennsylvania (died March 6, 2009). Administrator: John Kyler, 26 North 3rd Street, Steelton, PA 17113. Attorney: Jeff Foreman, Esq., 112 Market Street, 6th Floor, Harrisburg, PA 17101. Telephone (717) 236-9391. a3-a17

---

ESTATE OF BETTY L. WOLAND a/k/a BETTY W. ROMBERGER, late of the City of Harrisburg, Dauphin County, Pennsylvania (died March 12, 2009). Co-Executor: Robert A. Woland, 118 Winding Hill Drive, Lancaster, PA 17601. Co-Executor/Attorney: Harry L. Bricker, Jr., Esq., 407 North Front Street, Harrisburg, PA 17101. a3-a17

---

ESTATE OF CATHARINE P. SMITH, late of Dauphin County, Pennsylvania. Administratrix: Marsha J. Althouse, 400 Maryland Drive, P.O. Box 7544, Ft. Washington, PA 19034-7544. Attorney: Michael O'Hara Peale, Jr., Esq., Timoney Knox, LLP, 400 Maryland Drive, P.O. Box 7544, Ft. Washington, PA 19034-7544. a3-a17

---

ESTATE OF RAYMOND H. HOOVER, late of Dauphin County, Pennsylvania (died March 2, 2009). Executor: Ray Lee Hoover. Attorney: Steven P. Miner, Esq., Daley Zucker Meilton Miner & Gingrich, LLC, 1035 Mumma Road, Suite 101, Wormleysburg, PA 17043. a3-a17

ESTATE OF GLADYS R. SMITH, late of Dauphin County, Pennsylvania (died February 17, 2009). Executor: Bertram H. Goldberg, 4522 Hillside Court, Harrisburg, PA 17110. Attorney: Joseph K. Goldberg, Esq., 2080 Linglestown Road, Suite 106, Harrisburg, PA 17110. a3-a17

---

ESTATE OF JEANNE M. CARPENTER, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Pamela Eileen Moser, 204 Pine Street, Steelton, PA 17113. Attorney: Kenneth F. Lewis, Esq., 1101 North Front Street, Harrisburg, PA 17102. a3-a17

---

---

---

**SECOND PUBLICATION**

---

ESTATE OF GERALDINE E. LURING, late of the Township of Susquehanna, Dauphin County, Pennsylvania. Executor: James P. Luring. Attorney: Heather D. Royer, Esq., Smigel, Anderson & Sacks, LLP, 4431 North Front Street, 3rd Floor, Harrisburg, PA 17110. m27-a10

---

ESTATE OF ESTHER I. MURRAY, late of Upper Paxton Township, Dauphin County, Pennsylvania. Co-Executors: Darwin R. Tobias, Sr. and Shirley I. Tobias, 67 Kinsinger Road, Halifax, PA 17032. Attorney: John J. Krafsig, Jr., Esq., 2921 North Front Street, Harrisburg, PA 17110. m27-a10

---

ESTATE OF ERNESTINE SHEAFFER, late of Swatara Township, Dauphin County, Pennsylvania (died January 12, 2009). Administrator: Manufacturers and Traders Trust Company, Joseph A. Macri, Vice President – Trust Officer, P.O. Box 2961, Harrisburg, PA 17105. Attorney: Edmund G. Myers, Esq., Johnson Duffie Stewart & Weidner, P.O. Box 109, Lemoyne, PA 17043-0109. m27-a10

Dock v. Harrisburg Hospital, et al.

Candidly, on the facts presented, our sense of justice would have been shocked had the jury not found Carroll guilty of the firearms violations.

Accordingly, we enter the following:

ORDER

AND NOW, February 3, 2009,

Defendant's Motion for New Trial Based on Weight of the Evidence is denied.

—————o—————

### **Dock v. Harrisburg Hospital, et al.**

**Torts — Negligence — Medical Malpractice — Standard of Care — Expert Opinion — Reasonable Degree of Certainty.**

Plaintiffs' daughter was born prematurely and received neonatal treatment which included the insertion of an umbilical venous catheter line for nutritional management. As a result of a large clot which developed at the end of the line and became infected, the infant suffered septic destruction of her right hip joint and arterial damage in her right lung. Plaintiffs' liability expert opined that there were "controversial" issues regarding the treatment of the child and "various opinions about the appropriateness of" a specific treatment procedure. The Defendants contended that these characterizations did not rise to the level of "reasonable degree of certainty" that the procedure in fact violated an accepted standard of care, and also fell short of the threshold for admissibility of an expert opinion. The Court determined that the admissibility of the expert opinion testimony should appropriately be determined by a pre-trial motion *in limine* as one of evidence preclusion.

