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Smith v. PennDOT

376

Bar Association Page

Inside Back Cover

INTELLECTUAL PROPERTY LAW

- * Patents
- * Trademarks
- * Copyrights
- * Unfair Competition
- * Trade Secrets
- * Internet Matters

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39 Years in Harrisburg

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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 ROSE A. LENKER, late of Halifax Township, Dauphin County, Pennsylvania. Executor: Dean C. Deitrich, 113 Small Valley Road, Halifax, PA 17032. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. a8-a22

ESTATE OF ROGER E. SCHILLER, late of Lower Paxton Township, Dauphin County, Pennsylvania (died February 7, 2011). Executrix: Jacqueline A. Kelly, Harrisburg, PA. Attorney: Jacqueline A. Kelly, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. a8-a22

ESTATE OF WILLIAM D. REED, late of Halifax Township, Dauphin County, Pennsylvania. Executrix: Nancy A. Reed, 229 Powells Valley Road, Halifax, PA 17032. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. a8-a22

ESTATE OF ALMEDA S. SNOW, late of Harrisburg, Dauphin County, Pennsylvania (died March 11, 2011). Executor: Kevin Belle, 1617 Forster Street, Harrisburg, PA 17103. Attorney: Kevin Belle, Esq., 1617 Forster Street, Harrisburg, PA 17103. a8-a22

ESTATE OF JAMES E. COOK, late of Washington Township, Dauphin County, Pennsylvania. Executor: Robert E. Cook, 431 South Second Street, Lykens, PA 17048. Attorney: Terrence J. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. a8-a22

ESTATE OF MAE G. SHILEY, late of Upper Paxton Township, Dauphin County, Pennsylvania. Co-Executors: Ellen L. Molko, 9079 Clarks Valley Road, Tower City, PA 17980 and Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. a8-a22

ESTATE OF VIOLET J. PLANTZ, late of the City of Harrisburg, Dauphin County, Pennsylvania (died March 17, 2011). Executrix: Barbara K. Kunkel, 1303 Crums Mill Road, Harrisburg, PA 17112. Attorney: Shelly J. Kunkel, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. a8-a22

FIRST PUBLICATION

Estate Notices

ESTATE OF JOHN J. HAVILAND, late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Lisa J. Haviland, 2500 Doehne Road, Harrisburg, PA 17111. Attorney: Elizabeth H. Feather, Esq., Caldwell & Kearns, P.C., 3631 North Front Street, Harrisburg, PA 17110. Telephone (717) 232-7661. a8-a22

ESTATE OF FRANK GASPER, late of Derry Township, Dauphin County, Pennsylvania. Personal Representative: Rebecca L. Bickley, c/o Anthony J. Nestico, Esq., Nestico, Druby & Hildabrand, P.C., 840 East Chocolate Avenue, Hershey, PA 17033. Attorney: Anthony J. Nestico, Esq., Nestico, Druby & Hildabrand, P.C., 840 East Chocolate Avenue, Hershey, PA 17033. a8-a22

ESTATE OF THELMA F. SOWERS, late of Swatara Township, Dauphin County, Pennsylvania. Executor: Fulton Bank, N.A., One Penn Square, Lancaster, PA 17602. Attorney: Charles J. DeHart, III, Esq., Caldwell & Kearns, 13 East Main Street, Hummelstown, PA 17036. a8-a22

ESTATE OF THERESA S. MAHONEY, late of Swatara Township, Dauphin County, Pennsylvania. Co-Executors: Timothy G. Mahoney, 951 Manor Drive, Steelton, PA 17113 and Francis P. Mahoney, 1205 Village Road, Orwigsburg, PA 17961. Attorney: Bridget M. Whitley, Esq., 17 South Second Street, 6th Floor, Harrisburg, PA 17101. a8-a22

ESTATE OF LINDA A. TATE, late of Harrisburg, Dauphin County, Pennsylvania (died July 1, 2010). Executrix: Kimberly A. Houtz, 408-A Small Valley Road, Halifax, PA 17032. Attorney: Thomas P. Gacki, Esq., 213 Market Street, 8th Floor, Harrisburg, PA 17101. a8-a22

ESTATE OF DOROTHY E. WATKINS, late of Derry Township, Dauphin County, Pennsylvania. Co-Executors: Larry E. Watkins, 11 Harrogate Drive, Hummelstown, PA 17036 and Fulton Bank, N.A., One Penn Square, Lancaster, PA 17602. Attorney: Charles J. DeHart, III, Esq., Caldwell & Kearns, 13 East Main Street, Hummelstown, PA 17036. a8-a22

ESTATE OF ALVA G. BATEMAN, late of the City of Harrisburg, Dauphin County, Pennsylvania (died December 31, 2010). Administratrix: Susan Waller, 1448 Old Reliance Road, Middletown, PA 17057. Attorney: Jean D. Seibert, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. a8-a22

ESTATE OF GERALDINE M. WELKER, late of the Township of Upper Paxton, Dauphin County, Pennsylvania (died February 9, 2011). Administratrix: Tiffany A. Lebo, 550 Middle Road, Halifax, PA 17032. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. a8-a22

ESTATE OF LYLE EDWARD MATTER, late of the Township of Upper Paxton, Dauphin County, Pennsylvania (died March 8, 2011). Executrix: Elizabeth C. Weaver, 505 Berrysburg Road, Millersburg, PA 17061. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. a8-a22

ESTATE OF IOLA E. BECHTEL, late of Upper Paxton Township, Dauphin County, Pennsylvania (died March 26, 2011). Executor: John C. Bechtel, 650 Powells Valley Road, Halifax, PA 17032. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. a8-a22

Smith v. PennDOT

Motor Vehicles — Disqualification of Commercial Driving Privilege — Refusal to Submit to Chemical Testing — Passenger — Appeal *Nunc Pro Tunc*.

The Petitioner was a passenger in his own vehicle headed south on an interstate highway when it was struck head-on by another vehicle which was traveling north in the southbound lane. He was transported by ambulance to the hospital, where he refused a request to submit to a blood alcohol test. Upon notification from PennDOT that his driving privilege was being suspended, he filed an appeal. He subsequently received an Official Notice of Disqualification of Commercial Driving Privilege from PennDOT and took no action, believing it to be duplicative with the first notice. After learning that PennDOT intended to disqualify his commercial driving privilege, he filed a Petition to Appeal *Nunc Pro Tunc*, which the court denied.

1. A court may permit a licensee to appeal *nunc pro tunc* only where the licensee's failure to file a timely appeal resulted from extraordinary circumstances involving fraud or a breakdown in the administrative or judicial process. *Ercolani v. DOT, Bureau of Driver Licensing*, 922 A.2d 1034 (Pa. Cmwlth. 2007).

2. The limited circumstances under which a *nunc pro tunc* appeal would be appropriate include where "an appellant, an appellant's counsel, or an agent of appellants' counsel has failed to file a notice of appeal on time due to *non-negligent* circumstances" (Emphasis added). *Bass v. Commonwealth Bureau of Corrections, et al.*, 401 A.2d 1133 (1979).

3. The standard for determining whether or not an officer had reasonable grounds to arrest an individual in connection with a refusal to submit to a chemical test is not very demanding. For reasonable grounds to exist, the police officer obviously need not be correct in his belief that the motorist had been driving while intoxicated. *Commonwealth of Pennsylvania, Department of Transportation, Bureau of Traffic Safety v. Dreisbach*, 363 A.2d 870, 872 (Pa. Cmwlth. 1976).

