

ADVANCE SHEET

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THE
Dauphin County Reporter

(USPS 810-200)

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

No. 5881, Vol. 125

August 31, 2012

No. 16

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

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41 Years in Harrisburg

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

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

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

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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 J. HENRY TROUP, JR., late of the City of Harrisburg, Dauphin County, Pennsylvania. Personal Representative: J. Bart DeLone. Attorney: Samuel L. Andes, Esq., P.O. Box 168, Lemoyne, PA 17043.

a31-s14

ESTATE OF PHILIP I. EDGAR, late of Susquehanna Township, Dauphin County, Pennsylvania (died May 12, 2012). Executor: Kenneth Edgar, 322 Belaire Drive, Shiremanstown, PA 17011. Attorney: Elizabeth H. Feather, Esq., Caldwell & Kearns, P.C., 3631 North Front Street, Harrisburg, PA 17110. Telephone (717) 232-7661. a31-s14

ESTATE OF BARRY E. MUNDY, late of Swatara Township, Dauphin County, Pennsylvania (died July 31, 2012). Executor: Robert L. Kegriss, Ex. c/o George W. Porter, Esq., 909 East Chocolate Avenue, Hershey, PA 17033. Attorney: George W. Porter, Esq., 909 East Chocolate Avenue, Hershey, PA 17033. a31-s14

ESTATE OF ROBERT S. VASTINE, JR., late of Middletown, Dauphin County, Pennsylvania (died March 29, 2012). Personal Representative: Patricia Anne Vastine, 410 Frey Avenue, Middletown, PA 17057. Attorney: Charles J. Hartwell, Esq., Dethlefs-Pykosh Law Group, LLC, 2132 Market Street, Camp Hill, PA 17111. a31-s14

ESTATE OF ORVILLE STAUDT, late of Lower Paxton Township, Dauphin County, Pennsylvania (died July 30, 2012). Co-Executors: Suzanne Staudt Grissinger, 1100 Pennsylvania Avenue, Harrisburg, PA 17112 and Joseph Staudt, 6006 Jonestown Road, Harrisburg, PA 17112. Attorney: Shelly J. Kunkel, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. a31-s14

ESTATE OF SUSIE P. MYERS, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Dennis R. Myers, 1252 Route 25, Millersburg, PA 17061. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. a31-s14

FIRST PUBLICATION

Estate Notices

ESTATE OF ROBERT F. CAMPBELL, late of Dauphin County, Pennsylvania (died May 12, 2012). Co-Executrices: Tammy L. Zimmerman, 500 Lesentier Lane, Harrisburg, PA 17112 and Diane Lebo, 322 Rosewood Lane, Enola, PA 17025. Attorney: Steven J. Schiffman, Esq., Serratelli, Schiffman & Brown, P.C., 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110. a31-s14

ESTATE OF JEAN LEEDY, late of Lower Swatara Township, Dauphin County, Pennsylvania. Administrator: Leedy Trust, Bonita Jean Young, Trustee, c/o Mark E. Halbruner, Esq., Gates, Halbruner, Hatch & Guise, P.C., 1013 Mumma Road, Suite 100, Lemoyne, PA 17043. Attorney: Mark E. Halbruner, Esq., Gates, Halbruner, Hatch & Guise, P.C., 1013 Mumma Road, Suite 100, Lemoyne, PA 17043. a31-s14

ESTATE OF NORMAN G. KAPKO, late of Lower Paxton Township, Dauphin County, Pennsylvania. Administrator: The Kapko Trust, Janie L. Blasko, Successor Trustee, c/o Craig A. Hatch, Esq., Gates, Halbruner, Hatch & Guise, P.C., 1013 Mumma Road, Suite 100, Lemoyne, PA 17043. Attorney: Craig A. Hatch, Esq., Gates, Halbruner, Hatch & Guise, P.C., 1013 Mumma Road, Suite 100, Lemoyne, PA 17043. a31-s14

SECOND PUBLICATION

ESTATE OF MAX A. LAUFFER, late of Londonderry Township, Dauphin County, Pennsylvania (died August 8, 2012). Attorney: John S. Davidson, Esq., 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. a24-s7