1. Summary judgment is an appropriate tool to eliminate a cause of action or a party where, as a matter of law, it can be shown that the plaintiff's evidence cannot establish an element necessary to his case. Pa.R.C.P. 1035.2; *Watkins v. Hospital of University of Pa.*, 737 A.2d 263 (Pa. Super. 1999).

Motions for Partial Summary Judgment. C.P., Dau. Co., No. 2004 CV 2532 CV. Motions denied.

*Anthony Stefanon* for Plaintiffs

*Lauralee B. Baker-Starr* for Defendants Harrisburg Hospital, Pinnacle Health System d/b/a Pinnacle Health, Pinnacle Health Hospitals and Pinnacle Health at Harrisburg Hospital

Dock v. Harrisburg Hospital, et al.

*Francis E. Marshall, Jr., Thomas M. Chairs, and Aaron S. Jayman* for Defendants Bernadine Moglia, M.D., Margaret Donahue, M.D., Eric Michael, M.D., and Pediatrix Medical Group, P.C.

KLEINFELTER, J., February 4, 2009. – This is a medical malpractice action brought by Susan E. Dock and Randy Dock, individually and as parents of Elizabeth Dock, a minor (collectively “Plaintiffs”). Elizabeth was born prematurely on June 22, 2002, and admitted to the Neonatal Intensive Care Unit at Harrisburg Hospital. There she received care and treatment from neonatologists and the nursing staff. As part of her treatment, Elizabeth had inserted an umbilical venous catheter (UVC) line for nutritional management. A clot line developed at the end of the line which became infected. The infection spread remotely throughout the child’s body; additionally, the clot dislodged and settled in her lungs. Elizabeth suffered septic destruction of her right hip joint and arterial damage in her right lung.

The complaint alleges negligence in failing to diagnose, monitor, and treat the sepsis in a timely fashion. Plaintiffs also claim negligence in the continued use of the UVC line in the face of clotting and infection.

In separate motions for partial summary judgment, defendants Harrisburg Hospital and Pinnacle Health System (collectively, “Pinnacle”) and Pediatrix Medical Group of Pennsylvania<sup>1</sup> (hereinafter “Pediatrix”) claim that Plaintiffs have failed to produce an expert report establishing that they were negligent in permitting the administration of platelets through the UVC line. As such they seek partial summary judgment.

Plaintiffs’ sole liability expert is Alan Lantzy, M.D., Chairman of the Department of Pediatrics at Western Pennsylvania Hospital in Pittsburgh. His opinion, in pertinent part follows:

It is my opinion that there are many controversial issues in this case, which include the continuation of the umbilical venous catheter in the face of persistently positive blood cultures. The child had positive blood cultures daily on 6/26, 6/27, 6/28, 6/29, and 6/30/2002 all in the presence of an umbilical venous catheter. Certainly the continuation of the central venous catheter in the face of ongoing bacteremia and sepsis is controversial at least. It is my opinion that the persistently positive blood cultures

---

1. The physicians are also named individually as part of the group.

Dock v. Harrisburg Hospital, et al.

significantly increased the likelihood of distant spread of the staph infection. There are concerns about the continuation of bacteremia, particularly with staph aureus, that could set up future infections such as osteomyelitis or a septic joint, which in this case, showed up weeks later.

Another controversial issue is giving hyperal and platelets through a central venous catheter in the face of a large clot. There are various opinions about the appropriateness of treating thrombocytopenia through this line. My main concern, however, in (sic) where I feel the physicians at Harrisburg Hospital erred and practiced outside the accepted standard of medical care is in the initial diagnosis of Elizabeth's infection.

— — — —

The failure of the physicians to make the diagnosis of sepsis and to start the treatment in a timely fashion increased the risk that Elizabeth would develop the neurologic, orthopedic and cardiopulmonary problems that she did develop.

It is my medical opinion the physicians at Harrisburg Hospital erred in their vigilance at watching Elizabeth for possible infection, specifically between the evening of 6/24/2002 and the morning of 6/26/2002, when she appeared critically ill.

Pinnacle and Pediatrix take exception to Dr. Lantzy's characterization of the continuation of the UVC in the face of the persistently positive blood cultures as a "controversial" issue in the case. To say that a procedure was "controversial," they argue, does not rise to the level of "reasonable degree of certainty" that the procedure in fact violated an accepted standard of care.

Pinnacle and Pediatrix also assail Dr. Lantzy's statement that "[t]here are various opinions about the appropriateness of treating thrombocytopenia through this (the UVC) line." Again, this characterization falls short of the standard of "reasonable degree of certainty" which is the threshold for admissibility of an expert opinion.

Dock v. Harrisburg Hospital, et al.

