

ADVANCE SHEET

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Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.
Bar Association Page

348
Inside Back Cover

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100 Chestnut Street, Suite 304

Harrisburg, PA 17101-2518

Telephone: 717-232-8771

Facsimile: 717-232-8773

E-Mail: hhpc@ptd.net

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

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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 MICHAEL A. FILEPAS, late of South Hanover Township, Dauphin County, Pennsylvania (died April 24, 2007). Executrix: JoAnn Filepas, 7054 Red Top Road, Harrisburg, PA 17111. Attorney: Donald L. Jones, Esq., Jones & Henninger, P.C., 339 W. Governor Road, Suite 201, Hershey, PA 17033. m18-j1

ESTATE OF MARY B. INTILLE, late of Harrisburg, Dauphin County, Pennsylvania (died April 23, 2007). Executrix: Maryann Gelehrter, 466 Kennedy Drive, Harrisburg, PA 17112. Attorney: Donald L. Jones, Esq., Jones & Henninger, P.C., 339 W. Governor Road, Suite 201, Hershey, PA 17033. m18-j1

ESTATE OF JUNE M. CLODOVEO, late of Derry Township, Dauphin County, Pennsylvania. Co-Executor: Glenn E. Miller. Co-Executor/Attorney: John E. Feather, Jr., Esq., Feather & Feather, P.C., 22 West Main Street, Annville, PA 17003. m18-j1

ESTATE OF LLOYD V. SMITH, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executor: Jimm W. Smith. Attorney: Kevin D. Dolan, Esq., Gingrich, Smith, Klingensmith & Dolan, 222 South Market Street, Suite 201, Elizabethtown, PA 17022. m18-j1

ESTATE OF JANE F. GEISINER, late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Ann L. Boyer, Post Office Box 1291, Harrisburg, PA 17108-1291. Attorney: Kevin M. Scott, Esq., Saul Ewing LLP, Penn National Insurance Plaza, Two North Second Street, 7th Floor, Harrisburg, PA 17101. m18-j1

ESTATE OF CECIL L. SNYDER, late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Nadine Ann Bailey, 305 Fawn Ridge North, Harrisburg, PA 17110. Attorney: Bridget M. Whitley, Esq., Skarlatos & Zonarich LLP, 17 South Second Street, 6th Floor, Harrisburg, PA 17101. m18-j1

ESTATE OF SALLY M. BUFFINGTON, late of the Township of Washington, Dauphin County, Pennsylvania. Executor: Dennis E. Buffington, 1142 Smithfield Circle, State College, PA 16801. Attorney: Earl Richard Etzweiler, Esq., 105 N. Front Street, Harrisburg, PA 17101. Phone (717) 234-5600. m18-j1

FIRST PUBLICATION

Estate Notices

ESTATE OF WANDA E. DUPLESSIE, late of Millersburg, Dauphin County, Pennsylvania (died December 4, 2007). Personal Representatives: Stori B. Peters, 438 Race Street, Millersburg, PA 17061 and Jesse M. Duplessie. Attorney: Dale K. Ketner, Esq., Shaffer & Engle Law Offices, 129 Market Street, Millersburg, PA 17061. m18-j1

ESTATE OF MARY E. POTTER, late of Harrisburg, Dauphin County, Pennsylvania (died December 25, 2006). Executor: Jesse Champ, 4010 Hargrove Landing, Suffolk, VA 23435. Attorney: James H. Rowland, Jr., Esq., 812 N. 17th Street, Harrisburg, PA 17103. m18-j1

ESTATE OF ELWOOD BEINHAUR a/k/a ELWOOD H. BEINHAUR, late of Derry Township, Dauphin County, Pennsylvania. Executrix: Cheryl Way. Attorney: Kevin D. Dolan, Esq., Gingrich, Smith, Klingensmith & Dolan, 222 South Market Street, Suite 201, Elizabethtown, PA 17022. m18-j1

ESTATE OF SADIE E. KISSINGER, late of the Township of Washington, Dauphin County, Pennsylvania (died April 14, 2007). Executor: Marvin E. Hoke, 708 Lentz Avenue, Millersburg, PA 17061. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethtown, PA 17023. m18-j1

ESTATE OF HILDA M. MINNICH, late of the Township of Jackson, Dauphin County, Pennsylvania. Co-Executors: Ruth R. Schreffler, 122 S. Edward Street, Lykens, PA 17048 and Lewis L. Ramberger, 17 Mar Bob Road, Halifax, PA 17032. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Phone (717) 234-5600. m18-j1

ESTATE OF EVELYN M. GEESAMAN, late of East Hanover Township, Dauphin County, Pennsylvania (died March 28, 2007). Executrix: Sally A. Worm, 84 Pleasant View Road, Grantville, PA 17028. Attorney: John S. Davidson, Esq., 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. m18-j1

ESTATE OF DOROTHY R. WILBERT, late of the Township of Halifax, Dauphin County, Pennsylvania. Co-Executors: Joyce Y. Silks and Charles C. Silks, 6149 Grindstone Hill Road, Chambersburg, PA 17021. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Phone (717) 234-5600. m18-j1

ESTATE OF FRED E. GIBSON, late of the Borough of Highspire and Susquehanna Township, Dauphin County, Pennsylvania (died April 19, 2007). Executrix: Danielle E. Gibson, 4901 Haverford Road, Apt. C, Harrisburg, PA 17109. m18-j1

ESTATE OF ALBERT B. CRICK, late of the Borough of Middletown, Dauphin County, Pennsylvania (died April 13, 2007). Executor: Alan B. Crick, 624 Golden Drive, Blandon, PA 19510. Attorney: John S. Davidson, Esq., 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. m18-j1

ESTATE OF JUNE H. MILLER, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executrix: Dorothy A. Romberger, 38 North Street, P.O. Box 373, Elizabethtown, PA 17023. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethtown, PA 17023. m18-j1

ESTATE OF MYRTLE M. ALBRIGHT, late of Derry Township, Dauphin County, Pennsylvania (died April 22, 2007). Executor: William G. Albright, 729 Bolivar Street, Lady Lake, FL 32159. Attorney: Francis A. Zulli, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. m18-j1

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

Further, production of an expert opinion by Plaintiffs would not cure the deficiencies in proof. In *Warden v. Lyons*, 432 Pa. 495, 248 A.2d 313 (1968), the Superior Court reversed a judgment in favor of the plaintiff where the plaintiff could not produce proof as to how a large crate containing heavy glass fell on the plaintiff. While the plaintiff therein offered theories as to improper loading and bracing of the crate, without knowledge of how the accident occurred, the plaintiff's expert testimony was insufficient, and the jury was required to guess. *Id.*, 432 Pa. 498, 248 A.2d 314. Expert opinion in this case would similarly lack a factual foundation and requisite certainty.

Accordingly, for all of the foregoing reasons, we enter the following:

ORDER

AND NOW, this 28th day of March, 2007, it is hereby ORDERED that:

The Motions for Summary Judgment of Defendants BARC Properties, the Estate of Alan Reid, c/o Risa Reid, Administratrix, and Risa Reid, and Central Penn Management Company are GRANTED.

—o—

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

Torts — Negligence — Legal Malpractice — Statute of Limitations — Coordinate Jurisdiction Doctrine.

Plaintiffs sought to recover damages from Defendant law firm for its failure to raise a Statute of Limitations defense in an underlying lawsuit. In response, the Defendant firm raised the Statute of Limitations as an affirmative defense to Plaintiff's claims, and prevailed.

1. The Statute of Limitations for a claim of Negligence in Pennsylvania is two (2) years. 42 Pa.C.S. § 5524.

2. In actions for legal malpractice, Pennsylvania uses the occurrence rule to determine when the statute of limitations begins to accrue. Under this rule, the statutory period commences upon the happening of the alleged breach of duty. An exception to this rule is the equitable discovery rule, which will be applied when the injured party is unable, despite the exercise of due diligence, to know of the injury or its cause. Lack of knowledge, mistake or misunderstanding, will not toll the running of the statute. *Glenbrook Leasing Company v. Beausand*, 839 A.2d 437, 441 (Pa.Super. 2003).

3. Absent fraud or its equivalent, judicial extensions of time for Statutes of Limitations are expressly prohibited by Section 5504 of the Judicial Code. The mere

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

filing of a Motion to Amend the Complaint does not toll the Statute of Limitations. *Aivazoglou v. Drever Furnaces*, 418 Pa.Super. 111, 115, 613 A.2d 595, 598 (1992).

4. Judges of coordinate jurisdiction sitting in the same case should not overrule each other's decisions. Departure ... is allowed only in exceptional circumstances such as where there has been an intervening change in the controlling law, a substantial change in the facts or evidence giving rise to the dispute in the matter, or where the prior holding was clearly erroneous and would create a manifest injustice if followed. *Commonwealth v. Chimel*, 889 A.2d 501, 522 FN 16 (Pa. December 29, 2005).

Motion for Summary Judgment. C.P., Dau. Co., No. 4400 S 1996.
Motion granted.

Michael Mancuso, for Plaintiff

Jonathan K. Hollin, for Defendant

CLARK, J., April 11, 2007. –

BACKGROUND

This case is a legal malpractice action originally filed by Philip A. Courtright and his wife, Patricia S. Courtright (Courtright's) against the law firm of Hourigan, Kluger, Spohrer & Quinn, P.C. (Hourigan Firm). The Courtright's have since filed for bankruptcy protection and their claims are currently being pursued by bankruptcy trustees on behalf of their bankruptcy estates.