4. A police officer may utilize both his experience and personal observations to render an opinion as to whether a person is intoxicated. *Commonwealth v. Kelley*, 652 A.2d 378, 382 (Pa. Super. Ct. 1994).

Pa.R.A.P. 1925(b) Opinion.

Richard F. Maffett, for Petitioner

Beverly J. Points, for the Commonwealth

CLARK, J., March 11, 2011. – [Pursuant to Pa.R.A.P. 1925(a)] The Statement of Matters Complained Of On Appeal Pursuant to Pa.R.A.P. 1925(b) (Statement of Matters) currently before the Appellate Court results from this Court's most recent denial of the Petitioner's *Nunc Pro Tunc* Appeal in the above docketed case. This Opinion is the product of an independent review of the Petitioner's Statement of Matters,

Smith v. PennDOT

Supplemental Statement of Matters Complained of on Appeal, and Brief in Support of Statement of Matters Complained of on Appeal and a thorough assessment of the entire file in the above captioned matter.

FACTUAL HISTORY

On September 20, 2009, Petitioner was a passenger in a vehicle properly headed south on Interstate 83 (I-83), which was involved in a head-on crash with another vehicle which was proceeding northbound in the southbound (the wrong way) travel lanes on I-83. (N.T. 11/1/10, p. 22-23). When Pennsylvania State Police Trooper Baluh arrived on the scene, his first encounter with the Petitioner was in the back of an ambulance, where he observed a strong odor of alcohol and also noticed that the Petitioner was bleeding from the mouth. (N.T. 11/1/10, p. 23). It was also determined at this time that the Petitioner was the owner of the vehicle involved in the accident. (N.T. 11/1/10, p. 24). At the hospital, the Petitioner refused Trooper Baluh's request to submit to a blood test to determine his (Petitioner's) blood alcohol content. (N.T. 11/1/10, p. 25-26).

On November 6, 2009, Respondent, Department of Transportation, Bureau of Driver Licensing, (PennDOT) mailed Petitioner an Official Notice of Suspension of Driving Privilege (Suspension Notice) for violation of 75 Pa.C.S.A. §1547 (B) (II), involving chemical test refusal. Petitioner took this Suspension Notice to Douglas N. Stern, Esquire, an attorney who primarily practices in the Philadelphia County area. On November 20, 2009, Attorney Stern filed a timely Notice of Appeal From Suspension of Motor Vehicle License (First Appeal) in the Philadelphia County Court of Common Pleas. That November 20, 2009 appeal proceeding only related to the Suspension Notice.

However, on November 6, 2009, PennDOT also mailed Petitioner an Official Notice of Disqualification of Commercial Driving Privilege (Disqualification Notice). Unfortunately for the Petitioner, he (Petitioner) took no action on this Disqualification Notice, nor did the Petitioner take this second notice to Attorney Stern because he allegedly thought it was essentially the same type of letter as PennDOT's Suspension Notice, which he had already received. (N.T. 11/1/10, p. 53). Consequently, no separate appeal was filed for the disqualification of Petitioner's commercial driving privilege. Petitioner later learned that PennDOT intended to disqualify his commercial driving privilege. Petitioner contacted Attorney Stern, who then filed a Petition to Appeal *Nunc Pro Tunc* in the Philadelphia County Court of Common Pleas pertaining to the Disqualification Notice.

Smith v. PennDOT

PROCEDURAL HISTORY

The Petitioner's Petition to Appeal *Nunc Pro Tunc* filed on December 10, 2009, was summarily dismissed on April 6, 2010 in Philadelphia County Court of Common Pleas. By Order of the Philadelphia County Court of Common Pleas, dated May 14, 2010, Petitioner's First Appeal From Suspension of Motor Vehicle License was transferred to Dauphin County and docketed at 2010 CV 7658. It should be noted that this Opinion does not address any disposition of that appeal. On August 17, 2010, Richard F. Maffett, Jr., Esquire, entered his appearance on behalf of the Petitioner and filed a Petition To Accept Appeal From Suspension of Commercial Motor Vehicle License *Nunc Pro Tunc*, which was docketed at 2010 CV 10807 MP.

A Hearing was held on November 1, 2010 to consider the jurisdiction over the *nunc pro tunc* appeal, followed by a hearing on the license suspension appeal. This Court entered an Order on November 2, 2010, which stated that we lacked jurisdiction to entertain the Petitioner's Petition To Accept Appeal *Nunc Pro Tunc*, dismissing the Petitioner's Appeal. We did, however, extend our stay of the Disqualification implementation for thirty (30) calendar days to afford the Petitioner an opportunity to pursue review in the Commonwealth Court.

On December 1, 2010, Petitioner filed an Application For Leave to Appeal In Forma Pauperis, to which this Court entered an Order on December 7, 2010 specifying that the Petitioner's Petition for Leave to Proceed In Forma Pauperis would not be entertained. Petitioner also filed his Notice of Appeal on December 1, 2010. On December 3, 2010, this Court filed its Order directing the Petitioner to file a concise Statement of Matters Complained Of On Appeal within twenty-one (21) days. On December 7, 2010, the Petitioner filed a Request for Transcript, which this Court granted on the same day.

After a subsequent review of the file, the Court became cognizant that the aforesaid twenty-one (21) day period had lapsed and the Petitioner had not yet filed his Statement of Matters Complained Of On Appeal. After the Court's staff contacted counsel for the Petitioner and PennDOT, the Court was informed by Petitioner's counsel (Attorney Maffett) that he had not received the Court's December 3, 2010 Order. However, counsel for PennDOT, in fact, received this Court's December 3, 2010 Order within a few days of its mailing. In an attempt to provide clarification to the Commonwealth Court regarding delay in the proceedings and the absence of our 1925(a) Opinion in the appellate record, this Court then filed a clarifying Memorandum on February 4, 2011.

Smith v. PennDOT

Petitioner then filed his Motion for Reconsideration of Memorandum and/or Application for Enlargement of Time for Filing Concise Statement of Errors Complained Of On Appeal on February 9, 2011, which we granted. The Petitioner filed his Statement of Matters Complained Of On Appeal and his Brief in Support of Statement of Matters Complained Of On Appeal on February 9, 2011. Petitioner subsequently filed his Supplemental Statement of Matters Complained Of On Appeal on February 14, 2011.

DISCUSSION

The Petitioner has advanced the following six (6) issues between his Statement of Matters and his Supplemental Statement of Matters Complained Of On Appeal:

1. It was error to rule the Court lacked jurisdiction to entertain the Petition to Accept Appeal From Suspension of Commercial Motor Vehicle License *Nunc Pro Tunc*.
2. Petitioner is entitled to a *nunc pro tunc* appeal of suspension of his commercial drivers license based upon breakdown in the administrative process where the notice of disqualification was misleading and inadequate, since it did not clearly advise a separate and distinct appeal must be filed.
3. It was error to find no breakdown in Court operations where the notice of disqualification of commercial driving privilege was misleading and incomplete because it did not clearly advise a separate and distinct appeal must be filed.
4. It was error not to find non-negligent circumstances involving Petitioner and counsel caused the late filing of his Appeal From Suspension Of Commercial Motor Vehicle License, when Petitioner did not file a timely appeal because the notice of disqualification was misleading and inadequate; and, it did not clearly state a separate and distinct appeal must be filed, which caused Petitioner not to advise his attorney about the notice.
5. It was error to deny Petitioner's appeal from suspension of commercial motor vehicle license when there were no reasonable grounds to believe he was operating the vehicle.