On the other hand, Dr. Lantzy is not at all equivocal in opining that:

- 1) “the persistently positive blood cultures significantly increased the likelihood of distant spread of staph infection;”
- 2) “the physicians at Harrisburg Hospital erred and practiced outside the standard of medical care is (sic) in the initial diagnosis of Elizabeth’s infection;”
- 3) “the failure of the physicians to make the diagnosis of sepsis and to start treatment in a timely fashion increased the risk that Elizabeth would develop the neurologic, orthopedic and cardiopulmonary problems that she did develop;”
- 4) the physicians at Harrisburg Hospital erred in their vigilance at watching Elizabeth for possible infection.

Our review of the complaint reveals a single count in negligence against all of the Pinnacle and Pediatrix defendants. Although the complaint includes a claim that the infusion of platelets through Elizabeth’s UVC was negligent,<sup>2</sup> this component of her treatment regimen was only one dimension of the total negligence array found in the document. Were it otherwise, *i.e.*, were the UVC allegations isolated in a separate count, it would be easy to excise them through a motion for summary judgment.

Summary judgment is an appropriate tool to eliminate a cause of action or a party where, as a matter of law, it can be shown that the plaintiff’s evidence cannot establish an element necessary to his case. Pa. R.C.P. 1035.2; *Watkins v. Hospital of University of Pa.*, 737 A.2d 263 (Pa. Super. 1999). Presently, however, accepting Pinnacle and Pediatrix’s argument that Dr. Lantzy’s report, as respects to the UVC line, falls short of the requisite “reasonable degree of medical certainty” standard, such would only foreclose one allegation of negligence. Neither the count itself nor the parties named would be eliminated since all of the surviving claims of negligence pass muster.

We believe that parties in the position of Pinnacle and Pediatrix are better served by raising issues such as that here presented within the context of a pre-trial motion in limine as one of evidence preclusion.

---

---

2. See Complaint Paragraphs 32-36, 45, 49.

Dock v. Harrisburg Hospital, et al.

Given Dr. Lantzy's statement that "My concern, however, in (sic) where I feel the physicians ... erred ... is in the initial diagnosis of Elizabeth's infection," it is clear that the UVC issue is not Plaintiff's strongest suit. Still, it should be for the trial judge to determine whether testimony concerning the use of the UVC line in this case is admissible.

In the meantime, as for the motions for summary judgment, we enter the following:

ORDER

AND NOW, February 4, 2009,

IT IS HEREBY ORDERED that the Motion for Partial Summary Judgment of Defendants, Harrisburg Hospital and Pinnacle Health System, d/b/a Pinnacle Health, Pinnacle Health Hospitals, and Pediatrix Medical Group of Pennsylvania, Eric Michael, M.D., Margaret Donahue, M.D., Bernadine Moglia, M.D. are denied.

—————○—————

---

---

**SECOND PUBLICATION**

---

**Estate Notices**

---

ESTATE OF RICHARD E. GEIGER, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executor: John Crescenzi, 794 Dogwood Terrace, Boiling Springs, PA 17007. Attorney: Bridget M. Whitley, Esq., Skarlatos & Zonarich LLP, 17 South 2nd Street, 6th Floor, Harrisburg, PA 17101. m27-a10

---

ESTATE OF ELMER W. ENGLE, late of Halifax Township, Dauphin County, Pennsylvania. Co-Executors: Linda E. Ruff, P.O. Box 302, Halifax, PA 17032; Bonita M. Freeman, P.O. Box G, Halifax, PA 17032 and Elmer G. Engle, 37 Beard Road, Mechanicsburg, PA 17050. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. m27-a10

---

ESTATE OF LESTER F. BRANDT, late of Lower Paxton Township, Dauphin County, Pennsylvania (died January 24, 2009). Executrix: Cerise L. Brandt, 1432 Wanda Lane, Harrisburg, PA 17109. Attorney: Jan L. Brown, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. m27-a10

---

ESTATE OF HAROLD G. COOK, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executrix: Dabra E. Strait, 604 Light Street, Millersburg, PA 17061. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. m27-a10

---

ESTATE OF FRANCIS M. KUMONTIS, late of Harrisburg, Dauphin County, Pennsylvania. Executor: Louis P. Ogden, Seven Sorrows Rectory, 280 N. Race Street, Middletown, PA 17057. Attorney: Jay R. Braderman, Esq., Lavery, Faherty, Young & Patterson, P.C., 225 Market Street, Suite 304, P.O. Box 1245, Harrisburg, PA 17108-1245. m27-a10

---

ESTATE OF SMYRA C. GEKAS, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Valerie E.G. Caggiano, 305 Village Way, Harrisburg, PA 17112-8956. Attorney: Steve C. Nicholas, Esq., Nicholas Law Offices, 2215 Forest Hills Drive, Suite 37, Harrisburg, PA 17112-1099. m27-a10