The undisputed facts of this matter are as follows. The Courtright's hired the Hourigan Firm to represent them (Courtright's) in a lawsuit that was tried before the Honorable Robert J. Woodside (now deceased), Chief Bankruptcy Judge of the United States Bankruptcy Court for the Middle District of Pennsylvania (Underlying Lawsuit). The lawsuit was filed by John H. Doran, Esquire, Bankruptcy Trustee for the debtor, Advanced Electronics, Inc. (Advanced). Attorney Doran alleged that the Courtright's harmed Advanced and caused it (Advanced) to default on payments to its (Advanced's) creditors. As a result, said creditors forced Advanced into involuntary bankruptcy.

On March 4, 1991, Attorney Doran filed the Complaint in the Underlying Lawsuit. The Complaint contained causes of actions against the Courtright's for violation of the Racketeer Influenced and Corrupt Organization Act (RICO), breach of fiduciary duty, conversion, preferential transfers, fraudulent conveyances, equitable subordination, turnover of monies, defamation and tortious interference with contractual relations.

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

Although it is unclear exactly when the Courtright's hired the Hourigan Firm, it is undisputed that the Hourigan Firm filed an Answer and Counterclaims to the Complaint on April 4, 1991. On October 27, 1993, Judge Woodside issued a Scheduling Order setting April 1, 1994 (later amended to May 1, 1994) as the deadline for the parties to identify expert witnesses. The Hourigan Firm did not identify any expert witness by the aforementioned deadline.

Judge Woodside, in his Opinion in the Underlying Lawsuit, dated July 29, 1996, explained the following subsequent events:

On August 16, 1994, just before trial was to commence, I permitted Defendants' counsel to withdraw from the case for undisclosed reasons. Defendants were given until September 16, 1994, to engage counsel, and present counsel [Marshall E. Anders, Esquire] was subsequently engaged.

. . .

On November 4, 1994, Defendants filed an emergency motion to compel certain discovery and a motion for a continuance.

On November 25, 1994, I issued an Order denying the relief requested in Defendants' motion to compel and postponing the first day of trial until December 9, 1994.

During this time period, Defendants also sought to identify an expert witness in accounting procedures, which effort was opposed by the Trustee. Based upon the expiration of the time period for identification of expert witnesses and the several continuances of trial that already had been granted for the benefit of the Defendants, I did not permit the expert witness to be identified for purpose of use at trial.

Trial in the adversary proceeding did commence on December 9, 1994. There were 17 days of trial spread out over nearly a year, . . .

Opinion of the Honorable Robert J. Woodside, July 29, 1996, pages 6-7.

During the course of the trial, Attorney Anders requested Judge Woodside to reverse his prior ruling and allow the Courtright's to present an accounting expert. This request was again denied.

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

As mentioned above, Judge Woodside filed his Opinion in the Underlying Case on July 29, 1996. In his Opinion, Judge Woodside entered judgment against the Courtright's for breach of fiduciary duty, conversion, and fraudulent conveyances. As a result, Judge Woodside imposed a judgment against the Courtright's for compensatory damages in the amount of FIVE-HUNDRED AND EIGHTY THOUSAND, NINETY-EIGHT DOLLARS AND SEVENTY-FIVE CENTS (\$580,098.75) and punitive damages in the same amount as the compensatory damages (\$580,098.75) for a total of ONE-MILLION, ONE-HUNDRED AND SIXTY THOUSAND, ONE-HUNDRED AND NINETY-SEVEN DOLLARS AND FIFTY CENTS (\$1,160,197.50). Judge Woodside also imposed prejudgment interest in the amount of TWO-HUNDRED AND FIFTY-TWO THOUSAND, NINETY-FIVE DOLLARS AND FIFTY-FOUR CENTS (\$252,095.54) for a total of ONE-MILLION, FOUR-HUNDRED AND TWELVE THOUSAND, TWO-HUNDRED AND NINETY-THREE DOLLARS AND FOUR CENTS (\$1,412,293.04) plus additional costs.

On September 6, 1996, the Courtright's filed an appeal to the United States District Court for the Middle District of Pennsylvania to appeal Judge Woodside's Rulings. Although they appealed numerous issues, the Courtright's did *not* appeal Judge Woodside's decision to deny them (Courtright's) the right to call an expert witness at trial.

The Honorable James F. McClure, Jr. of the District Court denied the Courtright's' appeal by Order dated October 17, 1997. Thereafter, the Courtright's appealed to the United States Court of Appeals for the Third Circuit. Again, the Courtright's did not appeal the issue of whether or not Judge Woodside properly denied them (Courtright's) an expert witness at trial. In an Opinion authored by the Honorable Circuit Judge (now United States Supreme Court Justice) Samuel A. Alito, Jr., the District Court's rulings were affirmed on October 17, 1997.

Shortly after the Courtright's appealed Judge Woodside's Opinion to the District Court on the merits of the Underlying Lawsuit, they also filed, *pro se*, the instant Professional Liability lawsuit in our Court against the Hourigan Firm. The Courtright's filed a Praeceptum for a Writ of Summons on September 16, 1996 and a Complaint on October 30, 1996. This Complaint alleged that the Hourigan Firm was negligent for failing to raise the affirmative defense of Statute of Limitations.

No Preliminary Objection was ever filed against the Courtright's' Complaint. Rather, the Hourigan Firm answered the Complaint on February 6, 1997.

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

On April 6, 1998, present counsel entered his appearance on behalf of the Courtright's. Subsequently, on June 15, 1998, the Courtright's, through counsel, filed a Motion to Amend their Complaint. The Honorable Richard A. Lewis (now President Judge) of the Dauphin County Court of Common Pleas granted the Courtright's Motion without Opinion by Order dated December 9, 1998.

As a result of Judge Lewis' Ruling, the Courtright's filed an Amended Complaint on December 21, 1998. This Amended Complaint stated the following causes of actions:

1. Failing to assert the statute of limitations;
2. Failing to use reasonable care in preparing the case for trial;
3. Withdrawing its representation of the plaintiffs within three days of the time of the commencement of trial;
4. Failing to notice opposing counsel of expert witnesses or for that matter, contacting any potential expert witnesses with the result that the trial court barred the proposed expert witnesses tendered by plaintiffs' subsequent counsel;
5. Failing to keep plaintiffs adequately informed of developments during the course of the litigation.

In its Answer to the Courtright's Amended Complaint, the Hourigan Firm raised as New Matter, the Affirmative Defense of Statute of Limitations. On February 13, 2004, the Hourigan Firm filed a Motion for Summary Judgment raising two issues with the Court: 1. That the Courtright's claim that the Hourigan Firm was negligent for failing to raise the Affirmative Defense of Statute of Limitations was baseless and 2. That Claims 2-5 of the Courtright's Amended Complaint (Additional Claims) should be dismissed because said claims were raised after the Statute of Limitations had expired. By Order dated August 20, 2004, a three-judge panel of this Court composed of The Honorable Scott A. Evans, The Honorable Bruce F. Bratton, and the undersigned denied the Hourigan Firm's Motion.

However, pursuant to a stipulation and by Court Order dated February 9, 2006, the Courtright's voluntarily withdrew their original claim (that the Hourigan Firm was negligent for failing to raise the Affirmative Defense of the Statute of Limitations). As a result of this development,

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

the Hourigan Firm once again filed a Motion for Summary Judgment averring that the additional claims in the Amended Complaint should be stricken because the only claim listed in the Original Complaint was voluntarily withdrawn.

The Hourigan Firm also filed a Motion for Summary Judgment on the grounds that the Courtright's were barred by the doctrine of Collateral Estoppel from asking this Court to make factual findings that differ from those established by Judge Woodside. This Defendant's Motion also alleged that the Courtright's' claim that the result of the Underlying Lawsuit would have changed had they (Courtright's) had an expert witness in accounting was pure speculation and could not actually be proven at trial.

And now, after many years of litigation, and sometimes twisting and perilous paths, the Hourigan Firm's Motions for Summary Judgment are ripe for final disposition.

ISSUES:

1. **SHOULD THE COURT GRANT THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT BASED UPON THE STATUTE OF LIMITATIONS?**
2. **SHOULD THE COURT GRANT THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT BASED UPON COLLATERAL ESTOPPEL AND OVER SPECULATIVENESS?**

DISCUSSION:

1. **SHOULD THE COURT GRANT THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT BASED UPON THE STATUTE OF LIMITATIONS?**

The Hourigan Firm avers that the Additional Claims in the Courtright's' Amended Complaint should be stricken because they (Additional Claims) were pled after the Statute of Limitations had expired. The Statute of Limitations for a claim of Negligence in Pennsylvania is two (2) years. 42 Pa.C.S. § 5524.

The Pennsylvania Superior Court in *Glenbrook Leasing Company v. Beausang*, 839 A.2d 437 (Pa. Super. 2003) explained the following standard to determine when the Statute of Limitations begins to accrue for a legal malpractice claim:

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

In actions for legal malpractice, Pennsylvania uses the occurrence rule to determine when the statute of limitations begins to accrue. Under this rule, the statutory period commences upon the happening of the alleged breach of duty. An exception to this rule is the equitable discovery rule which will be applied when the injured party is unable, despite the exercise of due diligence, to know of the injury or its cause. Lack of knowledge, mistake or misunderstanding, will not toll the running of the statute.

Glenbrook Leasing Company v. Beausang, 839 A.2d 437, 441 (Pa. Super. 2003), citations and internal quotations omitted.