Smith v. PennDOT

6. Petitioner's appeal of suspension of his commercial drivers license should have been granted because there were no reasonable grounds to believe he had consumed alcohol to a degree that placed him in violation of 75 P.S. 3802.

Issues #1-#4: We will address the essence of Petitioner's first four issues en masse, as they are so interrelated it would be redundant to discuss them individually. In those first four (4) issues, the Petitioner's claims that this Court erred in ruling that we lacked jurisdiction to entertain the Petition to Accept Appeal From Suspension of Commercial Motor Vehicle License *Nunc Pro Tunc*; that there was a breakdown in the administrative process where the notice of disqualification was misleading and inadequate because it did not advise that a separate appeal must be filed; that it was error to find no breakdown in the Court operations where the notice of disqualification did not clearly advise a separate appeal must be filed; and that it was error not to find non-negligent circumstances caused the late filing of his appeal are all incorrect, and in our view, baseless.

A court may permit a licensee to appeal *nunc pro tunc* only where the licensee's failure to file a timely appeal resulted from extraordinary circumstances involving fraud or a breakdown in the administrative or judicial process. *Ercolani v. DOT, Bureau of Driver Licensing*, 922 A.2d 1034, (Pa. Cmwlth. 2007) (citing, *Kulick v. Department of Transportation, Bureau of Driver Licensing*, 666 A.2d 1148 (Pa. Cmwlth. 1995)). It is well-established case law that allowance of an appeal *nunc pro tunc* lies at the sound discretion of the trial judge. In order to prevail with the appeal, the party filing the appeal *nunc pro tunc* must show more than mere hardship. A trial court may grant such an appeal only if the delay in filing is caused by "extraordinary circumstances involving 'fraud or some breakdown in the court's operation through a default of its officers.'" *Ebert v. Indian Valley Realty*, 2008 Phila. Ct. Com. Pl. LEXIS 3 (Phila. Com. P. LEXIS 2008) (quoting, *Cook v. Unemployment Compensation Board of Review*, 671 A.2d 1130, 1131 (1996)).

Our Supreme Court, in the case of *Bass v. Commonwealth Bureau of Corrections, et al.*, 401 A.2d 1133 (1979), expanded the limited circumstances under which a *nunc pro tunc* appeal would be appropriate to include where "an appellant, an appellant's counsel, or an agent of appellant's counsel has failed to file a notice of appeal on time due to *non-negligent* circumstances." (Emphasis added). The Court there

Smith v. PennDOT

explained that they would grant a *nunc pro tunc* appeal if the appellant could prove that “(1) the appellant’s notice of appeal was filed late as a result of *non-negligent* circumstances, either as they relate to the appellant or the appellant’s counsel; (2) the appellant filed the notice of appeal shortly after the expiration date; and (3) the appellee was not prejudiced by the delay.” (Emphasis added). *Id.* at 4. The Court further explained that “the exception for allowance of an appeal *nunc pro tunc* in *non-negligent* circumstances is meant to apply only in unique and compelling cases in which the appellant has clearly established that she attempted to file an appeal, but unforeseeable and unavoidable events precluded her from actually doing so.” (Emphasis added). *Id.* at 6 (citing, *Criss v. Wise*, 781 A.2d 1156, 1160 (2001)). That is not the case with this Petitioner.

PennDOT sent two separate notices to the Petitioner (both of which the Petitioner received), one clearly said it was a Notice of Suspension of driving privilege and the other said it was a Notice of Disqualification of commercial driving privilege. (N.T. 11/1/10, p. 15). The distinction is made in the very first sentence of both notices. The language is not ambiguous or misleading, despite what the Petitioner has declared in his various pleadings. Each notice stated its purpose, the section of the Pennsylvania Vehicle Code that the Petitioner was in violation of (both notices state different sections from the Vehicle Code), and the right to appeal PennDOT’s action within thirty (30) days. Regardless of what the Petitioner thought or any confusion he might have experienced upon receipt of these two individual notices, he is charged with knowing the law. Furthermore, as this Court observed, the Petitioner is an educated and competent individual, certainly capable of reading and understanding the English language. As such, his failure to heed the admonition in the Disqualification Notice and to file a separate appeal for the Disqualification of his commercial driving privilege does not constitute grounds for an appeal *nunc pro tunc*. Indeed, such a failure was *negligence* on the part of the Petitioner. The Petitioner has not established that there was a fraud, that there was a breakdown in the administrative or judicial process, or that this is a matter arising from *non-negligent* circumstances involving the Petitioner or his counsel. As such, we find these claims to be without merit, all of which should be dismissed.

Issue #5: The Petitioner’s statement that it was error to deny his appeal from suspension of commercial motor vehicle license when there were no reasonable grounds to believe he was operating the vehicle is misplaced, at best. The standard for determining whether or

Smith v. PennDOT

not an officer had reasonable grounds to arrest an individual in connection with a refusal to submit to a chemical test is not very demanding. In *Commonwealth of Pennsylvania, Department of Transportation, Bureau of Traffic Safety v. Dreisbach*, 363 A.2d 870, 872 (Pa. Cmwlth. 1976), the Court emphasized that,

“For ‘reasonable grounds’ to exist, the police officer obviously need not be correct in his belief that the motorist had been driving while intoxicated. We are dealing here with the authority to request a person to submit to a chemical test and not with the admission into evidence of the result of such a test. The only valid inquiry on this issue at the *de novo* hearing is whether, viewing the facts and circumstances as they appeared at the time, a reasonable person in the position of the police officer could have concluded that the motorist was operating the vehicle and under the influence of intoxicating liquor.”

Trooper Baluh testified that he believed that the Petitioner was driving the vehicle based on the Petitioner’s ownership of the vehicle, his failure to cooperate and answer questions, his apparent intoxication, his bloody mouth and blood on the driver’s side air bag. (N.T. 11/1/10, p. 23-24). Whether or not the Petitioner was later determined to not actually be the operator of the vehicle is not the gravamen issue. To prevail on this issue, PennDOT must only show that Trooper Baluh reasonably believed, at the time the request for chemical test was made, that the Petitioner was the operator. Similarly, in *Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing v. Park*, 598 A.2d 579 (Pa. Cmwlth. 1991), the Commonwealth Court found that the police officer had reasonable grounds to believe a woman was the driver of a vehicle and her companion was the passenger because her companion had suffered a head injury and the windshield on the passenger side of the vehicle was cracked. In *Park*, the Court said that the correlation between the companion/passenger’s head injury and the crack in the windshield was sufficient to create the reasonable belief necessary to justify the police officer’s actions.