---

---

---

**THIRD PUBLICATION**

---

ESTATE OF BARBARA K. STALEY, late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Julie L. Flood. Attorneys: Schrack & Linsenbach Law Offices, 124 West Harrisburg Street, Post Office Box 310, Dillsburg, PA 17019-0310. m20-a3

---

ESTATE OF GERALDINE A. JENKINS, late of Williams Township, Dauphin County, Pennsylvania. Executrix: Judy Jo Barder, 537 W. Broad Street, Williamstown, PA 17098. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. m20-a3

---

ESTATE OF AVA C. MOORE, late of Harrisburg, Dauphin County, Pennsylvania (died November 26, 2008). Personal Representative: Robert E. Stevick, 18114 Bilney Drive, Olney, MD 20832. m20-a3

---

ESTATE OF DAVID D. CONSTANTINE, late of the Township of Susquehanna, Dauphin County, Pennsylvania (died February 22, 2009). Executor: David Mark Constantine, 20 Crescent Circle, Newnan, GA 30265. Attorney: Harry L. Bricker, Jr., Esq., 407 North Front Street, Harrisburg, PA 17101. m20-a3

---

ESTATE OF JOHN ROBERT MOSS, late of Swatara Township, Dauphin County, Pennsylvania (died May 22, 2008). Personal Representative: David R. Moss, 907 Smith Drive, York, PA 17408. Attorney: Paul C. Siegrist, Esq., S. Harper Law Office, 1701 West Market Street, York, PA 17404. Telephone (717) 718-8672. m20-a3

---

---

**THIRD PUBLICATION**

---

**Estate Notices**

---

ESTATE OF EDWARD R. BARTEL, late of the Borough of Middletown, Dauphin County, Pennsylvania (died March 2, 2009). Executrix: Deitra K. Bartel, 689 Longview Drive, Middletown, PA 17057. Attorney: John S. Davidson, Esq., 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. m20-a3

---

ESTATE OF DAVID P. WIKE, late of Hummelstown Borough, Dauphin County, Pennsylvania (died November 22, 2008). Personal Representative: Terese Johnston, 75 Eastfield Drive, Lebanon, PA 17042. Attorney: Edward J. Coyle, Esq., 525 South Eighth Street, Lebanon, PA 17042. m20-a3

---

ESTATE OF MARY M. TRAVITZ, late of Hummelstown, Dauphin County, Pennsylvania (died February 18, 2009). Executrix: Katherine E. Daniels, Attorney: David C. Miller, Jr., Esq., 1100 Spring Garden Drive, Suite A, Middletown, PA 17057. Telephone (717) 939-9806. Email: davidcmillerjr@verizon.net. m20-a3

---

ESTATE OF EVELYN C. BUSHEY, late of Susquehanna Township, Dauphin County, Pennsylvania (died December 17, 2008). Executor: Michael J. Greene, Attorney: David W. Reager, Esq., Reager & Adler, PC, 2331 Market Street, Camp Hill, PA 17011. Telephone (717) 763-1383. m20-a3

---

ESTATE OF PAULINE V. SWARTZLANDER, late of Millersburg Borough, Dauphin County, Pennsylvania. Executor: Ronald Swartzlander, P.O. Box 297, Halifax, PA 17032. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. m20-a3

---

ESTATE OF LYNN A. PETUCH a/k/a LYNN ANN PETUCH, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executor: Raymond C. Consoli, Attorney: John M. Smith, Esq., Gingrich, Smith, Klingensmith & Dolan, 222 S. Market Street, Suite 201, P.O. Box 267, Elizabethtown, PA 17022. m20-a3

---

ESTATE OF JAY SPIEGELMAN, late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Richard D. Spiegelman. Attorney: Bernard D. Beitch, Esq., Bernard D. Beitch & Assoc., 42 S. 15th Street, Suite 1212, Philadelphia, PA 19102. m20-a3

---

ESTATE OF ROSE M. GASPER, late of Derry Township, Dauphin County, Pennsylvania. Executor: John W. Schmehl. Attorneys: Dilsworth Paxon LLP, 1500 Market Street, Suite 3500E, Philadelphia, PA 19102-2101. m20-a3

---

ESTATE OF MARIAN K. ZIEGLER, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executor: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. m20-a3

---

---

---

**FIRST PUBLICATION**

---

**Corporate Notices**

---

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Business Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **Hickman, Williams & Company of Kentucky**. The address of its principal office under the laws of its jurisdiction is 250 W. Fifth Street, Suite 300, Cincinnati, Ohio 45202. The Commercial Registered Office address is National Registered Agents, Inc. in the County of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 4124(b). a3

---

---

FIRST PUBLICATION

---

Corporate Notices

---

NOTICE IS HEREBY GIVEN that the Certificate of Organization/Domestic Limited Liability Company was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on the 10th day of November 2008, for the purpose of obtaining a Certificate of Organization.