In the case at bar, the Hourigan Firm argues that this Court should begin counting the Statute of Limitations from the date the Courtright's knew that the Hourigan Firm allegedly committed malpractice, i.e. from the date they (Courtright's) were informed by Attorney Anders of the Hourigan Firm's alleged mistakes. However, we find that it would have been too speculative for the Courtright's to file suit against the Hourigan Firm prior to the resolution of the Underlying Action. For example, if the Courtright's had filed the instant lawsuit prior to the ruling of Judge Woodside, how could they (Courtright's) possibly know what damages they would suffer or if they would suffer any at all?

We also note that in the instant case, the Courtright's' claims of negligence are essentially that the Hourigan Firm harmed the Courtright's at trial (i.e. by not having an expert witness, by withdrawing shortly before trial, by failing to adequately prepare for trial, and failing to keep the Courtright's informed of developments in the litigation). As such, the only way to know if they (Courtright's) were actually harmed by the Hourigan Firm would be at the conclusion of the trial. Therefore, we find that the proper time to begin counting the Statute of Limitations deadline is from the date of Judge Woodside's Opinion, i.e. July 29, 1996.

Although one could further argue that the Statute of Limitations should not begin to run until the appeals from the Underlying Lawsuit had been decided, we find that argument to be unreasonable. We note that the general rule is that a plaintiff must file suit from the date the malpractice occurred. The purpose of the discovery rule is merely to determine when a plaintiff has sufficient notice of such occurrence. In

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

the instant case, as soon as Judge Woodside entered his ruling, the Courtright's were sufficiently noticed that whatever actions the Hourigan Firm had employed were allegedly ineffective and possibly negligent. The fact that Judge Woodside's ruling could have been reversed on appeal is irrelevant for the determination of when the Courtright's knew they were harmed.

Therefore, the Courtright's had two years from July 29, 1996, in which to file their lawsuit against the Hourigan Firm, (on or about July 29, 1998). The Courtright's filed their Original Writ of Summons on September 16, 1996, and their Original Complaint on October 30, 1996, well within the two year statute of Limitations. The Courtright's then filed a Motion to Amend the Complaint on June 15, 1998. However, Judge Lewis did not grant the Motion to Amend until December 9, 1998, after the Statute of Limitations had actually expired.

The issue of whether the filing of a Motion to Amend the Complaint tolls the Statute of Limitations was discussed by the Superior Court in *Aivazoglou v. Drever Furnaces*, 418 Pa. Super. 111, 613 A.2d 595 (1992). In that case, the Plaintiffs filed a Motion to Amend their Complaint in order to add additional defendants. Although the Motion to Amend was filed within the applicable Statute of Limitations, the Trial Court's order allowing such amendment was not issued until after the Statute of Limitations had expired. The newly added Defendants filed Motions for Judgment on the Pleadings and the Trial Court dismissed the Plaintiffs' Amended Complaint on the grounds that it (Amended Complaint) was filed outside the Statute of Limitations. On appeal, the Plaintiffs argued that the timely filed Motion to Amend tolled the Statute of Limitations.

The Superior Court ruled,

Plaintiffs nevertheless urge this court to adopt a new rule declaring that statutes of limitations are tolled by the filing of a petition for leave to amend in the trial court. We decline plaintiffs' offer.

Aivazoglou v. Drever Furnaces, 418 Pa. Super. 111, 1155 613 A.2d 595, 598 (1992), citations omitted.

The Superior Court explained the important purposes behind Statutes of Limitations, as follows;

Statutes of limitations embody important policy judgments that must be taken into account in determining

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

the scope of application of the tolling principle. Those policy judgments include a belief that defendants should be protected against the prejudice of having to defend against stale claims, as well as the notion that, at some point, claims should be laid to rest so that security and stability can be restored to human affairs. . . .

Aivazoglou v. Drever Furnaces, 418 Pa. Super. 111, 114-115, 613 A.2d 595, 597-98 (1992), citations omitted.

The Superior Court also noted that, “absent fraud or its equivalent, judicial extensions of time [for Statutes of Limitation] are expressly prohibited by Section 5504 of the Judicial Code.” [42 Pa.C.S.A. §5504] *Id.* Finally, the Superior Court noted that the Plaintiffs could have filed another Writ of Summons or another Complaint against the new Defendants.

We find that the ruling in *Aivazoglou*, is determinative of the case at bar. The mere filing of a Motion to Amend by the Courtrightts did not toll the Statute of Limitations. Although the facts in *Aivazoglou* involved an attempt to add new defendants, as opposed to our case in which the Courtrightts are adding new claims against the original Defendants, we find that the Superior Court’s logic is equally applicable in both situations. In both cases, the Plaintiffs are attempting to enforce stale claims in violation of the public policy of this Commonwealth.

The Courtrightts could have protected their additional claims by filing a separate lawsuit within the Statute of Limitations and then requesting that it (new lawsuit) be consolidated with the present action. However, they failed to proceed in that manner. As a result, we must find that the Amended Complaint was not filed within the applicable Statute of Limitations.

Nevertheless, the Courtrightts claim that they should still be permitted to pursue the claims listed in the Amended Complaint because their original Complaint contained catch-all paragraphs to which no Preliminary Objections were filed by the Hourigan Firm. Pursuant to *Connor v. Allegheny Hospital*, 501 Pa. 306, 461 A.2d 600 (Pa. 1983), the Courtrightts contend that the Amended Complaint is not adding new claims but rather is merely clarifying in more detail the claims that were already pled in the original Complaint.

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

In *Connor*, the employees of the defendant hospital, Allegheny General Hospital (Allegheny) performed an enema with a barium solution on the plaintiff, Ms. Connor. Ms. Connor's bowel (colon) was perforated during that procedure, and barium leaked into her body causing harm. Ms. Connor's Complaint alleged that in the course of performing the enema, the employees of Allegheny negligently perforated her colon which caused the barium to leak inside of her. However, Ms. Connor's Complaint also alleged that Allegheny was negligent in, "otherwise failing to use due care and caution under the circumstances." *Connor*, 461 A.2d at 601.

Prior to trial, Ms. Connor, was forced to obtain a new expert witness. Her new expert refused to testify that the employees of Allegheny negligently perforated her colon. However, the expert would testify that the doctors at Allegheny failed to diagnose and treat the barium leak in a timely fashion.

Allegheny filed a motion for summary judgment claiming that Ms. Connor was attempting to add another cause of action after the statute of limitations had expired. The trial court granted the motion for summary judgment and the Superior Court affirmed. However, the Pennsylvania Supreme Court reversed. The Supreme Court stated,

*In this case, appellants' proposed amendment does, in fact, amplify one of the allegations of the original complaint. In their original complaint, appellants did not merely allege that the barium enema had been negligently performed. Rather, appellants also alleged that appellee, acting individually and through its employees, was negligent "[i]n otherwise failing to use due care and caution under the circumstances." **Appellants' proposed amendment simply specifies the other ways in which appellee was negligent in this case.***

Connor v. Allegheny General Hospital, 461 A.2d at 602, emphasis added.

We have carefully analyzed the facts in *Connor* and compared them with facts in the case at bar. We find the two cases to be dissimilar.

In *Connor*, the Complaint stated,

Accordingly, the complaint alleged that the hospital, acting individually and through its employees, was negligent:

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

- a. *In perforating the sigmoid colon during the performance of a barium enema procedure;*
- b. *In perforating the sigmoid colon and causing extravasation of the barium into the abdominal cavity causing barium peritonitis;*
- . . .
- f. *In otherwise failing to use due care and caution under the circumstances.*

Connor v. Allegheny General Hospital, 461 A.2d at 601.

Thus, the catch-all provision in *Connor* was a subpart of the paragraph that specifically identified *how* the defendant was negligent. As a result, the Pennsylvania Supreme Court allowed Ms. Connor to amplify the manner in which Allegheny was negligent.

However, the placement of the catch-all provision is very important to the analysis performed by the Court. For example, a different result occurred in *Reynolds v. Thomas Jefferson University Hospital and Daniel Anthony Beneski, M.D.*, 450 Pa. Super. 327, 676 A.2d 1205 (1996).

In *Reynolds*, Ms. Reynolds suffered massive heart failure and Dr. Beneski placed a breathing tube down her throat to prepare her for an emergency procedure. Subsequent to the procedure, Ms. Reynolds had a sore throat and could not speak above a whisper. Her treating physician, Dr. Chambers, advised her for a number of months that her voice would return but it did not. Eventually, Ms. Reynolds underwent surgery to restore her voice.

Ms. Reynolds sued the Hospital and Dr. Beneski for improperly intubating her (placing the tube down her throat). However, after the statute of limitations had run, Ms. Reynolds' expert would not testify that Dr. Beneski was negligent but rather claimed that Dr. Beneski saved Ms. Reynolds' life. Her expert did opine, however, that Dr. Chambers was negligent for not referring Ms. Reynolds to a throat specialist earlier.

The Defendant Hospital moved for Summary Judgment on the ground that the claim against Dr. Chambers was a new cause of action which was not listed in the Complaint. Ms. Reynolds Argued that her Complaint contained a catch-all that stated, "failure to act properly under the circumstances," which should include the actions of Dr. Chambers.

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

The Superior Court denied Ms. Reynolds' claims. The Court noted, *inter alia*, that the catch-all was a lettered paragraph (letter "n") under paragraph 8 that stated, "*the intubation . . . was performed in a negligent manner consisting of: . . . (a-n)*". *Reynolds*, 676 A.2d at 1212, emphasis added. Thus, the Superior Court determined that the catch-all provision was a subordinate clause that specifically referred to the *intubation* and not to any other claim such as the after-care.

The catch-all provision in *Reynolds*, can be easily contrasted with the provision in *Connor*; in which the catch-all phrase referred to negligence generally. Therefore, a catch-all provision will be limited to what it actually refers to.