ESTATE OF ELSIE M. KOPPENHAVER, late of the Township of Jackson, Dauphin County, Pennsylvania (died August 1, 2012). Executrix: Ruth Schwalm, 770 Millers Church Road, Halifax, PA 17032. Attorney: Terrence J. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtville, PA 17023. a24-s7

ESTATE OF ROSITA E. HOUSE a/k/a ROSITA E. BRADLEY, late of the City of Harrisburg, Dauphin County, Pennsylvania (died December 29, 2011). Executor: Anthony D. House, 4115 Fawn Drive, Apt. K, Harrisburg, PA 17112. Attorney: Heather Z. Kelly, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110. Telephone (717) 232-5000. a24-s7

ESTATE OF VIOLET B. RUMMEL, late of the Borough of Millersburg, Dauphin County, Pennsylvania (died July 23, 2012). Co-Executors: Carol A. Witmer, 31 Snyder Road, Halifax, PA 17032 and Robert L. Rummel, 1337 Tourist Park Road, Halifax, PA 17032. Attorney: Terrence J. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtville, PA 17023. a24-s7

ESTATE OF WOODROW W. REICHERT, late of the Township of Susquehanna, Dauphin County, Pennsylvania. Administrator C.T.A.: Diane Leiby, c/o Scott E. Albert, Esq., 50 East Main Street, Mount Joy, PA 17552. Attorney: Scott E. Albert, Esq., 50 East Main Street, Mount Joy, PA 17552. a24-s7

ESTATE OF JEFFREY L. MAYON, late of Dauphin County, Pennsylvania (died March 3, 2012). Executor: Richard Leitner. Attorney: Michael Cherewka, Esq., 624 North Front Street, Wormleysburg, PA 17043. a24-s7

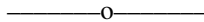
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Father argues that I committed an error of law or abused my discretion by finding that Mother had no motive other than her education in deciding to move to Arkansas because she did not apply to any graduate programs in Pennsylvania. I found both Mother and Dr. Sims' testimony to be credible that UALR's three-year versus four-year doctoral program combined with their very lucrative package - covering full tuition, stipend and health insurance - could not be duplicated by other schools, particularly where Mother's acceptance into the UALR program was partially based upon her legacy status and Dr. Sims' contacts with that school. *Commonwealth v. Carson*, 741 A.2d 686, 693 (Pa. 1999) (witness credibility is an issue reserved solely to the fact finder).

4. FAILING TO AWARD FATHER ADDITIONAL PERIODS
OF PARTIAL CUSTODY

Father's final issue on appeal is that it was error to have failed to award him additional periods of partial custody. This court has outlined Father's periods of partial physical custody. It is unclear to this Court what additional periods Father seeks. In any event, this Court believes the custody schedule devised adequately provides Father with sufficient physical custody and continuity of physical contact, in addition to long-distance contact via Skype or similar technology.

Accordingly, I issued my custody order June 7, 2012, permitting Mother to relocate to Arkansas while maintaining primary physical custody of EP.



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Torts — Negligence — Jurisdiction — Negligence *Per Se* — Corporate Negligence — Punitive Damages.

Defendants (a personal care home and a skilled nursing facility) filed a motion for summary judgment in a case alleging neglect and abuse rendered to a resident.

1. Summary judgment may be granted only when the record clearly shows that no genuine issues of material fact exist and that the moving party is entitled to judgment as a matter of law. *Reliance Ins. Co. v. IRPC, Inc.*, 904 A.2d 912, 914 (Pa. Super 2006). In determining whether to grant summary judgment, the trial court must view the record in the light most favorable to the non-moving party and must resolve all doubts as to the existence of a genuine issue of material fact against the moving party. *Id.* at 914-15.

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2. The Department of Health has exclusive jurisdiction to determine whether healthcare providers have complied with the Health Care Facilities Act. 35 P.S. § 448.201. However, allegations of negligence that merely refer to violations of state and federal regulations governing nursing homes, but not alleged as independent causes of action under the HCFA, are within the subject matter jurisdiction of the courts of common pleas.