The facts in Petitioner’s case are almost identical in that, the Petitioner was outside of the vehicle when Trooper Baluh arrived, the Petitioner was the owner of the vehicle involved in the accident, and the Petitioner’s facial injury corresponded with the blood on the driver’s side airbag. Therefore, because PennDOT has clearly established that a

Smith v. PennDOT

reasonable person in the position of the police officer could have concluded that the Petitioner was operating the vehicle and under the influence of alcohol, we find the Petitioner's assertion to be frivolous. Again, we would also note that the only circumstances for granting a *nunc pro tunc* appeal occur when there are extraordinary circumstances involving fraud, a breakdown in the administrative or judicial process, or *non-negligent* circumstances led to the Petitioner's or Petitioner's counsel's failure in filing a timely notice of appeal. The Petitioner admittedly failed to file the appeal for the disqualification of his commercial driving privilege within the time parameters clearly articulated in the notice he received from PennDOT. That fact cannot be disregarded simply because the Petitioner has proclaimed that Trooper Baluh had no reasonable grounds to believe the Petitioner was operating the vehicle.

Issue #6: Petitioner maintains that his appeal of suspension of his commercial drivers license should have been granted because there were no reasonable grounds to believe he had consumed alcohol to a degree that placed him in violation of 75 P.S. 3802. To support a suspension of operating privileges as a consequence of chemical test refusal, the police officer must have a reasonable belief that the driver had consumed alcohol to a degree that placed him in violation of 75 P.S. 3802, either by being incapable of safe driving, or having a blood alcohol over .08. Trooper Baluh testified that he initially came into contact with the Petitioner when he approached the ambulance at the scene of the accident. He stated that he observed a strong odor of alcohol and noticed that the Petitioner, who was on a stretcher, was bleeding from his mouth. Trooper Baluh also testified that the Petitioner would not answer any questions at first. Trooper Baluh let the Petitioner go with the EMS crew since he was injured. (N.T. 11/1/10, p. 23). It is settled case law that the mere odor of alcohol is insufficient to prove that a driver was operating a motor vehicle under the influence of alcohol. However, a police officer may utilize both his experience and personal observations to render an opinion as to whether a person is intoxicated. *Commonwealth v. Kelley*, 652 A.2d 378, 382 (Pa. Super. Ct. 1994) (*citing, Commonwealth v. Bowser*, 624 A.2d 125 (1993)). That is exactly what occurred in the instant case.

Trooper Baluh relied on the strong odor of alcoholic beverage filling up the rear patient compartment of the ambulance where the Petitioner was on a stretcher, the fact that the Petitioner was reluctant to answer any questions, and the bizarre behavior exhibited by the

Smith v. PennDOT

Petitioner at the hospital. (N.T. 11/1/10, p. 23; 25). In doing so, the Trooper was able to rely on his experience and personal observations to determine that the Petitioner had imbibed enough alcohol to place him in violation of 75 P.S. 3802. Thus, the Petitioner's claim that Trooper Baluh did not possess reasonable grounds to believe he had consumed alcohol to a degree that placed him in violation of 75 P.S. 3802 is inaccurate and should be dismissed.

CONCLUSION

But for the somewhat unusual sequence of events that were present in this case, the disqualification of the Petitioner's commercial driving privilege could not stand because there is no underlying conviction for driving under the influence, and there never will be such a conviction, inasmuch as the Petitioner was not the operator of the vehicle in which he was riding. Barring the untimeliness of the initiation of the Disqualification appeal, the Petitioner would not be in jeopardy of losing his commercial driving privilege. Inasmuch as the Petitioner, who was not the operator of the motor vehicle, was asked to undergo an invasive procedure to obtain a direct blood alcohol content (BAC) reading, it is not unforeseeable that a citizen so situated might not have acquiesced to such a demand for a blood sample, knowing he was not the driver of any motor vehicle involved in the incident. There is also evidence that the Petitioner was significantly intoxicated as a result of his intensive partying at a friend's home prior to be involved in the motor vehicle accident. Thus, the Petitioner's self-intoxication may have played a role in his inability and/or unwillingness to comply with Trooper Baluh's request for a chemical test.

That being said, this Court was constrained by clearly established case law requiring *non-negligent* conduct by the Petitioner or his counsel in order to grant the Petitioner's *nunc pro tunc* appeal. Such *non-negligent* conduct is not present in this case. However, should the Appellate Courts of this Commonwealth wish to find exceptional circumstances in this instance that militates against such a harsh result, appellate guidance on such matters for future decisional processes would be welcomed by this Court.

ISSUED AT HARRISBURG, this 11th day of March, 2011.

FIRST PUBLICATION

Estate Notices

ESTATE OF ANNA C. SPITTLE, late of Williams Township, Dauphin County, Pennsylvania (died March 17, 2011). Executrix: Denise A. Spittle (Sedesse), 184 West Grand Avenue, Tower City, PA 17980. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. a8-a22

ESTATE OF GENEVIEVE E. ITINGER, late of Harrisburg, Dauphin County, Pennsylvania (died March 22, 2011). Executrix: Victoria E. Urban, 1051 Wooded Pond Drive, Harrisburg, PA 17111-4765. a8-a22

ESTATE OF STANLEY E. GINDER, late of Derry Township, Dauphin County, Pennsylvania (died February 28, 2011). Executor: Kenneth R. Ginder. Attorney: George W. Porter, Esq., 909 East Chocolate Avenue, Hershey, PA 17033. a8-a22

ESTATE OF JOSEPH E. MIZZER, late of Lower Swatara Township, Dauphin County, Pennsylvania (died January 19, 2011). Executrix: Judy Ann McClennan, 1821 Mountain Road, Middletown, PA 17057. Attorney: John S. Davidson, Esq., 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. a8-a22

ESTATE OF HARLENE M. LINDENMUTH, late of Lower Swatara Township, Dauphin County, Pennsylvania (died January 27, 2011). Personal Representative: Barbara Vonderhey, 7686 Manor Drive, Harrisburg, PA 17112. a8-a22

SECOND PUBLICATION

ESTATE OF SHIRLEY M. BARBARETTA, late of the Township of Susquehanna, Dauphin County, Pennsylvania (died March 3, 2011). Executrix: Marilyn Barbaretta, 1134 Piketown Road, Harrisburg, PA 17112. a1-a15

ESTATE OF JAMES W. GLADDEN, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executrix: Edna D. Spruill-Hunt, 119 North Chestnut Street, Harrisburg, PA 17109. Attorney: James H. Turner, Esq., Turner and O'Connell, 4701 North Front Street, Harrisburg, PA 17110. a1-a15

ESTATE OF JANET CHERRY a/k/a JANET A. CHERRY, late of Susquehanna Township, Dauphin County, Pennsylvania (died January 11, 2011). Executor: Stephen A. Cherry, P.O. Box 584, Henniker, NH 03242. Attorney: Herschel Lock, Esq., 3107 North Front Street, Harrisburg, PA 17110. a1-a15

ESTATE OF HILDE MARIA FREY, late of Susquehanna Township, Dauphin County, Pennsylvania (died February 7, 2011). Executor: David F. Lenker, 22 Bachmanville, Hershey, PA 17033. Attorney: John S. Davidson, Esq., 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. a1-a15

ESTATE OF ARLENE M. HOFFMAN, late of Steelton Borough, Dauphin County, Pennsylvania (died March 8, 2011). Personal Representative: Brenda H. McLaughlin, 3402 Hickory Hollow Road, Harrisburg, PA 17112. Attorney: William L. Adler, Esq., 4949 Devonshire Road, Harrisburg, PA 17109. a1-a15