In the case at bar, the pertinent part of the Courtright's' Complaint reads as follows:

13. *That the Defendant law firm failed to exercise a reasonable degree of care in the representation of the Plaintiffs in that it failed to assert the Statute of Limitations as an affirmative defense.*
14. *That had the Statute of Limitations been asserted, the Plaintiffs would have been successful in defending the said litigation and no Judgment would have been entered against them.*
15. *That by reason of the carelessness of the Defendant law firm and its negligence, a Judgment in the amount of ONE MILLION FOUR HUNDRED THIRTY THOUSAND TWO HUNDRED THIRTY ONE AND 66/100 (\$1,430,231.66) DOLLARS was entered against the Plaintiffs, which would not have been otherwise entered.*
16. *That due to the negligence and carelessness of the Defendant law firm, the Plaintiffs have been injured and damaged in the amount of ONE MILLION FOUR HUNDRED THIRTY THOUSAND TWO HUNDRED THIRTY ONE AND 66/100 (\$1,430,231.66) DOLLARS.*

Complaint, October 29, 1996, paragraphs 13-16.

The Courtright's contend that by virtue of the general catch-all provisions in paragraphs 15 and 16, they (Courtright's) are entitled to amend their Complaint to include any type of negligence. However, the Courtright's completely ignore paragraph 13.

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

Paragraph 13 specifically limits *how* the Hourigan Firm was allegedly negligent and careless. It states: “That the Defendant law firm failed to exercise a reasonable degree of care in the representation of the Plaintiffs **in that** it failed to assert the Statute of Limitations as an affirmative defense.” We find that by use of the words “in that,” the Courtright’s specifically limited themselves to that specific claim of negligence. Had the Courtright’s included *Connor* language (such as, “otherwise failing to use due care and caution under the circumstances”) in paragraph 13, we would agree that they could then amend their complaint in any manner they chose.

The fact that Paragraphs 15 and 16 refer generally to negligence and carelessness is irrelevant because the Courtright’s themselves have already defined how the Hourigan Firm was allegedly careless and negligent. We further note that Paragraphs 15 and 16 do not discuss *how* the law firm was negligent but rather discuss an entirely different element of the Complaint, i.e. the amount of damages. This is in direct contrast with the location of the catch-all provision in *Connor*, which is in the paragraph that specifically described how the hospital was allegedly negligent.

We further contrast the case at bar with a case in which this Court allowed plaintiffs to amend their complaint based upon *Connor*. In *Morder v. Professional Aerials, Inc.*, 123 Dauph. 50 (2006), we permitted the Plaintiffs to amend their Complaint based upon the following paragraph:

The accident in the case at bar was caused by the negligence and carelessness of Professional Aerials, Inc., t/a PRO AER, its agents, servants, and employees in the furtherance of its business in the scope of their employment.

Complaint, December 24, 1997, Paragraph 35.

We found that this paragraph specifically referred to causation of the accident and therefore we considered it an appropriate catch-all provision. We also note that there was no paragraph in the Complaint that specifically delineated or limited the types of negligence that were applicable.

We find that the Complaint in the case at bar does not contain an appropriate *Connor* catch-all provision to allow the Courtright’s to add new causes of actions to their Complaint. As a result, the Courtright’s are

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

relegated to the single claim in their original Complaint. Unfortunately, the Courtright's themselves voluntarily withdrew this claim. Therefore, we must grant the Hourigan Firm's Motion for Summary Judgment based upon the Statute of Limitations.

We recognize that the Courtright's may attempt to challenge our ruling by raising the Coordinate Jurisdiction Doctrine. This Doctrine has been defined by the Pennsylvania Supreme Court as follows;

Pursuant to the coordinate jurisdiction doctrine, judges of coordinate jurisdiction sitting in the same case should not overrule each other's decisions. Departure . . . is allowed only in exceptional circumstances such as where there has been an intervening change in the controlling law, a substantial change in the facts or evidence giving rise to the dispute in the matter, or where the prior holding was clearly erroneous and would create a manifest injustice if followed. The rule serves not only to promote the goal of judicial economy but also (1) to protect the settled expectations of the parties; (2) to insure uniformity of decisions; (3) to maintain consistency during the course of a single case; (4) to effectuate the proper and streamlined administration of justice; and (5) to bring litigation to an end.

Commonwealth v. Chimel, 889 A.2d 501, 522 FN 16, (Pa. December 29, 2005), citations omitted.

In other words, the Courtright's may contend that we have no jurisdiction to rule on the Motion for Summary Judgment because Judge Lewis permitted the Courtright's to amend their Complaint. Further, a panel of this Court, including the undersigned, denied the Hourigan Firm's earlier Motion for Summary Judgment based on the Statute of Limitations.

We first note, that although Judge Lewis permitted the Courtright's to amend their Complaint, he did not specifically rule on the issue of Statute of Limitations. This is similar to the ruling of the Trial Court in *Aivazoglou*. In fact, the Hourigan Firm raised the issue of Statute of Limitations as New Matter in their Answer to the Amended Complaint. Therefore, this issue has yet to be ruled upon.

With regard to the panel of this Court that denied the Motion for Summary Judgment previously, since we were sitting on that judicial

Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.

panel, we see no reason why we cannot amend our prior ruling. Finally, we find that to permit the Courtright's to amend their Complaint would be clear error and would result in manifest injustice. As such, we find that the Coordinate Jurisdiction Doctrine is simply inapplicable in this matter.

The last issue that must be discussed is the Hourigan Firm's Motion for Summary Judgment based on Collateral Estoppel and Speculation. However, since we have already granted the Hourigan Firm's Motion for Summary Judgment based upon the Statute of Limitations, we find the other Motion is moot and we will not further burden the record by addressing it.

WHEREFORE, pursuant to our Order of even date herewith, we find that the Motion for Summary Judgment based upon the Statute of Limitations is GRANTED.

ISSUED AT HARRISBURG, this 11th day of April, 2007.

ORDER

AND NOW, to wit, this 11th day of April, 2007, pursuant to our Opinion of even date herewith, IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by the Defendant (Hourigan Firm) based upon the Statute of Limitations is GRANTED. IT IS FURTHER ORDERED that due to our granting of the said Defendant's aforementioned Motion for Summary Judgment, the Defendant's other Motion for Summary Judgment which was based upon Collateral Estoppel and Over-Speculativeness (sic), IS HEREBY DEEMED to be MOOT and is therefore DISMISSED.

—————o—————

FIRST PUBLICATION

Estate Notices

ESTATE OF LARRY D. MANBECK, late of Lower Paxton Township, Dauphin County, Pennsylvania (died April 14, 2007). Co-Executors: Jason Manbeck and Todd Manbeck. Attorney: Marielle F. Hazen, Esq., 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. m18-j1

ESTATE OF WALTER E. LEHMAN, late of West Hanover Township, Dauphin County, Pennsylvania. Co-Executors: Steven E. Lehman, 5815 Snell Drive, Harrisburg, PA 17109 and Nancy L. Lehman, 1521 Nittany Lane, Harrisburg, PA 17109. Attorney: John R. Beinhour, Esq., 3964 Lexington Street, Harrisburg, PA 17109. m18-j1

ESTATE OF GRETTA N. BYLER, late of Derry Township, Dauphin County, Pennsylvania. Executor: Darvin L. Byler, R.D. #1, Box 120-A, Hershey, PA 17033. Attorney: Gerald J. Brinser, Esq. m18-j1

ESTATE OF VICTORIA I. BRYAN, late of the City of Harrisburg, Dauphin County, Pennsylvania. Administrator CTA: Benjamin J. Butler, 500 North Third Street, P.O. Box 1004 Harrisburg, PA 17108. Attorneys: Butler Law Firm, 500 North Third Street, P.O. Box 1004 Harrisburg, PA 17108. m18-j1

ESTATE OF MARIE KLICK, late of Swatara Township, Dauphin County, Pennsylvania. Executrix: Carol Klauber, 4 Donald Street, Mechanicsburg, PA 17050. Attorney: James J. McCarthy, Jr., Esq., McCarthy Weisberg Cummings, P.C., 2041 Herr Street, Harrisburg, PA 17103. m18-j1

SECOND PUBLICATION

ESTATE OF ELSIE M. MINNICH, late of Susquehanna Township, Dauphin County, Pennsylvania (died March 27, 2007). Executor: Barry A. Minnich, 426 Ridge Road, Grantville, PA 17028. m11-m25

ESTATE OF PRAGNESH J. MODI, late of Lower Paxton Township, Dauphin County, Pennsylvania (died April 9, 2007). Co-Administrators: Jayanti Modi and Gita Modi, 1905 Colonial Road, Harrisburg, PA 17112. Attorney: Edward P. Seeber, Esq., Pecht & Associates, PC, 1205 Manor Drive, Suite 200, Mechanicsburg, PA 17055. Phone (717) 766-9431. m11-m25

ESTATE OF ERNEST E. BENFER, late of Harrisburg, Dauphin County, Pennsylvania (died February 27, 2007). Administratrix: Maybelle J. Snyder, 250 York Street, 2nd Floor, Hanover, PA 17331. Attorney: Samuel A. Gates, Esq., 250 York Street, Hanover, PA 17331. m11-m25

ESTATE OF JOHN A. FINNEGAN, JR., late of Mechanicsburg, Cumberland County, Pennsylvania (died November 29, 2006). Executrix: Ambrose Finnegan, 612 Comstock Avenue, Downingtown, PA 19331. Attorney: Lisa Comber Hall, Esq., Two West Market Street, Suite 403, West Chester, PA 19382-3006. m11-m25