3. A negligence *per se* claim under Pennsylvania's Neglect of Care-Dependent Person Statute, 18 Pa.C.S.A. § 2713, does not create an independent basis of tort liability, but rather establishes, by reference to a statutory scheme, the standard of care appropriate to the underlying tort. *Cabiroy v. Scipione*, 767 A.2d 1078, 1082 (Pa. Super. 2001). A plaintiff asserting negligence *per se* may rely upon a statute to establish a standard of care where: (1) the purpose of the statute is at least in part, to protect the interest of a group of individuals, as opposed to the public generally; (2) the statute clearly applies to the conduct of the defendant; (3) the defendant violated the statute; and (4) the violation was the proximate cause of the plaintiff's injuries. *Wagner v. Anzon, Inc.*, 684 A2d 570, 574 (Pa. Super. 1996).

4. In order to prevail on a corporate negligence claim, plaintiff need only produce evidence that defendants had "actual or constructive knowledge of the defect or procedures that created the harm" and that its negligence was a "substantial factor in bringing about the harm." *Thompson v. Nason Hosp.*, 591 A2d 703, 708 (Pa. 1991)

5. The fact finder is permitted to award punitive damages when the plaintiff has established that the defendant "acted in an outrageous fashion" due to either an evil motive or in "reckless indifference to the rights of others." *Phillips v. Cricket Lighters*, 584 Pa. 179, 883 A2d 439, 445 (Pa. 2005).

Motion for Summary Judgment. C.P., Dau. Co., No. 2009 CV 10920
CV. Motion dismissed.

Ruben J. Krisztal, for Plaintiff

David T. Bush, for Defendants

TURGEON, J., August 14, 2012. – I previously denied the summary judgment motion filed by defendants in this case of alleged neglect and abuse rendered to a resident in a personal care home and later in a skilled nursing home. This Opinion is written in support thereof.

PROCEDURAL BACKGROUND

Plaintiff Linda Laff, the executor of the estate of her mother, Lillian Glass, initiated this action on September 8, 2009. Defendants, the Jewish Home of Greater Harrisburg d/b/a The Residence and Jewish Home of Greater Harrisburg, own and operate nursing homes and assisted living facilities, including a personal care home (the "Residence") and a skilled nursing facility (the "Facility") located on Linglestown Road in Harrisburg, Pennsylvania. Plaintiff moved her mother, then 92 years old, into the Residence on June 6, 2005, where she lived until August 24, 2008, when she was transferred to a hospital. Five days later, Ms. Glass

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was transferred from the hospital to the Facility to recover from hip replacement surgery. She resided at the Facility until her condition deteriorated and her family decided to move her to hospice care on October 6, 2008, where she died November 1, 2008. Plaintiff asserts that the negligent, reckless and outrageous care rendered by defendants to Ms. Glass at both the Residence and the Facility caused her harm.

On November 23, 2009, after defendants filed preliminary objections, I issued an order, which among other things, dismissed plaintiff's punitive damages claim, without prejudice. Following some discovery, plaintiff filed a motion to amend to reinstate punitive damages which I granted. Plaintiff thereafter filed an Amended Complaint alleging that in order to maximize revenues, the corporate defendants acted negligently, recklessly and outrageously by understaffing both the Residence and the Facility; providing insufficient resources and equipment; reducing expenditures needed for staffing, training and supervision; and overpopulating both facilities with residents suffering from complex medical conditions. As a result, plaintiff alleges that the defendants were unable to provide the proper level of care to all residents, including to Ms. Glass. Plaintiff asserts defendants acted with knowledge of these deficiencies in both the Residence and the Facility. Plaintiff claims that these actions and inactions were designed to increase reimbursements from governmental programs, the primary source of income for both facilities. Plaintiff further asserts that defendants failed to remedy these problems despite complaints from nursing staff and resident families, particularly understaffing, and that defendants' actions and inactions violated their own policies, applicable regulations and the standards for assisted living and nursing home facilities. With regard to the Facility in particular, plaintiff asserts that it increased its staff to appear in compliance with regulations during state inspections by the Department of Health (DOH).¹