The name of the Corporation organized under the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania as amended is **2901 Linglestown Road, LLC**.

The name and registered office address of the proposed corporation is 2901 Linglestown Road, LLC, 2805 Old Post Road, Suite 200, Harrisburg, PA 17110.

The purpose for which it is organized is to purchase, manage and develop commercial real estate.

JAMES R. CLIPPINGER, Esq.  
Caldwell & Kearns  
3631 North Front Street  
Harrisburg, PA 17110

a3

---

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about February 23, 2009, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **ALVARADO PACIFIC INSURANCE SERVICES, INC.**, c/o AAAgent Services, LLC.

This corporation is incorporated under the laws of the State of California.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 7777 Alvarado Road, #605, La Mesa, CA 91941.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

a3

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Business Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **LandAmerica Financial Group, Inc.** on February 23, 2009. The address of its principal office under the laws of its jurisdiction is 5600 Cox Road, Glen Allen, VA 23060. The commercial registered office provider for this Corporation is Capitol Corporate Services, Inc. in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 4124. a3

---

NOTICE IS HEREBY GIVEN of the filing of Articles of Incorporation as follows:

1. The name of the corporation is **LaMarr E. Crump Inc.**
2. The location of the registered office of the corporation is: 6301 Grayson Road, Harrisburg, PA.
3. The Articles of Incorporation were filed under the provisions of the Business Corporation Law of 1988.
4. The corporation shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Business Corporation Law.
5. The Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania and approved by said Department on the 20th day of February, 2009. a3

---

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on February 10, 2009, with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on behalf of **PENN STATE EXPO SERVICES, INC.** The said Business Corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988.

LAW OFFICES STEPHEN C. NUDEL, PC  
219 Pine Street  
Harrisburg, PA 17101

a3

---

---

FIRST PUBLICATION

---

Corporate Notices

---

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on March 11, 2009, with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the 1988 Pennsylvania Business Corporation Law of the Commonwealth of Pennsylvania. The name of the corporation is **5000 Express, Inc.** The registered office is at 1527 Creek Bed Drive, Harrisburg, Dauphin County, Pennsylvania 17110-2905. The purpose of the corporation is: to own and operate a restaurant business and all other lawful business in the Commonwealth of Pennsylvania and elsewhere for which corporations may be incorporated under the Pennsylvania Business Corporation Law.

STEVE C. NICHOLAS, Esq.  
Nicholas Law Offices, P.C.  
2215 Forest Hills Drive, Suite 37  
Harrisburg, PA 17112-1099  
(717) 540-7746

a3

---

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **NORTHEAST AVIATION TRAINING, INC.** a corporation organized under the Pennsylvania Business Corporation Law of 1988. a3

---

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on March 11, 2009, by **ROSETTA GENOMICS INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 1313 N. Market Street, Suite 5100, Wilmington, DE 19801, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. a3

NOTICE IS HEREBY GIVEN that **BLUE COAT SYSTEMS, INC.**, a foreign business corporation incorporated under the laws of Delaware, where its principal office is located at 420 North Mary Avenue, Sunnyvale, CA 94085, has applied for a certificate of authority in Pennsylvania, where its registered office is located at c/o Corporation Service Company. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County. a3

---

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on March 19, 2009, by **MANUEL BROS, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 908 Taylorville Road, Ste. 104, Grass Valley, CA 95949, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. a3

---

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on March 20, 2009, by **Moneybookers USA, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at c/o Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. a3

---

---

FIRST PUBLICATION

---

Corporate Notices

---

NOTICE IS HEREBY GIVEN that **RSC Worldwide (US) INC.**, a foreign business corporation incorporated under the laws of North Carolina, where its principal office is located at 5410 Trinity Road, Suite 400, Raleigh, North Carolina 27607, has applied for a certificate of authority in Pennsylvania, where its registered office is located at c/o Corporation Service Company. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County.

a3

---

NOTICE IS HEREBY GIVEN that **Catheter Innovations, Inc.**, a Delaware Corporation intends to file an Application for Termination of Authority and the registered office is located at c/o Corporation Service Company, Dauphin County, Pennsylvania.

a3

---

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on 03/10/2009 (date) on behalf of: **Community Association for Social Advancement, Inc. Behavioral Services (CASA, Inc. Behavioral Services)**.

Pursuant to the Pennsylvania Nonprofit Corporation Law of 1988.