ESTATE OF LAIRD R. SMITH, late of Dauphin County, Pennsylvania. Executor: Walter R. Smith, 134 High Road, Corning, NY 14830. Attorney: Carl G. Wass, Esq., Caldwell & Kearns, 3631 North Front Street, Harrisburg, PA 17110. Phone (717) 232-7661. m11-m25

ESTATE OF ROBERT J. OBENSTINE, SR., late of Middletown Borough, Dauphin County, Pennsylvania. Co-Executors: Kerry Ann Obenstine and Robert J. Obenstine, Jr. Attorney: Carolyn K. Hetrick, Esq., Byler, Goodley, Winkle & Hetrick, P.C., 363 West Roseville Road, Lancaster, PA 17601. m11-m25

SECOND PUBLICATION

Estate Notices

ESTATE OF RONALD P. LACEY, late of Lower Paxton Township, Dauphin County, Pennsylvania (died January 16, 2007). Executrix: Anna Mae Lacey. Attorney: David H. Radcliff, Esq., 20 Erford Road, Suite 200, Lemoyne, PA 17043. m11-m25

ESTATE OF LUCREATIA BAILEY, late of Harrisburg, Dauphin County, Pennsylvania (died August 17, 2002). Administrator: James Bailey, 424 Harris Street, Harrisburg, PA 17104. Attorney: Franics A. Zulli, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. m11-m25

ESTATE OF GLADYS B. WHITAKER, late of Upper Paxton Township, Dauphin County, Pennsylvania (died April 6, 2007). Executrix: Noralie J. Hoffman, 106-A North Elmer Avenue, Halifax, PA 17032. Attorney: Jeffrey A. Ernico, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110. Phone (717) 232-5000. m11-m25

ESTATE OF NANCY MAE LAWVER, late of Lower Paxton Township, Dauphin County, Pennsylvania. Administratrix: Sue A. Nale, 281 Pheasant Road, Grantville, PA 17028. Attorney: Craig A. Hatch, Esq., Gates, Halbruner & Hatch, P.C., 1013 Mumma Road, Suite 100, Lemoyne, PA 17043. m11-m25

ESTATE OF LILLIE MAE NEUHOFF, late of the City of Harrisburg, Dauphin County, Pennsylvania (died February 10, 2007). Executrix: Lillie M. Neuhoff, 130 S. Third Street, Apt. 814, Harrisburg, PA 17101. Attorney: Ann E. Rhoads, Esq., Cleckner and Fearen, 119 Locust Street, P.O. Box 11847, Harrisburg, PA 17108-1847. m11-m25

ESTATE OF THERESA M. EPPLEY, late of Susquehanna Township, Dauphin County, Pennsylvania (died March 31, 2007). Executor: C.A. Sinkovitz, 4225 Catalina Lane, Harrisburg, PA 17109. m11-m25

THIRD PUBLICATION

ESTATE OF ANN E. SCHMIDT, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Joseph Bernard Schmidt, Jr., 2109 Fishing Creek Valley Road, Harrisburg, PA 17112, (717) 566-5358. Attorney: Thomas E. Flower, Esq., Saidis, Flower & Lindsay, 2109 Market Street, Camp Hill, PA 17011. m4-m18

ESTATE OF HELEN I. FORTNEY, late of the City of Harrisburg, Dauphin County, Pennsylvania (died April 3, 2007). Executor: Robert T. Fortney. Attorney: Steven P. Miner, Esq., Daley Zucker Meilton Miner & Gingrich, LLC, 1035 Mumma Road, Suite 101, Harrisburg, PA 17043. m4-m18

ESTATE OF LILLIAN LEVITON, late of Harrisburg, Dauphin County, Pennsylvania. Co-Executrices: Susan Leviton Gorelick, 3417 North Fourth Street, Harrisburg, PA 17110 and Mindy Zana Elins, 11 Shady Lane Drive, Burlington, MA 01803. Attorney: Stuart S. Sacks, Esq., Smigel, Anderson & Sacks, LLP, 4431 North Front Street, Harrisburg, PA 17110. m4-m18

ESTATE OF HOWARD P. GABRIEL, late of Dauphin County, Pennsylvania. Administrator: Hershey Trust Company, 100 Mansion Road East, P.O. Box 445, Hershey, PA 17033-0445. Phone (717) 520-1144. m4-m18

ESTATE OF VIRGINIA H. STRAWSER, late of Lower Paxton Township, Dauphin County, Pennsylvania (died February 23, 2007). Executor: Richard A. Strawser, 4304 Meadow Crest Road, Harrisburg, PA 17112. Attorney: Jan L. Brown, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. m4-m18

THIRD PUBLICATION

Estate Notices

ESTATE OF EILEEN E. GERMANN, late of Derry Township, Dauphin County, Pennsylvania (died March 3, 2007). Executor: William C. Hollister, 21990 Longleaf Trail Drive, Bonita Springs, FL 34135. Attorney: John S. Davidson, Esq., 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. m4-m18

ESTATE OF RUDOLPH RHEN, late of Susquehanna Township, Dauphin County, Pennsylvania (died March 5, 2007). Executrix: Barbara Kretzing. Attorney: Marielle F. Hazen, Esq., 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. m4-m18

ESTATE OF GRACE A. SCHLEGEL, late of Upper Paxton Township, Dauphin County, Pennsylvania (died February 21, 2007). Executrix: Vera G. Schlegel. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Phone (717) 234-5600. m4-m18

ESTATE OF LENNA M. LOPATIC, late of Penbrook Borough, Dauphin County, Pennsylvania. Executor: Bryan K. Lopatic, 19 Evans Grove, Poquoson, VA 23662. Attorney: Bridget M. Whitley, Esq., Skarlatos & Zonarich LLP, 17 South Second Street, 6th Floor, Harrisburg, PA 17101. m4-m18

ESTATE OF PATRICIA R. SOURBEER, late of Susquehanna Township, Dauphin County, Pennsylvania. Co-Administrators, CTA: Anne S. Morris, Frank R. Sourbeer and Charles H. Sourbeer. Attorneys: Placey & Wright, Esq., 3631 North Front Street, Harrisburg, PA 17110. m4-m18

ESTATE OF ERMA LEE DRYER, late of Oberlin, Dauphin County, Pennsylvania (died February 1, 2007). Administrator: Junita Dryer, 1060 3rd Avenue, Oberlin, PA 17113. Attorney: Elizabeth Pettis, Esq., 213 Market Street, 8th Floor, Harrisburg, PA 17101. m4-m18

ESTATE OF PAUL W. ROGERS, late of the City of Harrisburg, Dauphin County, Pennsylvania (died April 15, 2007). Executor: James D. Cameron, 1325 North Front Street, Harrisburg, PA 17102. m4-m18

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, April 30, 2007 by **GLOBAL VEHICLES U.S.A. INCORPORATED** a foreign corporation formed under the laws of the State of NEVADA where its principal office is located at 1720 WINDWARD CONCOURSE, SUITE 400, ALPHARETTA, GEORGIA 30005 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 in Dauphin County. m18

NOTICE IS HEREBY GIVEN that **FORTNEY PRINTING, INC.** has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

BUTLER LAW FIRM
500 North Third Street
P.O. Box 1004
Harrisburg, PA 17108-1004
m18

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed April 13, 2007, with the Department of State of the Commonwealth of Pennsylvania for: **GALKO ENTERPRISES, LLC**.

The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

JOHN J. McNALLY, III, Esq.
Thomas, Thomas & Hafer, LLP
305 North Front Street
Harrisburg, PA 17101
m18

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Corporation Bureau of the Department of State of the Commonwealth of Pennsylvania for the purpose of incorporating a domestic business corporation.

1. The name of the corporation is **Triax, Inc**.
2. The Articles of Incorporation were filed on the 7th day of March, 2007, pursuant to the provisions of the Pennsylvania Business Corporation Law of 1988.

KEEFER, WOOD, ALLEN & RAHAL
210 Walnut Street
P.O. Box 11963
Harrisburg, PA 17108-1963
m18

NOTICE IS HEREBY GIVEN that a Certificate of Organization has been filed with the Department of State of the Commonwealth of Pennsylvania in Harrisburg, Pennsylvania, for **Louise F. Barto Appraisal Services, LLC**. The Certificate of Organization was filed on April 13, 2007. Said Limited Liability Company intends to be organized under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania of 1988. The initial registered office of the company is in care of Anthony J. Nestico, Esquire, 840 East Chocolate Avenue, Hershey, PA 17033, (717) 533-5406, Attorney for Louise F. Barto Appraisal Services, LLC. m18

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed April 12, 2007, with the Department of State of the Commonwealth of Pennsylvania for: **SINGLE POINT SOURCING, LLC**.

The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

JOHN J. McNALLY, III, Esq.
Thomas, Thomas & Hafer, LLP
305 North Front Street
Harrisburg, PA 17101
m18

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of the Commonwealth of Pennsylvania for **Haberstumpf Home Enhancements Inc.** on May 4, 2007 under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended. m18

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of the Commonwealth of Pennsylvania for **DHM SALES, INC.** on May 4, 2007 under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended. m18

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 **Chambless Partners, Inc.** on May 7, 2007. The address of its principal office under the laws of its jurisdiction is 5220 Wynterhall Ct., Dunwoody, GA 30338. The Commercial Registered Agent is listed as National Registered Agents, Inc. in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 4124(b). m18

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Enron Energy Services Operations, Inc.** with a Commercial Registered Office Provider 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 1221 Lamar Street, Suite 1600, Houston, TX 77010. This shall serve as official notice to creditors and taxing authorities. m18

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the Business Corporation Law of the Commonwealth of Pennsylvania, 1988, December 21, P.L. 1444, No. 177, and its amendments and supplements. The name of the corporation is: **Discovery Kids Childcare Center, Inc.**

HURSH & HURSH, P.C.
60 North Union Street
Middletown, PA 17057
m18

NOTICE IS HEREBY GIVEN that **PINNACLE HEALTH CUMBERLAND CONDOMINIUM ASSOCIATION** has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, as amended, 15 Pa. C.S.A. §§5101, et seq.