SECOND PUBLICATION

Estate Notices

ESTATE OF MARGUERITE R. SIVERLING, late of Derry Township, Dauphin County, Pennsylvania (died March 13, 2011). Executor: William A. Siverling. Attorney: Richard W. Stevenson, Esq., McNees Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166. Telephone (717) 232-8000. a1-a15

ESTATE OF GEORGE S. EHLER, JR., late of Lower Paxton Township, Dauphin County, Pennsylvania (died February 23, 2011). Executor: Guy W. Ehler, 328 Pike Street, Easton, PA 18045. Attorney: Harry L. Bricker, Esq., 921 Bradford Road, Harrisburg, PA 17112. a1-a15

ESTATE OF CHARLES N. PERRY, late of the Township of Lower Paxton, Dauphin County, Pennsylvania. Personal Representative: Ms. Kenyatta D. Smith, 4151 Beauford Hunt Drive, Harrisburg, PA 17110. Attorney: Leonard Tintner, Esq., Boswell, Tintner & Piccola, 315 North Front Street, Harrisburg, PA 17101. a1-a15

ESTATE OF SHIRLEY E. JONES, late of Lower Paxton Township, Dauphin County, Pennsylvania (died November 13, 2010). Co-Executors: Joan Cover and Joseph A. Hirsch. Attorney: Cara A. Boyanowski, Esq., Serratelli Schiffman & Brown, 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110. a1-a15

ESTATE OF CARL R. BARNHART, late of Lower Paxton Township, Dauphin County, Pennsylvania (died January 7, 2011). Trustee: Charles M. Barnhart, 1114 Lilac Lane, Reading, PA 19609. Attorney: Brett B. Weinstein, Esq., 705 West DeKalb Pike, King of Prussia, PA 19406. Telephone (717) 610-337-3733. a1-a15

THIRD PUBLICATION

ESTATE OF IRENE M. SCHANKWEILER, late of Middletown, Dauphin County, Pennsylvania (died December 31, 2010). Trustee: Robert D. Schankweiler, 7048 B Red Top Road, Harrisburg, PA 17111. Attorney: Amy M. Moya, Esq., 5011 Locust Lane, Harrisburg, PA 17109. m25-a8

ESTATE OF AGNES G. NICHICI, late of the Township of Susquehanna, Dauphin County, Pennsylvania (died February 7, 2011). Executor: Roderick J. Nichici, 3644 Derry Street, Harrisburg, PA 17111. Attorney: Harry L. Bricker, Jr., Esq., 921 Bradford Road, Harrisburg, PA 17112. m25-a8

ESTATE OF THELMA HOLMES a/k/a THELMA A. HOLMES, late of Lower Paxton Township, Dauphin County, Pennsylvania (died December 21, 2010). Co-Executors: Sandra K. Kauffman and Ronald James Holmes, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. Attorneys: Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. m25-a8

ESTATE OF NELSON D. HAWK, late of Susquehanna Township, Dauphin County, Pennsylvania (died February 25, 2011). Co-Executors: Samuel E. Cole, 108 Harman Road, Halifax, PA 17032 and Frances M. Cole, 108 Harman Road, Halifax, PA 17032. Attorney: Terrence J. Kerwin, Esq., Kerwin & Kerwin, LLP, 27 North Front Street, Harrisburg, PA 17101. m25-a8

ESTATE OF WILLARD A. SMITH, JR., late of Susquehanna Township, Dauphin County, Pennsylvania (died December 14, 2010). Personal Representative: Sharon Smith, 1312 North 21st Street, Harrisburg, PA 17109. Attorney: Bruce D. Foreman, Esq., 112 Market Street, 6th Floor, Harrisburg, PA 17101. m25-a8

THIRD PUBLICATION

Estate Notices

ESTATE OF DOROTHY E. EBY, late of Lower Paxton Township, Dauphin County, Pennsylvania (died February 23, 2011). Co-Executors: John H. Eby, 16 Culpepper Road, Shrewsbury, PA 17361 and Ronald F. Eby, 203 Curvin Drive, Harrisburg, PA 17112. Attorney: Gary L. James, Esq., James, Smith, Dietterick & Connelly, LLP, 134 Sipe Avenue, Hummelstown, PA 17036. Telephone (717) 533-3280. m25-a8

ESTATE OF JOHN E. WATERS, late of the City of Harrisburg, Dauphin County, Pennsylvania (died February 14, 2011). Executrix: Jean M. Waters, 6470 Gallop Road, Harrisburg, PA 17111. Attorney: Robert L. Knupp, Esq., Knupp Law Offices, LLC, 407 North Front Street, P.O. Box 630, Harrisburg, PA 17108-0630. Telephone (717) 238-7151. m25-a8

ESTATE OF MARIS MACCHIONI, late of Derry Township, Dauphin County, Pennsylvania. Personal Representative: Lynn A. Reinhold. Attorney: Anthony J. Nestico, Esq., Nestico, Druby & Hildabrand, P.C., 840 East Chocolate Avenue, Hershey, PA 17033. m25-a8

ESTATE OF SHIRLEY S. SIMMONS, late of Middle Paxton Township, Dauphin County, Pennsylvania. Executrix: Debra A. Nye, 58 Walsh Road, Halifax, PA 17032. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. m25-a8

ESTATE OF RUSSELL G. JURY, late of the Township of Halifax, Dauphin County, Pennsylvania (died February 20, 2011). Executrix: Shirley A. Long, 374 Parmer Drive, Halifax, PA 17032. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. m25-a8

ESTATE OF FLORENCE SOLOMON, late of Susquehanna Township, Dauphin County, Pennsylvania (died January 28, 2011). Administrator: Michael L. Solomon, 1616 Galen Road, Harrisburg, PA 17110. Attorney: Michael L. Solomon, Esq., 240 North Third Street, 7th Floor, Harrisburg, PA 17101. m25-a8

ESTATE OF ANDREW J. SIGNORE a/k/a ANDREW J. SIGNORE, SR., late of Swatara Township, Dauphin County, Pennsylvania (died July 28, 2010). Personal Representative: Carol I. Signore, 890 Cardinal Drive, Harrisburg, PA 17111. Attorney: Richard C. Seneca, Esq., 564 Old York Road, Etters, PA 17319. m25-a8

ESTATE OF CORRINE M. SCHOFIELD, late of Harrisburg, Dauphin County, Pennsylvania (died January 19, 2011). Co-Executors: Andrea P. Schofield, 5404 Pond Road, Harrisburg, PA 17111 and Francis B. Schofield, 2662 Chestnut Street, Elizabethtown, PA 17022. Attorney: Amy M. Moya, Esq., 5011 Locust Lane, Harrisburg, PA 17109. m25-a8

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 **ATLANTIC DATA SERVICES, INC.** The address of its principal office under the laws of its jurisdiction is One BatteryMarch Park, Quincy, MA 02169. The name of this corporations commercial registered office provider is National Corporate Research, Ltd. 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). a8

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on March 25, 2011, with respect to a proposed non-profit corporation, **Freedom House, Harrisburg**, which has been incorporated under the nonprofit Corporation Law of 1988. A brief summary of the purposes for which said corporation is organized is: to support previously incarcerated and homeless persons to become productive citizens through providing for their housing facilitating their employment, promoting recovery from drug and/or alcohol addiction, and inculcating religious values necessary for successful living in society. a8

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on March 22nd, 2011 with respect to a proposed non-profit corporation, **Sophisticated Ladies, Inc.** which has been incorporated under the Non-profit Corporation Law of 1988, 15 Pa. C.S.A. 5301.