Community Association for Social  
Advancement, Inc. Behavioral Services  
(CASA, Inc. Behavioral Services)

DAVID ESTRADA  
2740 N. Front Street  
Philadelphia, PA 19133

a3

NOTICE IS HEREBY GIVEN that **Davidson-Babcock, Inc.**, a foreign business corporation incorporated under the laws of the State of Iowa, where its principal office is located at 14001 University Avenue, Clive, Iowa, 50325, has applied for a Certificate of Authority in Pennsylvania. The registered office is National Registered Agents, Inc., 600 N. 2nd Street, Suite 401 in Dauphin County, Harrisburg, PA 17101.

a3

---

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a foreign business corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **Heath XS, LLC** on March 2, 2009. The address of its principal office under the laws of the jurisdiction in which it is incorporated is New Jersey. The registered office for this business is: Nauman, Smith, Shissler & Hall, LLP, Dauphin County, PA. The corporation is filed in compliance with the requirements of the applicable provision of 15 PA.C.S. 4124.

a3

---

NOTICE IS HEREBY GIVEN that **EXXON TRAVEL CLUB, INC.**, a foreign business corporation incorporated under the laws of Texas, intends to withdraw from doing business in this Commonwealth. The address, including street and number, if any, of its principal office under the laws of its jurisdiction is 3225 Gallows Road, Fairfax, VA 22037.

Its last registered office in this commonwealth is c/o Corporation Service Company and is deemed for venue and official publication purposes to be located in Dauphin County.

a3

---

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **SKW Biosystems, Inc.**, a corporation of the State of Delaware, with principal office located at Cargill, Inc., c/o Karen Gooch, 15407 McGinty Road, West, Wayzata, MN 55391, and having a Commercial Registered office Provider and county of venue as follows: CT Corporation System, Dauphin County, which on June 6, 1989, was granted a Certificate of Authority, to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State.

a3

---

---

**FIRST PUBLICATION**

---

**Fictitious Notices**

---

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Hometown Pizza & Subs**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 202 First Street, Millersburg PA 17061, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 17th day of March 2009, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person or persons owning or interested in the said business are Small Valley Food & Beverage LLC. a3

Sales and Leasing  
of Business  
Property

- Office
- Industrial
- Retail
- Land

Central PA's #1 ranked  
commercial real estate firm

Ranked by transaction volume  
CPBJ February 2008

**NAI CIR**

Commercial Real Estate Services, Worldwide.

[www.naicir.com](http://www.naicir.com)

717 761 5070

# KURZENKNABE PRESS

*Printing The Dauphin County Reporter every  
week for nearly 100 years*

---

Graphic Design • Electronic Pre-Press • Invitations

Announcements • Legal Briefs • Legal Backers

Newsletters • Business Cards • Business Forms

Envelopes • Multi Color Printing • Flyers

Questionnaires • Posters

Tickets • Photo Copies

Labels • Brochures

Bindery



**1424 HERR STREET  
HARRISBURG, PA 17103**

**TOLL FREE 1-888-883-2598**

**PHONE 232-0541 • FAX 232-7458**

**EMAIL: [KURZENKNABEPRESS@COMCAST.NET](mailto:KURZENKNABEPRESS@COMCAST.NET)**

*Quality Printing Since 1893*



## **ECONOMIC EXPERTS**

### **THE CENTER FOR FORENSIC ECONOMIC STUDIES**

Damages analysis and testimony in injury, employment  
and commercial matters.

Call to discuss your case.

[www.cfes.com](http://www.cfes.com)      800-966-6099      [cfes@cfes.com](mailto:cfes@cfes.com)

## **INCORPORATION AND LIMITED LIABILITY COMPANY FORMATION**

*CONVENIENT, COURTEOUS SAME DAY SERVICE*

*PREPARATION AND FILING SERVICES IN ALL STATES*

**CORPORATION OUTFITS AND  
LIMITED LIABILITY COMPANY OUTFITS**

*SAME DAY SHIPMENT OF YOUR ORDER*

**CORPORATION, LIMITED LIABILITY COMPANY  
AND UCC FORMS**

**CORPORATE AND UCC, LIEN AND  
JUDGMENT SERVICES**

## **M. BURRKEIM COMPANY**

*SERVING THE LEGAL PROFESSIONAL SINCE 1931*

PHONE: (800) 533-8113      FAX: (888) 977-9386

*2021 ARCH STREET, PHILADELPHIA, PA 19103*

[WWW.MBURRKEIM.COM](http://WWW.MBURRKEIM.COM)

Alcohol or Other Drugs  
a Problem?

Help is Only  
a Phone Call Away

**LAWYERS  
CONFIDENTIAL  
HELP-LINE  
1-888-999-1941**

24 Hours Confidential

*A Service Provided by*

Lawyers Concerned for Lawyers of Pennsylvania, Inc.