With regard to Ms. Glass specifically, plaintiff asserts that while a resident, defendants deprived her of adequate care, treatment, pressure relieving devices, food, water and medicine at both the Residence and the Facility which resulted in Ms. Glass suffering from, at the Residence, falls, right hip fracture, two fractured metatarsals, dehydration, weight loss, skin breakdown, poor hygiene and severe pain, and

1. The Department of Health is responsible for the regulation of all hospitals and skilled nursing home facilities including of the Facility. See 35 P.S. §448.101 et seq. The Department of Welfare is responsible for the regulation of assisted living / personal care homes, including of the Residence. 62 P.S. § 1001 and 55 Pa. Code §2600.4.

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later at the Facility, urinary tract infections, dehydration, weight loss, malnutrition, skin breakdown, pressure ulcers, osteomyelitis, poor hygiene and severe pain. While plaintiff does not allege defendants' conduct resulted in Ms. Glass' death, she does claim that it did accelerate the deterioration of her mother's health and physical condition and caused her severe pain and suffering, together with unnecessary hospitalizations.

Plaintiff raises three counts in her Amended Complaint. Count 1 asserts corporate liability and avers that defendants acted negligently, carelessly, recklessly, outrageously and willfully. Count 2 asserts a claim of per se negligence based upon defendants' alleged violation of a criminal statute addressing neglect by a caregiver to a dependent person, at 18 Pa.C.S.A. § 2713. Count 3 is a claim under the Survival Statute, 42 Pa.C.S.A. § 8302, seeking all legally recoverable damages including punitive damages.

Defendants filed preliminary objections to the Amended Complaint on November 29, 2011 and while the preliminary objections were pending, defendants sought a stay of all proceedings pending resolution by our Supreme Court of *Scampono v. Grane HealthCare Co.*, 11 A.3d 967 (2010), *appeal granted*, 15 A.3d 427 (Pa. 2011). In *Scampono*, the Superior Court extended the theory of corporate negligence as initially set forth in *Thompson v. Nason Hospital*, 591 A.2d 703 (Pa. 1991), to a skilled nursing facility.² I denied the motion to stay and issued an order overruling defendants' preliminary objections to the Amended Complaint. Defendants thereafter filed an Answer with New Matter.

Defendants thereafter filed a summary judgment motion seeking to dismiss plaintiff's claims for punitive damages, negligence, corporate negligence and statutory claims, and to dismiss due to lack of subject matter jurisdiction over certain claims. While the summary judgment motion was pending, defendants also filed a motion for judgment on the pleadings. I denied the summary judgment motion May 4, 2012, which decision is the subject of this Opinion.³ The parties thereafter agreed that the order disposing of the summary judgment motion also disposed of all issues raised in the motion for judgment on the pleadings with the

2. The issue on appeal is whether the Superior Court erred by extending corporate negligence principles to a skilled nursing facility and the healthcare company responsible for its operations. Oral argument was held in November 2011 and the Supreme Court's decision was still pending as of this date.

3. I later denied defendants' request to vacate that order or certify it for interlocutory appeal.

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exception of defendants' claim that plaintiff had failed to properly plead a claim for punitive damages. I held oral argument on that issue, following which I issued an order denying defendants' challenge to punitive damages July 23, 2012.

FACTUAL BACKGROUND

As discussed below, in addressing a summary judgment motion, this court accepts as true all of the non-moving party's evidence and all reasonable inferences deducible therefrom. The record must be viewed in a light most favorable to the non-moving party and all doubts as to the existence of a genuine issue of material fact must be resolved against the moving party. The record in this case, accepted as true and viewed most favorably to the plaintiff, is primarily set forth in the expert reports authored by Loren G. Lipson, MD, and Linda M. Fowler, DrPH, RN, NHA, as well as the testimony of witnesses and voluminous documents of record.⁴ That evidence is as follows:

FALL HISTORY

Ms. Glass began living at the Residence June 6, 2005. She had no history of falls. (Lipson Rpt. at 3) A July 17, 2006 assessment noted that Ms. Glass had poor safety awareness and required twenty-four hour supervision. (Fowler Rpt. at 2) Thereafter, Ms. Glass fell three times during her residency: in November 2006 and twice in August 2008. (Fowler Rpt. at 2-3) There were no fall precaution plans for Ms. Glass during her entire stay at the Residence. (Lipson Rpt. at 6) By 2008, Ms. Glass developed several risk factors for falls. During that period, Ms. Glass had multiple podiatry appointments in which her left foot was debrided several times, which significantly increased her risk of falls. (Fowler Rpt. at 3; Lipson Rpt. at 7) She was also started on two new medications in July 2008, which had sedative side effects, causing ambulation problems. (Lipson Rpt. at 7) As a result of Ms. Glass' second fall, which occurred November 8, 2008, she fractured two bones in her right foot, causing additional stability/mobility issues. (*Id.* at 6) Notably, plaintiff was not notified of the incident and did not learn of the injury until days later when her mother told her that she had pain in her foot. (Laffe dep. at 154) Following this second serious fall, plaintiff asserts defendants should have been on heightened alert and should have prevented her third and most injurious fall.

4. All record sources cited herein (expert reports, depositions and other documents) are attached to plaintiffs April 20, 2012 brief in opposition (Exhibits I-Y) or to defendants March 14, 2012 brief in support of summary judgment motion (Exhibits 1-108).

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Unfortunately, Ms. Glass fell again on August 24, 2008, when she fractured her right hip and had to undergo surgery. Ms. Glass was noted to have felt dizzy before this fall. (Fowler Rpt. at 3) Although she was on medications that had side effects of dizziness, there were no records indicating that staff had monitored her blood pressure for a month leading up to this fall. (*Id.*) Plaintiff maintains this last fall could have been prevented if defendants had properly monitored Ms. Glass and also recognized her increased care needs - especially in light of the previous falls - and advised her to seek a nursing home-type facility where she could receive the supervision she required. (Lipson Rpt. at 7) As opined by Dr. Lipson, she was kept a resident at the Residence for too long and should have instead been moved to a long-term care facility. (*Id.* at 4-5) Consequently, it is alleged Ms. Glass suffered needless harm and pain.

After undergoing surgical intervention for her broken hip, Ms. Glass was admitted to the Facility on August 29, 2008 and remained there until October 2, 2008. During this approximately seven-week stay, according to plaintiff and her expert, Ms. Glass was “subjected to woefully sub-standard monitoring, assessment, care and treatment.” (Lipson Rpt. at 11) As opined by Dr. Lipson, this “deficient oversight” caused her pain, suffering and injuries including the development and worsening of pressure ulcers, multiple urinary tract infections, worsening of her left great toe wound leading to osteomyelitis with systemic features, dehydration and weight loss. (*Id.*) Most of these health issues according to Dr. Lipson were preventable, (*Id.*)

SKIN AND WOUND CARE

Upon admission to the Facility, the admitting documentation lacked an assessment of Ms. Glass’ left foot / great toe and was thus incomplete and ineffective. (Fowler Rpt. at 3) The Minimum Data Set (MDS) form was incomplete and documented her as having no specific foot problems despite her pre-admission left toe post-nail removal with prior cellulitis. (Lipson Rpt. at 14) Additionally, Dr. Lipson noted that the care plan was also incomplete; the care plan is a vital document in the skilled nursing home record, as it outlines all care problems and lists goals of treatment. (*Id.* at 12) Ms. Glass’ great toe was not mentioned in any care plan until September 30, 2008, a month after admission, demonstrating, in Dr. Lipson’s opinion, a callous disregard for her welfare. (*Id.* at 13, 30) By this point, her toe had a non-healing ulcer with exposed bone (clinical osteomyelitis). (*Id.* at 30) Likewise, her left heel was not care planned until October 2, 2008. (*Id.* at 13)