DAVID R. GETZ, Esq.
Wix, Wenger & Weidner
508 North Second Street
P.O. Box 845
Harrisburg, PA 17108-0845
m18 (717) 234-4182

NOTICE IS HEREBY GIVEN that **Enron Fuels International, Inc.** with a Commercial Registered Office Provider 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 1400 Smith Street, Houston, TX 77002. This shall serve as official notice to creditors and taxing authorities. m18

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 April 17, 2007, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **VELOCITY FINANCIAL GROUP, INC.,** c/o National Registered Agents Inc.

This corporation is incorporated under the laws of the State of Delaware. The principal office: 8501 W. Higgins Road, Suite 420, Chicago, IL 60631. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988 as amended. m18

NOTICE IS HEREBY GIVEN to all creditors and claimants that the Board of Directors of **YEARLY KOS, INC.,** a Pennsylvania nonprofit corporation ("Corporation"), has approved a resolution that Corporation dissolve voluntarily and that the Board of Directors and/or Officers of Corporation immediately engage in winding up and settling the affairs of Corporation under the provisions of Section 5975 of the Pennsylvania Nonprofit Corporation Law of 1988, as amended, so that its corporate existence shall be ended upon the filing of the Articles of Dissolution with the Department of State of the Commonwealth of Pennsylvania.

ROSENN, JENKINS & GREENWALD, L.L.P.
15 South Franklin Street
m18 Wilkes-Barre, PA 18711-0075

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Enron Communications Leasing Corp.** with a Commercial Registered Office Provider 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 1221 Lamar Street, Suite 1600, Houston, TX 77010. This shall serve as official notice to creditors and taxing authorities. m18

NOTICE IS HEREBY GIVEN that **ECT Securities GP Corp.** with a Commercial Registered Office Provider 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 P.O. Box 1188, Houston, TX 77251-1188. This shall serve as official notice to creditors and taxing authorities. m18

NOTICE IS HEREBY GIVEN that **Enron Gas Liquids, Inc.** with a Commercial Registered Office Provider 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 1400 Smith Street, Houston, TX 77002. This shall serve as official notice to creditors and taxing authorities. m18

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **GOLDFRACTION, INC.**, a corporation, organized under the Pennsylvania Business Corporation Law of 1988. m18

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on April 12, 2007, for the purpose of obtaining a Certificate of Incorporation of a business corporation under the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177. The name of the corporation is **Berd Homes, Inc.**

ROBERT A. HOPSTETTER, Esq.
Feeman, Mesics & Hopstetter
247 South Eighth Street
Lebanon, PA 17042
m18

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on May 9, 2007, by **PERIMETERS, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 310 Barn Hill Road, West Chester, PA 19382, 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 Corporation Service Company, Dauphin County, Pennsylvania. m18

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **WHG & ASSOCIATES, INC.**, a corporation, organized under the Pennsylvania Business Corporation Law of 1988. m18

NOTICE IS HEREBY GIVEN that **NextStudent, Inc.**, a foreign business corporation incorporated under of the laws of the State of Arizona, where its principal office is located at 19601 North Black Canyon Highway, Phoenix, AZ 85027, has applied for a Certificate of Authority in PA, where its registered office is located at 600 North Second Street, Harrisburg, PA 17101, c/o 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. m18

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 May 4, 2007, by **PROFESSIONAL TELECONCEPTS, INC.**, a foreign corporation formed under the laws of the State of New York, where its principal office is located at Route 12 South, Norwich, NY 13815, 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 Corporation Service Company, Dauphin County, Pennsylvania. m18

NOTICE IS HEREBY GIVEN that **TOSCO POWER, 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. m18

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on May 7, 2007, by **CFI SALES & MARKETING, INC.**, a foreign corporation formed under the laws of the State of Florida, where its principal office is located at 5601 Windhover Drive, Orlando, FL 32819, 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 Corporation Service Company, Dauphin County, Pennsylvania. m18

NOTICE IS HEREBY GIVEN that **AVECIA IPC 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. m18

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on May 4, 2007, by **QUANTA UNDERGROUND SERVICES, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 19705 W. Lincoln Avenue, New Berlin, WI 53146, 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, Dauphin County, Pennsylvania. m18

NOTICE IS HEREBY GIVEN that **MARRIOTT DISTRIBUTION SERVICES, 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. m18

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on May 4, 2007, by **AUTO-BACS STRAUSS INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at Division Of Corporations, John G. Townsend Bldg., 401 Federal Street, Suite 4, Dover, DE 19901, 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 Corporation Service Company, Dauphin County, Pennsylvania. m18

FIRST PUBLICATION

Fictitious Notices

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, 54 Pa. C.S. §301, et seq., and its amendments and supplements, of filing with the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on the 25th day of April, 2007, an application for conducting business under the assumed or fictitious name of **Albert's Soup and Sandwich Company** with its principal place of business located at 258 Market Street, Millersburg, Pennsylvania, Dauphin County, Pennsylvania 17061.

The names and addresses of all persons owning or interested in said business are: Engine Transmission Whse., Inc., 2857 Peters Mountain Road, Halifax, PA 17032.

JOSEPH D. KERWIN, Esq.
Kerwin & Kerwin
4245 Route 209
Elizabethville, PA 17023
(717) 362-3215

m18

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, 54 Pa. C.S. §301, et seq., and its amendments and supplements, of filing with the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on the 25th day of April, 2007, an application for conducting business under the assumed or fictitious name of **Hav U Herd Barbeque** with its principal place of business located at 2859 Peters Mountain Road, Halifax, Pennsylvania, Dauphin County, PA 17032.

The names and addresses of all persons owning or interested in said business are: Engine Transmission Whse., Inc., 2857 Peters Mountain Road, Halifax, PA 17032.

JOSEPH D. KERWIN, Esq.
Kerwin & Kerwin
4245 Route 209
Elizabethville, PA 17023
(717) 362-3215

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FIRST PUBLICATION

Miscellaneous Notices

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL ACTION – LAW
CIVIL DIVISION

No. 2007-CV-00926-MF

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

CITIMORTGAGE, INC., Plaintiff

vs.

JOSEPH V. MINNICI and
ROSANNE C. MINNICI a/k/a
ROSANNE M. MINNICI, Defendants

NOTICE

TO: JOSEPH V. MINNICI and
ROSANNE C. MINNICI
a/k/a ROSANNE M. MINNICI

YOU ARE HEREBY NOTIFIED that on JANUARY 31, 2007, Plaintiff, CITIMORTGAGE, INC., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2007-CV-00926-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 896 SUNRISE CIRCLE, HARRISBURG, PA 17111 whereupon your property would be sold by the Sheriff of Dauphin County.

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

NOTICE

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.

FIRST PUBLICATION

Miscellaneous Notices

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

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

ORPHANS' COURT DIVISION

No. 22-ADOPT-2007

**IN RE: ADOPTION OF
HARLIE GRACEN HAVERSTEIN,
MINOR CHILD**

NOTICE

TO: CHRISTOPHER A. HOCH

YOU ARE HEREBY NOTIFIED that you have been named as a respondent in a proceeding to involuntarily terminate your parental rights with respect to Harlie Gracen Haverstein, which action was instituted by Petitioner, Julie L. Haverstein, against you in the Orphans' Court Division of the Court of Common Pleas of Dauphin County, Pennsylvania.

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 Petitioner. You may lose money 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 THE 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

m18

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

No. 2007-CV-02444-QT

**CENTRAL PENN PROPERTY
SERVICES, INC.
100 S. 7th Street
Akron, PA 17501, Plaintiff**

vs.

**KAY E. MICOLA VON FURSTENRECHT
and ROBERT D. HOFFMAN,
KAREN M. HUSS,
CRAIG E. HOFFMAN,
JANE E. HOFFMAN,
RUTH A. HARRIGAN,
ROSE M. GARRISON, Any and All
Unknown Heirs or Administrators of
MARIE E. HOFFMAN and
NORTHSTAR CAPITAL ACQUISITIONS,
Defendants**

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING NOTICE, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED

FIRST PUBLICATION

Miscellaneous Notices

AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR 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

NOTICIA

LE HAN DEMANDADO A USTED EN LA CORTE. SI USTED QUIERE DEFENDERSE DE ESTAS DEMANDAS EXPUESTAS EN LAS PAGINAS SIGUIENTES, USTED TIENE VIENTE (20) DIAS DE PLAZO AL PARTIR DE LA FECHA DE LA DEMANDA Y LA NOTIFICACION. USTED DEBE PRESENTAR UNA APARIENCIA ESCRITA O EN PERSONA O POR ABOGADO Y ARCHIVAR EN LA CORTE EN FORMA ESCRITA SUS DEFENSAS O SUS OBJECIONES A LAS DEMANDAS ENCONTRA DE SU PERSONA. SEA AVISADO QUE SI USTED NO SE DEFIENDE, LA CORTE TOMARA MEDIDAS Y PUEDE ENTRAR UNA ORDEN CONTRA USTED SIN PREVIO AVISO O NOTIFICACION Y POR CUALQUIER QUEJA O ALIVIO QUE ESPERADO EN LA PETICION DE DEMANDA. LISTED PUEDE PERDER DINERO OSUS PROPIEDADES O OTROS DERECHOS IMPORTANTES PARA USTED.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

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

m18

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

ORPHANS' COURT DIVISION

No. 6565-2006

**IN RE:
THE ADOPTION OF
ASHLEY NICCOLE
KOCHENOUR, A MINOR**

NOTICE

NOTICE IS HEREBY GIVEN that a Petition has been filed asking the Court to put an end to all rights you have to the child, Ashley Niccole Kochenour (the "Minor Child"). The Court has set a hearing to consider ending your rights to the Minor Child. That hearing will be held on June 26, 2007, at 1:30 p.m., in the Dauphin County Courthouse, Courtroom No. 5, Harrisburg, Pennsylvania. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without you being present. You have a right to be represented at the hearing by a lawyer.