A brief summary of the purposes for which said corporation is organized is: To provide support services to individuals dealing with the medical issue of polycystic ovarian syndrome and other health/mental related issues as a result of this condition. a8

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State at Harrisburg, Pennsylvania on April 12, 2007, incorporating **BERD HOMES, INC.** as a business corporation under the provisions of the Business Corporation Law of 1988, as amended.

KEITH D. WAGNER, Esq.
Brinser, Wagner & Zimmerman
6 East Main Street - 2nd Floor
Palmyra, PA 17078

a8

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 **PHENOMENEX, INC.** The address of its principal office under the laws of its jurisdiction is 411 Madrid Avenue, Torrance, CA 90501. The name of this corporations commercial registered office provider 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). a8

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on March 29, 2011 with respect to the non-profit corporation, **Robert Matthew Jackson Veterans Center, Inc.**, which has been incorporated under the Non-Profit Corporation Law of 1988, 15 Pa. C.S.A. §5301.

A brief summary of the purpose for which said corporation is organized is: to provide housing and support services for veterans and their families. a8

NOTICE IS HEREBY GIVEN that **Alec, Inc.**, a foreign business corporation incorporated under the laws of the Commonwealth of Kentucky, 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 250 W. Main Street, Suite 1920, Lexington, KY 40507.

Its last registered office in this Commonwealth is c/o National Registered Agents, Inc. and is deemed for venue and official publication purposes to be located in Dauphin County. a8

NOTICE IS HEREBY GIVEN that **Amargosa, Inc.**, a Delaware Corporation intends to file an Application for Termination of Authority and the registered office is located at c/o The Prentice-Hall Corporation System, Inc., Dauphin County, Pennsylvania. a8

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Arthur B. Myr Industries, Inc.**, a foreign business corporation incorporated under the laws of the State of Michigan, 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 39635 I-94 South Service Drive, Belleville, MI 48111.

Its last registered office in this Commonwealth is c/o National Registered Agents, Inc. and is deemed for venue and official publication purposes to be located in Dauphin County. a8

NOTICE IS HEREBY GIVEN that **Alpine Site Services Inc.**, a foreign non-profit corporation incorporated under the laws of the State of Colorado, where its principal office is located at 5990 Kipling Parkway, Suite 001, Arvada, CO 80004, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at National Registered Agents, Inc., 600 N. Second Street, Suite 401, Harrisburg, PA 17101.

The purposes for which it has been organized are to install steel pipe piles for construction foundations.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. a8

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Commonwealth of Pennsylvania on March 28, 2011. The name of the corporation is **David M. Edwards & Associates Financial Services, Inc.** The corporation has been incorporated under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania Act of December 22, 1988.

ANTHONY J. NESTICO, Esq.
840 East Chocolate Avenue
Hershey, PA 17033
(717) 533-5406

a8

NOTICE IS HEREBY GIVEN that **Turnbull-Wahlert Construction, Inc.** with a commercial registered agent in care of National Registered Agents, Inc. in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth as per 15 Pa. C.S. 4129(b). The address of its principal office under the laws of its jurisdiction is 5533 Fair Lane, Cincinnati, OH 45227.

This shall serve as official notice to creditors and taxing authorities. a8

NOTICE IS HEREBY GIVEN in compliance with the Nonprofit Corporation requirements of the Business Corporation Law of 1988, that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, on March 1, 2011, for the purpose of obtaining a Certificate of Incorporation of a nonprofit corporation to be organized under the Business Corporation Law of 1988, as amended and supplemented. The name of the proposed nonprofit corporation is: **THE CAPITAL CENTER OWNERS' ASSOCIATION.**

The purpose for which the nonprofit corporation was organized is: To engage in and do any lawful act concerning any and all lawful, business for which nonprofit corporations may be incorporated under the Business Corporation Law of the Commonwealth of Pennsylvania.

PETER R. WILSON, Esq.
Reager & Adler, PC
2331 Market Street
Camp Hill, PA 17011
(717) 763-1383

a8

NOTICE IS HEREBY GIVEN that **Medivo, Inc.**, a foreign business corporation incorporated under the laws of the State of Delaware, where its principal office is located at 55 Broad Street, 16th Floor, New York, NY 10004, 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. a8

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 29, 2011, by **Heckman Homes, Inc.**, a foreign corporation formed under the laws of the Commonwealth of Virginia, where its principal office is located at 1415 Towne Square Boulevard, Roanoke, Virginia 24012, 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 shall be deemed for venue and official publication purposes to be located c/o CT Corporation System, 116 Pine Street, Suite 320, Harrisburg, PA 17101. a8

NOTICE IS HEREBY GIVEN that **MEC, Inc.**, a foreign business corporation incorporated under the laws of the State of Maryland, where its principal office is located at 221 McRand Court, Suite 100, Hagerstown, MD 21740, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at 7208 Red Top Road, Hummelstown, PA 17036.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. a8

NOTICE IS HEREBY GIVEN that **Karges-Faulconbridge, Inc.**, a foreign business corporation incorporated under the laws of the State of Minnesota, where its principal office is located at 670 West County Road B, St. Paul, MN 55113, has applied for a Certificate of Authority in Pennsylvania, where its registered agent is located at National Registered Agents, Inc.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. a8

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 18, 2011, by **Clorox Manufacturing Company**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 1221 Broadway, Oakland, CA 94612, 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 CT Corporation System, Dauphin County, Pennsylvania. a8

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 10, 2011, by **Vertica Systems, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 8 Federal Street, Billerica, MA 01821, 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 CT Corporation System, Dauphin County, Pennsylvania. a8

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 25, 2011, by **Fasteners For Retail, Inc.**, a foreign corporation formed under the laws of the State of Ohio, where its principal office is located at 8181 Darrow Road, Twinsburg, OH 44087, 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 CT Corporation System, Dauphin County, Pennsylvania. a8

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **HARVEY APPRAISAL SERVICES, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. a8

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Cantol USA Inc.**, a foreign business corporation incorporated under the laws of the State of Delaware, U.S.A., where its principal office is located at 2711 Centerville Road, Suite 400, Wilmington, New Castle 19808 U.S.A., 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. a8

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 25, 2011, by **Melzer's Fuel Service, Inc.**, a foreign corporation formed under the laws of the State of Ohio, where its principal office is located at 755 East Erie Street, Painesville, OH 44077, 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 CT Corporation System, Dauphin County, Pennsylvania. a8

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 29, 2011, by **Rembrandt Enterprises, Inc.**, a foreign corporation formed under the laws of the State of Ohio, where its principal office is located at 2345 Pekin Road, Springboro, OH 45066, 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 CT Corporation System, Dauphin County, Pennsylvania. a8

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 24, 2011, by **Dynamic Commerce Applications Acquisition Corp.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 14261 Commerce Way, Miami Lakes, FL 33016, 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 National Registered Agents, Inc., Dauphin County, Pennsylvania. a8

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 24, 2011, by **Navigator Insurance Brokers, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 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. a8

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 25, 2011, by **Managed Health Care Associates Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 25B Vreeland Road, Suite 300, P.O. Box 789, Florham Park, NJ 07932, 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. a8

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 31, 2011, by **PQ OPERATIONS, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 434 Broadway, 3rd Floor, New York, NY 10013, 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. a8

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 25, 2011, by **Southern Energy Management, Inc.**, a foreign corporation formed under the laws of the State of North Carolina, where its principal office is located at 101 Kitty Hawk Drive, Morrisville, NC 27560, 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 National Registered Agents, Inc., Dauphin County, Pennsylvania. a8

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **TKT Management, Inc.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. a8

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of the Commonwealth of Pennsylvania for **DTS Incorporated** under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended. a8

FIRST PUBLICATION

Fictitious Notices

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Commonwealth of Pennsylvania on October 15, 2010 for **MSR Construction** located at 821 Third Street, Hershey, PA 17033. The name and address of each individual interested in the business is Maksim Ryabyy, 821 Third Street, Hershey, PA 17033.