## ATTORNEY DISCIPLINARY/ETHICS MATTERS

Representation, consultation and expert testimony in matters involving ethical issues and the Rules of Professional Conduct

### **James C. Schwartzman, Esq.**

Former Chairman, Disciplinary Board of the Supreme Court of Pennsylvania • Former Chairman, Continuing Legal Education Board of the Supreme Court of Pennsylvania • Former Federal Prosecutor

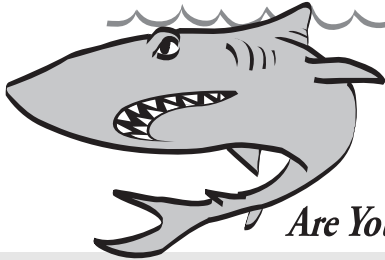
### **Dana Pirone Garrity, Esq.**

Representing attorneys in disciplinary/ethics matters for 12 years • Author/Speaker on ethics matters

17 North Second Street, 16th Floor • Harrisburg, PA 17101

(717) 255-7388

## *Tri-State Shredding*



“Your  
Document  
Shredding  
Specialist”

*Are You HIPAA Compliant??*

**On-Site and Off-Site  
Document Shredding**

Bonded Personnel with 10 years experience  
“DON'T THROW YOUR BUSINESS OUT  
WITH YOUR TRASH”

**CALL 717-233-5606 TODAY**  
[www.tristateshredding.com](http://www.tristateshredding.com)

## CUMULATIVE TABLE OF CASES

|   |     |
|---|-----|
| Cameron Real Estate, LP, et al., Pennsy Supply, Inc. v. . . . .         | 99  |
| Carroll, Commonwealth v. . . . .  | 102 |
| Centric Bank, Schmitt v. . . . .  | 1   |
| Commonwealth v. Carroll . . . . .                                       | 102 |
| Commonwealth v. Fernsler . . . . .                                      | 64  |
| Commonwealth v. Hosby . . . . .   | 32  |
| Commonwealth v. Montelione . . . . .                                    | 10  |
| Commonwealth v. Wingus . . . . .  | 82  |
| Cox, Wilson, et al. v. . . . .  | 57  |
| Daniels, et al., v. Norfolk Southern Corporation, et al.,               |     |
| Wallett's Flooring Services, Inc. v. . . . .                            | 94  |
| Dock v. Harrisburg Hospital, et al. . . . .                             | 106 |
| Estrada v. Olt, et al. . . . .  | 42  |
| Fernsler, Commonwealth v. . . . .                                       | 64  |
| Harrisburg Hospital, et al., Dock v. . . . .                            | 106 |
| Hershey Medical Center, et al., Lopresti v. . . . .                     | 48  |
| Hosby, Commonwealth v. . . . .  | 32  |
| Kelly Systems, Inc. v. Koda . . . . .                                   | 21  |
| Keystone Service Systems, Inc., Pennswood<br>Apartments L.P. v. . . . . | 27  |
| Koda, Kelly Systems, Inc. v. . . . .                                    | 21  |
| Lopresti v. Hershey Medical Center, et al. . . . .                      | 48  |

Cumulative Table of Cases

McAfee v. Quantum Imaging and Therapeutic Associates, Inc. . . . . 70

McGarrie v. Short . . . . . 90

Montelione, Commonwealth v. . . . . 10

Norfolk Southern Corporation, et al. v. Walle't's Flooring Services, Inc. v. Daniels, et al. . . . . 94

Olt, et al., Estrada v. . . . . 42

Pennswood Apartments L.P. v. Keystone Service Systems, Inc. . . . 27

Pennsy Supply, Inc. v. Cameron Real Estate, LP, et al. . . . . 99

Quantum Imaging and Therapeutic Associates, Inc., McAfee v. . . . . 70

Schmitt v. Centric Bank . . . . . 1

Short, McGarrie v. . . . . 90

Walle't's Flooring Services, Inc. v. Daniels, et al., v. Norfolk Southern Corporation, et al. . . . . 94

Wilson, et al. v. Cox . . . . . 57

Wingus, Commonwealth v. . . . . 82

# **TRIAL AHEAD?**

**CONSIDER  
AN ALTERNATE  
ROUTE:**

Dauphin County Bar Association  
*Civil Dispute Resolution Program*

**CALL  
(717) 232-7536  
FOR DETAILS**

**BAR ASSOCIATION PAGE**  
**Dauphin County Bar Association**  
213 North Front Street • Harrisburg, PA 17101-1493  
Phone: 232-7536 • Fax: 234-4582