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 THE 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

m18

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

CIVIL ACTION – LAW

No. 3709 CV 2007

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**HOUSEHOLD FINANCE CONSUMER
DISCOUNT COMPANY, Plaintiff**

vs.

**ARLEEN Y. JACKSON, Known Surviving
Heir of FREDERICK H. JACKSON,
Deceased Mortgagor and Real Owner and
NICHELLE L. JACKSON, Known Surviving
Heir of FREDERICK H. JACKSON,
Deceased Mortgagor and Real Owner and
FREDERICK H. JACKSON, JR.,
Known Surviving Heir of
FREDERICK H. JACKSON, Deceased
Mortgagor and Real Owner and
KEVIN R. JACKSON, Known Surviving
Heir of FREDERICK H. JACKSON,
Deceased Mortgagor and Real Owner and
Unknown Surviving Heirs of
FREDERICK H. JACKSON, Deceased
Mortgagor and Real Owner, Defendants**

**TO: Unknown Heirs of
Frederick H. Jackson, Deceased
Mortgagor and Real Owner**

**PREMISES SUBJECT
TO FORECLOSURE
1612 REGINA STREET
HARRISBURG, PA 17103**

NOTICE

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.

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

TERRENCE J. McCABE, Esq.
McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 2080
Philadelphia, PA 19109
(215) 790-1010

m18

NOTICE

TO: Claudette Johnson

NOTICE IS HEREBY GIVEN that on 03/13/07, a Writ of Execution was issued by Wachovia Bank, N.A. against you (in the amount of \$103,649.54, with interest continuing from 09/08/04 at the per diem of \$10.96 until the date of sale plus costs of suit), filed at Dauphin C.C.P. No. 2004-CV-4209-MF, for sale of the mortgaged premises located at 1912 Holly Street, Harrisburg, PA. The sheriff sale is scheduled for 07/12/07 at 10:00 a.m. in the Dauphin County Administration Building, Second and Market Streets, Commissioner's Hearing Room, 4th Floor, Harrisburg, PA 17101.

ANTHONY R. DISTASIO, Esq.
Linton, Distasio, Adams & Edward, P.C.
m18 (610) 374-7320

FIRST PUBLICATION

Miscellaneous Notices

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

CIVIL ACTION – LAW

No. 2006-CV-404-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**WELLS FARGO BANK, N.A., As Trustee
One Old Country Road, Suite 200
Carle Place, NY 11514, Plaintiff
vs.**

ERIKA M. RIVERA, Defendant

**NOTICE OF SALE
OF REAL PROPERTY**

**TO: Erika M. Rivera
1940 Bellevue Road
Harrisburg, PA 17104
and
3312 Paxton Street, #C8
Harrisburg, PA 17111
and
342 Shady Oak Loop
Davenport, FL 33896**

YOU ARE HEREBY NOTIFIED that your house (real estate) at 1940 Bellevue Road, Harrisburg, PA 17104 is scheduled to be sold at the Sheriff's Sale on July 12, 2007 at 10:00 a.m. in the Dauphin County Administration Building, 4th Floor, Second and Market Streets, Commissioners Hearing Room, Harrisburg, PA 17101, to enforce the court judgment of \$69,395.80, obtained by Plaintiff above (the mortgagee) against you. If the sale is postponed, the property will be relisted for the Next Available Sale.

PROPERTY DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE NINTH WARD OF THE CITY OF HARRISBURG, COUNTY OF DAUPHIN AND COMMONWEALTH OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING ON THE NORTHERN LINE OF BELLEVUE ROAD, THREE HUNDRED FIFTY-SEVEN FEET AND FOUR INCHES EAST OF NINETEENTH STREET AT LINE OF PROPERTY No. 1938 BELLEVUE ROAD; THENCE NORTHWARDLY ALONG SAID LINE THROUGH THE CENTER OF THE PARTITION WALL, ONE HUNDRED FEET TO AUSTIN STREET; THENCE EASTWARDLY ALONG AUSTIN STREET, SIXTEEN FEET NINE INCHES TO LINE OF PROPERTY NO. 1942 BELLEVUE ROAD; THENCE SOUTHWARDLY ALONG SAID LINE, ONE HUNDRED FEET TO BELLEVUE ROAD; THENCE WESTWARDLY ALONG BELLEVUE ROAD, SIXTEEN FEET NINE INCHES TO THE PLACE OF BEGINNING.

UNDER AND SUBJECT TO RESTRICTIONS AND CONDITIONS AS NOW APPEAR OF RECORD.

BRING KNOWN AS: 1940 Bellevue Road, Harrisburg, PA 17104.

PROPERTY ID No. 09-082-051.

TITLE TO SAID PREMISES IS VESTED IN ERIKA M. RIVERA, A SINGLE WOMAN BY DEED FROM ANDREW E. REDMOND, AND JENNIFER L. REDMOND, HUSBAND AND WIFE DATED 7/8/04 RECORDED 7/23/04 IN DEED BOOK 5603 PAGE 282.

HAVING THEREON ERECTED A DWELLING HOUSE.

MARK J. UDREN, Esq.

Mark J. Udren & Associates
Woodcrest Corporate Center
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003-3620

(856) 669-5400

m18

FIRST PUBLICATION

Miscellaneous Notices

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

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on April 2, 2007, the Petition of **Connor Alexander Mavull** was filed in the above named court, requesting a decree to change his name from **Connor Alexander Mavull** to **Connor Alexander Hoy**.

The Court has fixed May 31, 2007 in Courtroom No. 8 at 1:30 p.m., Dauphin County Courthouse, Front and Market Streets, Harrisburg, PA as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted.

Christopher W. Hoy, Father
265 Fox Run, Exton, PA 19341
m18 (610) 716-9367

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

**CIVIL ACTION – LAW
CIVIL DIVISION**

No. 2007-CV-1255-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**PHH MORTGAGE CORPORATION, f/k/a
CENDANT MORTGAGE CORPORATION,
Plaintiff**

vs.

**BRYON K. FRYER
a/k/a BRYON K. FRYER, SR., Defendant**

NOTICE

**TO: BRYON K. FRYER
a/k/a BRYON K. FRYER, SR.**

YOU ARE HEREBY NOTIFIED that on FEBRUARY 9, 2007, Plaintiff, PHH MORTGAGE CORPORATION, f/k/a CENDANT MORTGAGE CORPORATION, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Dauphin County Pennsylvania, docketed to No. 2007-CV-1255-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 1124 WESTMINSTER AVENUE, HARRISBURG, PA 17109 whereupon your property would be sold by the Sheriff of Dauphin County.

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

NOTICE

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.

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

m18

FIRST PUBLICATION

Miscellaneous Notices

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

**CIVIL ACTION – LAW
CIVIL DIVISION**

No. 2007-CV-1950-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**JPMORGAN CHASE BANK, N.A., Plaintiff
vs.**

**MARIAN M. RICHARDSON and
GEORGE M. RICHARDSON, Defendants**

NOTICE

**TO: MARIAN M. RICHARDSON and
GEORGE M. RICHARDSON**

YOU ARE HEREBY NOTIFIED that on FEBRUARY 28, 2007, Plaintiff, JPMORGAN CHASE BANK, N.A., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Dauphin County Pennsylvania, docketed to No. 2007-CV-1950-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 311 REILY STREET, HARRISBURG, PA 17102, whereupon your property would be sold by the Sheriff of Dauphin County.

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

NOTICE

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.

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

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

**CIVIL ACTION – LAW
CIVIL DIVISION**

No. 2007-CV-01538-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**THE BANK OF NEW YORK AS
SUCCESSOR TO JPMORGAN
CHASE BANK, NATIONAL
ASSOCIATION, AS TRUSTEE FOR
THE C-BASS MORTGAGE LOAN
ASSET BACKED CERTIFICATES,
SERIES 2006-RP 1, Plaintiff**

vs.

**SARA BROOKS
a/k/a SARA K. BROOKS, Defendant**

NOTICE

**TO: SARA BROOKS
a/k/a SARA K. BROOKS**

YOU ARE HEREBY NOTIFIED that on FEBRUARY 14, 2007, Plaintiff, THE BANK OF NEW YORK AS SUCCESSOR TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE C-BASS MORTGAGE LOAN ASSET BACKED CERTIFICATES, SERIES 2006-RP 1, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Dauphin County Pennsylvania,

FIRST PUBLICATION

Miscellaneous Notices

docketed to No. 2007-CV-01538-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 74 NORTH 18TH STREET, HARRISBURG, PA 17103, whereupon your property would be sold by the Sheriff of Dauphin County.

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

NOTICE

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.