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Ms. Glass was first observed on September 25, 2008 with a Stage II pressure ulcer; however, that ulcer was not described on skin documentation by a licensed nurse until September 29, 2008, at which point it was documented as a State IV pressure ulcer. (Fowler Rpt. at 3-4; Lipson Rpt. at 26-27) On September 30, 2008, Ms. Glass was found unresponsive and dehydrated, she was sent to the Emergency Room on October 1, 2008. On October 2, 2008, physician orders were given to transfer Ms. Glass to the ER due to her osteomyelitis of the left toe. (Fowler Rpt. at 4) She was mildly dehydrated, and was returned to the Facility after intravenous hydration. (*Id.*) The radiology examination results came back indicating her left foot had osteomyelitis, and nursing documented her toe was "red and beefy." (*Id.*) No treatment was ordered for Ms. Glass - including floating her heels, providing pressure relief to her feet, turning and repositioning her every two hours and ordering weekly skin assessments - until October 2, 2008 when the wound care nurse Alice Levy was finally available. (Lipson Rpt. at 13, 26, 28)

In August through October 2008, Ms. Levy was a part-time employee who was present two days per week to do wound rounds. (A. Levy dep. at 38) She was normally on site Wednesdays and Thursdays, and thus, even if a wound was first observed on a Friday or Saturday, she would not see the resident's wound until the next Wednesday. (A. Levy dep. at 39-40, 58) With regard to Ms. Glass' care, she received a phone message about her on September 26, 2008, but because she did not listen to her messages until she was at the Facility, she did not see or evaluate Ms. Glass' left heel ulcer until October 2, 2008. (A. Levy dep. at 76-77, 80-81) While Nurse Levy testified the charge nurses were responsible for skin conditions when she was not on site, no nurse called the doctor between the September 26 and 29 to notify him of Ms. Glass' condition. (A. Levy dep. at 85-87, 115-17) Instead a nurse put a Band-Aid on Ms. Glass' toe on September 26, after Ms. Glass notified staff that her toe looked funny. (A. Levy dep. at 95-96) As noted, Ms. Glass ultimately developed a painful Stage IV left heel pressure ulcer.

Dr. Lipson opined that her wound was inadequately planned and untreated for at least seven days. (Lipson Rpt. at 13) Dr. Lipton stated that these care plan issues and inadequate caregiving caused actual harm to Ms. Glass. (Lipson Rpt. at 13, 31) The record submitted by plaintiff further reveals that the Facility was cited by the DOH on October 16, 2008, for causing actual harm to Ms. Glass with regard to her left toe injury. (Lipson Rpt. at 31) As noted, Ms. Glass was sent to the hospital for treatment on October 3, transferred to hospice on October 7, and died there November 1, 2008.

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NUTRITION AND HYDRATION

Plaintiff has also presented evidence of defendants' failure to adequately monitor and maintain Ms. Glass' nutrition and hydration, which were its duties. (Lipson Rpt. at 15) Facility staff were aware that Ms. Glass was at a nutritional risk. (Fowler Rpt. at 4) Weight, food consumption, fluid intake and albumin levels all indicated Ms. Glass was protein deficient. (Lipson Rpt. at 17) Records further indicated that her meal consumption for September 2008 was poor and that in the month after her admission she lost over twenty pounds, or 11% of her body weight. (Fowler Rpt. at 4; Lipson Rpt. at 16-17) Despite her continuing weight loss over the month, the dietician did not increase her caloric intake until September 26 and there was no documentation that evening snacks ordered for her were ever given. (Lipson Rpt. at 18) Ms. Glass was supposed to receive a nutritional supplement when her meal consumption was below 50%, but there were numerous omissions in the records indicating the supplement was not provided at numerous meals. (*Id.*)

Although her initial care plan included protocol for monitoring signs/symptoms of dehydration, Ms. Glass' medical records lacked documentation that there were ongoing assessments. (Fowler Rpt. at 4) No fluid intake was documented on the Fluid Intake Form between September 14 and October 1, 2008. (Lipson Rpt. at 19) In one case, on September 2, when documents were kept, they were inconsistent whereby one document recorded her fluid intake as 2400 cc and another as 1300 cc. (*Id.*) Plaintiff alleges these inaccurate or fraudulent documentations also contributed to Ms. Glass' problems. (*Id.*)

OTHER COMPLAINTS

Another problem according to plaintiff concerned staff at the Residence failing to properly manage Ms. Glass' medication. On most weekends, she would go home with her daughter who requested the medications be sent along so she could take them. (Laff dep. at 134-35) When Mrs. Laff would accompany her mother back to the Residence, however, she would find a cupful of medication openly sitting in her apartment. If Mrs. Laff was not with her Mother those medications might have been taken again by her mother.