---

*Board of Directors*

|   |   |
|---|---|
| <b>Renee Mattei Myers</b><br><i>President</i>             | <b>James P. DeAngelo</b><br><i>President-Elect</i>                |
| <b>Elizabeth “Liesl” Beckley</b><br><i>Vice President</i> | <b>John D. Sheridan</b><br><i>Treasurer</i>                       |
| <b>Brett M. Woodburn</b><br><i>Secretary</i>              | <b>Craig A. Longyear</b><br><i>Past President</i>                 |
| <b>Pamela L. Purdy</b><br><i>Young Lawyers’ Chair</i>     | <b>Courtney Kishel Powell</b><br><i>Young Lawyers’ Vice Chair</i> |
| <b>William L. Adler</b>                                   | <b>Jonathan W. Kunkel</b>   |
| <b>C. Grainger Bowman</b>                                 | <b>Ann V. Levin</b>   |
| <b>Robert E. Chernicoff</b>                               | <b>Tracy L. McCurdy</b>   |
| <b>Scott B. Cooper</b>                                    | <b>Richard A. Sadlock</b>   |
| <b>S. Barton Gephart</b>                                  | <b>J. Michael Sheldon</b>   |
| <b>Herbert Corky Goldstein</b>                            | <b>Adam M. Shienvold</b>  |
| <b>Stephen M. Greecher, Jr.</b>                           | <b>Jason M. Weinstock</b>   |
| <b>Jacqueline Jackson-DeGarcia</b>                        |   |

*Directors*

---

The Board of Directors of the Bar Association meets on the third Thursday of the month at the Bar Association headquarters. Anyone wishing to attend or have matters brought before the Board should contact the Bar Association office in advance.

**REPORTING OF ERRORS IN ADVANCE SHEET**

The Bench and Bar will contribute to the accuracy in matters of detail of the permanent edition of the Dauphin County Reporter by sending to the editor promptly, notice of all errors appearing in this advance sheet. Inasmuch as corrections are made on a continuous basis, there can be no assurance that corrections can be made later than thirty (30) days from the date of this issue but this should not discourage the submission of notice of errors after thirty (30) days since they will be handled in some way if at all possible. Please send such notice of errors to: Dauphin County Reporter, Dauphin County Bar Association, 213 North Front Street, Harrisburg, PA 17101-1493.

**DAUPHIN COUNTY COURT SECTION**

*Motion Judge of the Month*

APRIL 2009  
MAY 2009

Judge Scott Arthur EVANS  
Judge Joseph H. KLEINFELTER

*Opinions Not Yet Reported*

March 9, 2009 – Bratton, J., **Kelly v. Kelly**, No. 2008-CV-14511-DC  
March 20, 2009 – Bratton, J., **Mundy, et al. v. East Hanover Township Board of Supervisors v. RVG Land, LLC**, No. 2008-CV-12949-LU.

## **BAR ASSOCIATION PAGE – Continued**

### **MISCELLANEOUS SECTION**

**EXECUTIVE DIRECTOR** — A mid-size statewide non-profit professional association with headquarters in Philadelphia is recruiting well trained and well educated candidates to lead its organization. Candidates must have a strong background in, and knowledge of, non-profit management including personnel, association programs, communications and meetings, and experience in formulating and administering budgets, fundraising and marketing. Salary commensurate with experience; full benefits. Send resume with a cover letter to: kmarciano@cherryfieger.com m20-a3

**ATTRACTIVE OFFICE SPACE IN HARRISBURG** — Free Parking – \$500 per mo. Rent – Call P. Foster 717-234-9321. m27-a10

**WORKERS' COMPENSATION PARALEGAL CASE MANAGER** with over 6 years experience seeking part-time or full time position within a law firm. B.A. Degree, and capable of writing Findings & Conclusions of Law briefs, WCAB, as well as Commonwealth Court. Capable of handling own case load, interview clientele for case intakes. Contact Christ at 717 431-8676 or reywal@frontiernet.net a3-a17

**OFFICE SPACE AVAILABLE** — 2411 North Front Street, Harrisburg. Prime location with parking. Three offices with common area on second floor available. Tennants have use of first floor conference rooms and receptionist. Perfect for small firms or solo practioners. Immediate availability. Please contact Brian Perry at 232-9900 or bperry@ngplawfirm.com. a3-a10

**REAL ESTATE ATTORNEY** — A mid-size professional association with headquarters in Harrisburg is seeking an attorney with knowledge of, and at least 2 years of experience in the areas of land use and zoning. Please send résumé, along with a cover letter and salary requirements, to jeredding@mette.com. a3-a17

Backed by over 35 years of  
Title Work and Research Resources

## IONNI ABSTRACT COMPANY

Est. 1968

Is equipped to meet Your Title  
Search needs on Residential and  
Commercial Properties in  
Dauphin, Cumberland and Perry  
Counties.

\*\*\* 60 Year Title Searches

\*\*\* Present Owner Searches

For Information or Fee Schedule

Contact us at:

104 Walnut Street

Harrisburg, PA 17101

Or

P: 717-232-6739

F: 717-232-0124

Chuck Hinson, President and Title Abstractor