This was filed in accordance with 54 Pa. C.S. 311. a8

NOTICE IS HEREBY GIVEN that an Application for Registration of a fictitious name, **F J Plumbing**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 500 Hurlock Street, Harrisburg, PA 17110, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 14th day of February, 2011 pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person owning or interested in the said business is: Neil P. Focht, 500 Hurlock Street, Harrisburg, PA 17110. a8

FIRST PUBLICATION

Miscellaneous Notices

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL ACTION – LAW

No. 2008-CV-4107-CV

PENNSYLVANIA STATE
EMPLOYEES CREDIT UNION,
Plaintiff

vs.

KALINA A. CHAMBERS, Defendant

FIRST PUBLICATION

Miscellaneous Notices

NOTICE

TO: KALINA A. CHAMBERS

YOU ARE HEREBY NOTIFIED that on April 8, 2008, Plaintiff, Pennsylvania State Employees Credit Union, filed a Complaint endorsed with a Notice to Defend against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2008-CV-4107-CV, which has been reinstated, wherein Plaintiff seeks to enforce its rights under its loan documents.

SINCE YOUR CURRENT WHEREABOUTS are unknown, the Court by Order dated March 22, 2011, ordered notice of said facts and the filing of the Complaint to be served upon you as provided by R.C.P. 430(b).

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (20) DAYS from the date of this publication or Judgment will be entered against you.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend, you must enter a written appearance personally or by attorney, and file your defenses or obligations in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a Judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

SHAWN M. LONG, Esq.
Barley Snyder LLC
126 East King Street
Lancaster, PA 17602
(717) 299-5201

a8

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

No. 2010-CV-15297-CV

**PENNSYLVANIA STATE
EMPLOYEES CREDIT UNION,
Plaintiff**

vs.

DYWAN T. BLANDING, Defendant

IMPORTANT NOTICE

TO: DYWAN T. BLANDING

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE FOLLOWING OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

FIRST PUBLICATION

Miscellaneous Notices

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

SHAWN M. LONG, Esq.
Barley Snyder LLC
126 East King Street
Lancaster, PA 17602-2893
(717) 299-5201

a8

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

No. 2011 CV 3107 QT

NOTICE OF
QUIET TITLE ACTION

PAUL T. FRIEDLINE, Plaintiff

vs.

**ANY UNKNOWN SUCCESSOR
TRUSTEES TO HARRIETTE E. SHAFER,
DECEASED, OF THE
HARRIETTE E. SHAFER REVOCABLE
TRUST DATED NOVEMBER 4TH,
2002; ANY UNKNOWN BENEFICIARIES
OF THE HARRIETTE E. SHAFER
REVOCABLE TRUST DATED
NOVEMBER 4TH, 2002; ANY UNKNOWN
BENEFICIARIES, HEIRS, OR
PERSONAL REPRESENTATIVES
OF HARRIETTE E. SHAFER,
DECEASED; DAVID P. SHAFER AND
THOMAS M. SHAFER, Defendants**

**TO: Any Unknown Successor Trustees to
Harriette E. Shafer, Deceased, of the
Harriette E. Shafer Revocable Trust
Dated November 4th, 2002
Any Unknown Beneficiaries of the
Harriette E. Shafer Revocable Trust
Dated November 4th, 2002
Any Unknown Beneficiaries, Heirs,
or Personal Representatives of
Harriette E. Shafer, Deceased**

David P. Shafer

Thomas M. Shafer

NOTICE

YOU ARE HEREBY NOTIFIED that an Action to Quiet Title was brought against you in the Court of Common Pleas of Dauphin County, filed to No. 2011 CV 3107 QT requesting that you be forever barred from asserting any right, title or interest in and to the real property described herein and that Paul T. Friedline has extinguished any right, lien, title or interest claimed by you or any other person or persons to the premises as follows:

THE PREMISES KNOWN AS 5 Judy Lane, Harrisburg, Dauphin County, Pennsylvania, composed of Dauphin County Tax Mapping Parcel No. 35-020-048.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSES OR OBJECTIONS IN WRITING WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

FIRST PUBLICATION

Miscellaneous Notices

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

LARRY A. WEISBERG, Esq.
McCarthy Weisberg Cummings, P.C.
2041 Herr Street
Harrisburg, PA 17103-1624
(717) 238-5707

a8

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

No. 2008-CV-12911-NT

**PENNSYLVANIA STATE
EMPLOYEES CREDIT UNION,
Plaintiff**

vs.

DAVID SHANK, Defendant

NOTICE

TO: DAVID SHANK

YOU ARE HEREBY NOTIFIED that on October 6, 2008, Plaintiff, Pennsylvania State Employees Credit Union, filed a Writ of Revival endorsed with a Notice to Defend against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2008-CV-12911-NT, which has been reinstated, wherein Plaintiff seeks to enforce its rights under its loan documents.

SINCE YOUR CURRENT WHEREABOUTS are unknown, the Court by Order dated March 28, 2011, ordered notice of said facts and the filing of the Writ of Revival to be served upon you as provided by R.C.P. 430(b).

YOU ARE HEREBY NOTIFIED to plead to the above referenced Writ of Revival on or before twenty (20) DAYS from the date of this publication or Judgment will be entered against you.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend, you must enter a written appearance personally or by attorney, and file your defenses or obligations in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a Judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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FIRST PUBLICATION

Miscellaneous Notices

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

No. 2008-CV-9733-CV

**PENNSYLVANIA STATE
EMPLOYEES CREDIT UNION,
Plaintiff**

vs.

MICHAEL A. WASHINGTON, Defendant

NOTICE

TO: MICHAEL A. WASHINGTON

YOU ARE HEREBY NOTIFIED that on August 5, 2008, Plaintiff, Pennsylvania State Employees Credit Union, filed a Complaint endorsed with a Notice to Defend against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2008-CV-9733-CV, which has been reinstated, wherein Plaintiff seeks to enforce its rights under its loan documents.

SINCE YOUR CURRENT WHEREABOUTS are unknown, the Court by Order dated March 28, 2011, ordered notice of said facts and the filing of the Complaint to be served upon you as provided by R.C.P. 430(b).