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

m18

NOTICE OF AUDIT

**TO LEGATEES, NEXT OF KIN,
CREDITORS AND ALL
OTHER PERSONS CONCERNED**

NOTICE IS HEREBY GIVEN that the following accounts have been filed by the respective accountants in the Office of the Register of Wills or with the Clerk of the Orphans' Court Division of the Common Pleas of Dauphin County, as the case may be, and that the same shall be duly presented to the said Orphans' Court Division at the Office of the Court Administrator for Audit, Confirmation and Distribution of the said ascertained balances to and among those legally entitled there to *on Tuesday, June 19, 2007*. Pursuant to Dauphin County Orphans' Court Rule 6.10.1, objections to an account must be filed in writing with the Register or Clerk *no later than the close of business on Tuesday, June 12, 2007*.

1. DEAN, III, RICHARD NOAH, a minor, First and Final Account of Pennsylvania Trust Company, Guardian.
2. FIRESTONE, JEROME, Deceased, First and Final Account of Justin J. McShane, Executor.
3. LINDEMUTH, MARY JANE, Incapacitated, now Deceased, First and Final Account of Keystone Guardianship Services, Guardian of the Estate.

Dated: May 11, 2007

/s/ SANDRA C. SNYDER
Register of Wills and

m18-m25 Clerk of the Orphans' Court Division

THIRD PUBLICATION

SHERIFF SALE!

By virtue of certain writs of Execution issued out of the Court of Common Pleas and Orphans' Court of Dauphin County, Pa., and to me directed, I will expose at Public Sale or Outcry, at the Dauphin County Courthouse in the City of Harrisburg, Dauphin County, Pa., on Thursday, May 31, 2007 at 10:00 A.M. the following real estate to wit:

**No. 91 CONTINUED
PINA S. WERTZBERGER, Esq.
Judgment Amount: 19,983.70**

ALL THAT CERTAIN lot or piece of ground situate in the 15th Ward of the City of Harrisburg, County of Dauphin, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

THIRD PUBLICATION

Miscellaneous Notices

BEGINNING on Briggs Street at the Western line of Lot No. 137 on the plan of lots laid out by David Mumma for Caroline R. Haldeman in Susquehanna Township; thence eastwardly along Briggs Street, 20 feet to a point at the line of Lot No. 139; thence along said line southwardly 110 feet to a 16 feet wide alley; thence eastwardly along said alley 20 feet to The line of Lot No. 137 aforesaid; thence northwardly along said line, 110 feet to the place of BEGINNING.

BEING lot No. 138 on the plan of lots aforesaid and having thereon erected a two and one-half story brick dwelling house.

PROPERTY ADDRESS: 1931 Briggs Street, Harrisburg, PA 17103.

SEIZED AND SOLD as the property of Tracey Finley, Known Surviving Heir of Leola Steele, Deceased Mortgagor and Real Owner, Victor Steele, Known Surviving Heir of Leola Steele, Deceased Mortgagor and Real Owner, Alexandria Sizer, Known Surviving Heir of Leola Steele, Deceased Mortgagor and Real Owner, Alexander Steele, Jr., Known Surviving Heir of Leola Steele, Deceased Mortgagor and Real Owner, and Unknown heirs, successors, assigns, and all persons, firms, or associations claiming right, title or interest from or under Leola Steele, Deceased Mortgagor and Real Owner under Judgment Number 2005 CV 581.

BEING DESIGNATED AS TAX PARCEL No. 15-009-019.

NOTICE is further given to all parties in interest and claimants. Schedule of proposed distributions will be filed by the Sheriff of Dauphin County, on Monday, July 2, 2007 and distributions will be made in accordance with the said schedule unless exceptions are filed thereto within ten (10) days thereafter.

CONDITIONS OF SALE

**The Highest and Best Bidder
Shall Be The Buyer**

TERMS - The purchaser will be required to pay the full amount of his bid by TWO O'CLOCK P.M. on the day of sale, and if complied with, a deed will be tendered by the Sheriff at the next Court of Common Pleas for Dauphin County, conveying to the purchaser all the right, title, interest and claim which the said defendant has in and to the said property at the time of levying the same. ALTHOUGH NOT PART OF THE MINIMUM BID, PROPERTY SOLD FOR THE MINIMUM BID DOES NOT DISCHARGE DELINQUENT AND/OR OUTSTANDING TAXES AND THE PURCHASER WILL BE RESPONSIBLE FOR SAME. If the above conditions be not complied with on the part of the Purchaser, the property will again be offered for sale by the Sheriff at THREE O'CLOCK P.M., on the same day. The said purchaser will be held liable for the deficiencies and additional cost of said sale.

J. R. LOTWICK
Sheriff of Dauphin County

May 1, 2007

m4-m18

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.

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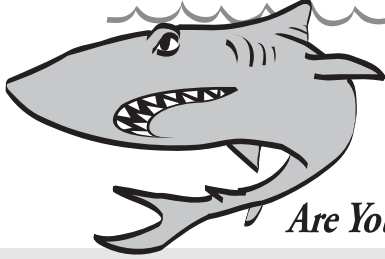
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CUMULATIVE TABLE OF CASES

Acumix, Inc. v. Bulk Conveyor Specialists, Inc.	333
AFSCME District Council 90, Local 521 v. City of Harrisburg, et al.	310
BARC Properties, et al., Foley v.	344
Blockson, Yoder v.	296
Bordner, Lawrence v.	17
Board of Control of the Harrisburg School District, et al. v. Wilson, et al.	210
Board of School Directors of the Harrisburg School District, et al., Control Board of the Harrisburg School District, et al. v.	134
Bulk Conveyor Specialists, Inc., Acumix, Inc. v.	333
Chapman-Rollé v. Rollé	198
CitiFinancial Services, Inc. v. Loper	261
City of Harrisburg, et al., AFSCME District Council 90, Local 521 v.	310
Columbia Casualty Company v. Coregis Insurance Company, City of Harrisburg	1
Commonwealth v. Eckenrode	188
Commonwealth v. Floyd	339
Commonwealth v. McClucas	180
Commonwealth v. Miller	155
Commonwealth v. Stevenson	74
Connelly, et al., Rohrer v.	7
Control Board of the Harrisburg School District, et al. v. Board of School Directors of the Harrisburg School District, et al.	134

Cumulative Table of Cases

Coregis Insurance Company, City of Harrisburg, Columbia Casualty Company v.	1
Des-Ogugua v. For Sale By Owner Real Estate, Inc., et al.	14
Duke v. Hershey Medical Center	175
Eastern Atlantic Insurance Company v. Swiss Reinsurance America Corporation	161
Eckenrode, Commonwealth v.	188
Erie Insurance Group v. Turner	298
Floyd, Commonwealth v.	339
Foley v. BARC Properties, et al.	344
For Sale By Owner Real Estate, Inc., et al., Des-Ogugua v.	14
Fromm v. Hershey Medical Center, et al.	35
Gemini Equipment Company, Wachovia Bank, N.A. v.	271
Hawn, et al., Snyder v.	232
Hershey Medical Center, Duke v.	175
Hershey Medical Center, et al., Fromm v.	35
Hourigan, Kluger, Spohrer & Quinn, P.C., Opel, et al. v.	348
Hughes v. Hughes	291
Hughes, Hughes v.	291
In re: Taylor A.S., Minor Child	329
Jacob v. Shultz-Jacob	253
Lawrence v. Bordner	17
Letteer v. Michalak	45
Loper, CitiFinancial Services, Inc. v.	261

Cumulative Table of Cases

McAfee v. Pinnacle Health Systems	324
McClucas, Commonwealth v.	180
Michalak, Letteer v.	45
Middletown Area School District, Susquehanna Area Regional Airport Authority v.	85
Miller, Commonwealth v.	155
Morder v. Professional Aerials, Inc.	50
Opel, et al. v. Hourigan, Kluger, Spohrer & Quinn, P.C.	348
PennDOT, Santiago v.	286
Pennsylvania Financial Responsibility Assigned Claims Plan, Prowell v.	245
Peterson v. State Farm Fire & Casualty Company, et al.	128
Peterson v. State Farm Fire & Casualty Company, et al.	208
Pinnacle Health Systems, McAfee v.	324
Professional Aerials, Inc., Morder v.	50
Prowell v. Pennsylvania Financial Responsibility Assigned Claims Plan	245
Ramer v. Ramer	21
Ramer, Ramer v.	21
Rohrer v. Connelly, et al.	7
Rollé, Chapman-Rollé v.	198
Santiago v. PennDOT	286
Shultz-Jacob, Jacob v.	253
Snyder v. Hawn, et al.	232
State Farm Fire & Casualty Company, et al., Peterson v.	128
State Farm Fire & Casualty Company, et al., Peterson v.	208
Stevenson, Commonwealth v.	74

Cumulative Table of Cases

Susquehanna Area Regional Airport Authority v.
 Middletown Area School District 85

Swiss Reinsurance America Corporation,
 Eastern Atlantic Insurance Company v. 161

Turner, Erie Insurance Group v. 298

Wachovia Bank, N.A. v. Gemini Equipment Company 271

Wilson, et al., Board of Control of the Harrisburg
 School District, et al. v. 210

Yoder v. Blockson 296

Yodfat v. Yodfat 300

Yodfat, Yodfat v. 300

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DAUPHIN COUNTY COURT SECTION

Motion Judge of the Month

MAY 2007
JUNE 2007

Judge Joseph H. KLEINFELTER
Judge Todd A. HOOVER

Opinions Not Yet Reported

BAR ASSOCIATION PAGE – Continued

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