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (20) DAYS from the date of this publication or Judgment will be entered against you.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend, you must enter a written appearance personally or by attorney, and file your defenses or obligations in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a Judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

No. 2007 CV 12550 CV

**PENNSYLVANIA STATE
EMPLOYEES CREDIT UNION,
Plaintiff**

vs.

GLORIA HAMPTON, Defendant

NOTICE

TO: GLORIA HAMPTON

YOU ARE HEREBY NOTIFIED that on November 21, 2007, Plaintiff, Pennsylvania State Employees Credit Union, filed a Complaint endorsed with a Notice to Defend against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2007 CV 12550 CV, which has been reinstated, wherein Plaintiff seeks to enforce its rights under its loan documents.

FIRST PUBLICATION

Miscellaneous Notices

SINCE YOUR CURRENT WHEREABOUTS are unknown, the Court by Order dated March 28, 2011, ordered notice of said facts and the filing of the Complaint to be served upon you as provided by R.C.P. 430(b).

YOU ARE HEREBY NOTIFIED to plead to the above referenced Writ of Revival on or before twenty (20) DAYS from the date of this publication or Judgment will be entered against you.

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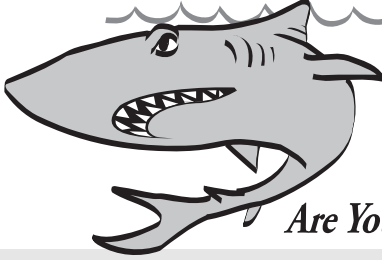
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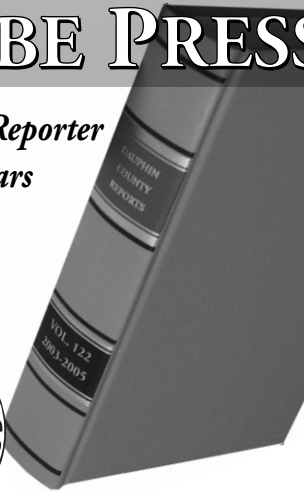
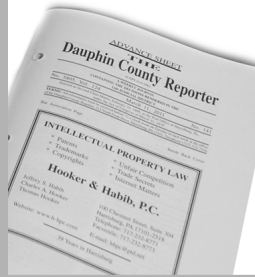
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CUMULATIVE TABLE OF CASES

Adams, Commonwealth v.	296
Atlantic Credit & Finance Inc. v. Wylie	163
Britton, Commonwealth v.	344
Cameron Real Estate, LP, et al., Pennsy Supply, Inc. v.	99
Carns, Enders v.	355
Carroll, Commonwealth v.	102
Centric Bank, Schmitt v.	1
Commonwealth v. Adams	296
Commonwealth v. Britton	344
Commonwealth v. Carroll	102
Commonwealth v. Fernsler	64
Commonwealth v. Gross	334
Commonwealth v. Hosby	32
Commonwealth v. Jones	194
Commonwealth v. McCreary	314
Commonwealth v. Montelione	10
Commonwealth v. Perretta-Rosepink	
Commonwealth v. Veon	262
Commonwealth v. Wingus	82
Commonwealth v. Veon	
Commonwealth v. Perretta-Rosepink	262
Commonwealth (PennDOT), Wagner v.	300
Consoli v. Elias	281
Cox, Wilson, et al. v.	57
Daniels, et al., v. Norfolk Southern Corporation, et al.,	
Walleth's Flooring Services, Inc. v.	94

Cumulative Table of Cases

DeHart, Fletcher v.	134
Dock v. Harrisburg Hospital, et al.	106
East Hanover Township Board of Supervisors	
v. RVG Land, LLC, Mundy, et al. v.	116
Elias, Consoli v.	281
Enders v. Carns	355
Estrada v. Olt, et al.	42
Estright v. Harrisburg Hospital, et al.	153
Fenstermacher, Mihelich v.	158
Fenstermacher, Mihelich v.	368
Fernsler, Commonwealth v.	64
Fletcher v. DeHart	134
Gross, Commonwealth v.	334
Harrisburg Hospital, et al., Dock v.	106
Harrisburg Hospital, et al., Estright v.	153
Hartman, et al. v. Hershey Medical Center, et al.	243
Herd Chiropractic v. State Farm	180
Hershey Medical Center, et al., Hartman, et al. v.	243
Hershey Medical Center, et al., Lopresti v.	48
Hosby, Commonwealth v.	32
In re: Appeal of City of Harrisburg	200
In re: Condemnation of Sheesley Estate	223
In re: Estate of Benjamin F. Herr	171
Investigative Consultant Services, Inc., et al., Tagouma v.	121
Jones, Commonwealth v.	194

Cumulative Table of Cases

K.S.R. v. Reinhardt	323
Kelly v. Kelly	110
Kelly, Kelly v.	110
Kelly Systems, Inc. v. Koda	21
Keystone Service Systems, Inc., Pennswood Apartments L.P. v.	27
Koda, Kelly Systems, Inc. v.	21
Lopresti v. Hershey Medical Center, et al.	48
McAfee v. Quantum Imaging and Therapeutic Associates, Inc.	70
McCreary, Commonwealth v.	314
McGarrie v. Short	90
McNany, Walter v.	147
Mihelich v. Fenstermacher	158
Mihelich v. Fenstermacher	368
Montelione, Commonwealth v.	10
Mundy, et al. v. East Hanover Township Board of Supervisors v. RVG Land, LLC	116
Norfolk Southern Corporation, et al. v. Wallett's Flooring Services, Inc. v. Daniels, et al.	94
Olt, et al., Estrada v.	42
Papadoplos v. Schmidt, Ronca & Kramer, P.C.	205
PennDOT, Smith v.	376
Pennswood Apartments L.P. v. Keystone Service Systems, Inc.	27
Pennsy Supply, Inc. v. Cameron Real Estate, LP, et al.	99
Perretta-Rosepink, Commonwealth v. Commonwealth v. Veon	262
Peters v. Zoning Hearing Board of Londonderry Township	166

Cumulative Table of Cases

Quantum Imaging and Therapeutic Associates, Inc., McAfee v.	70
Reinhardt, K.S.R. v.	323
RVG Land, LLC, Mundy, et al. v. East Hanover Township Board of Supervisors v.	116
Schmitt v. Centric Bank	1
Schmidt, Ronca & Kramer, P.C., Papadoplos v.	205
Short, McGarrie v.	90
Smith v. PennDOT	376
State Farm, Herd Chiropractic v.	180
State Farm, Tomasetti v.	186
Tagouma v. Investigative Consultant Services, Inc., et al.	121
Tomasetti v. State Farm	186
Veon, Commonwealth v. Commonwealth v. Perretta-Rosepink	262
Wagner v. Commonwealth (PennDOT)	300
Wallett's Flooring Services, Inc. v. Daniels, et al., v. Norfolk Southern Corporation, et al.	94
Walter v. McNany	147
Warner, Wege v.	219
Wege v. Warner	219
Wilson, et al. v. Cox	57
Wingus, Commonwealth v.	82
Wylie, Atlantic Credit & Finance Inc. v.	163
Zoning Hearing Board of Londonderry Township, Peters v.	166



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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 2011
MAY 2011

Judge Lawrence F. CLARK, JR.
Judge Deborah Essis CURCILLO

Opinions Not Yet Reported

BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

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MISCELLANEOUS SECTION

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