On one occasion she was catheterized for about two weeks but following removal of the catheter, defendants failed to set up any plan to check on her. (Laff dep. at 207-08) Plaintiff avers and Dr. Lipson opines that Ms. Glass needlessly suffered from two urinary tract infections during this stay. (Lipson Rpt. at 18) Urinary tract infections are caused most

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frequently by dehydration (which she suffered as noted above) and hygiene issues involving perineal areas and Foley catheters. (Lipson Rpt. at 25) Dr. Lipson opined defendants failed to provide Ms. Glass with necessary Foley catheter care, including failing to clean it as required. (*Id.*) On one of the occasions when she was suffering from an infection, a urinalysis was ordered on September 12, 2008 but there was a three-day delay because nursing did not follow this order until September 15, and the culture was not ready until September 17, increasing Ms. Glass' risk of harm. (*Id.*) During this time, she had decreased orientation, increased confusion and decreased blood pressure, and she suffered from a painful infection longer than she should have. (*Id.*)

DEFENDANTS' CORPORATE ACTIONS /
DEPARTMENT OF HEALTH CITATIONS

The Facility was cited by the Pennsylvania Department of Health in its Survey of October 16, 2008, for three G-level deficiencies (representing actual harm) and one lower level deficiency, all related to its care of Ms. Glass' toe. (Lipson Rpt. at 31, 34) The Director of Nursing (DON) was unable to explain to DOH surveyors why there was a six-day delay in reporting the condition of Ms. Glass' toe to a physician. (*Id.* at 31) Accordingly, the Facility was also cited for violating management responsibilities and nursing services (both of which were repeat citations for the Facility). (*Id.*) Seth Levy, defendants' CEO, Administrator of the Facility and a member of the Board of Directors, chose not to appeal and thus accepted the DOH surveyors' findings. ((Lipson Rpt. at 34) Mr. Levy, who oversaw all day-to-day operations of the Facility, testified that he did not impose any disciplinary actions nor was an investigation undertaken as to why the staff failed to notify the physician or why the DON was unaware of care issues relating to Ms. Glass. (Levy dep. 37, 151-53)

The Facility had been repeatedly cited by the DOH for deficient practices relative to nutrition and hydration issues (surveys of 11/30/06, 12/21/07, 10/16/08 and 1/23/09). (Fowler Rpt. at 8) The Facility was issued a Provisional License after the revisit survey of January 23, 2009, when surveyors found the same deficiencies identified in the October 2008 survey had not been adequately corrected. (January 2009 Survey) Plaintiff alleges these repeat deficiencies illustrate that defendants were aware of these issues and or systemic problems and yet failed to correct them. Nursing home care expert Dr. Fowler opined that the DON and the Facility Administrator (Mr. Levy), who wrote the plans of correction

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after each citation, revealed “reckless oversight of the nursing staff.” (Fowler Rpt. at 8)

Plaintiff also presents evidence suggesting defendants’ managerial staff failed to fully apprise their Board of Directors of vital information. The Board and its president were not informed of the facilities’ repeated deviations from federal regulations, the survey process, the appeal process or the details of provisional licensure. (Fowler Rpt. at 10) Mr. Levy testified that while he informed the Board about the deficiencies found in the October 16, 2008 DOH Survey, he failed to provide the Board with all the details of the citations including at bi-monthly meetings or in his monthly CEO/Administrative Reports. (S. Levy dep. at 53-54, 69-72, 145-50, 156-59, 173, 275)

In his November 2008 Report, Mr. Levy did inform the Board of the October 16, 2008 DOH Survey concerning the complaint filed on Ms. Glass’ behalf by her daughter regarding dehydration, weight loss and improper care to a toe wound, and that five deficiencies were cited and daily fines imposed upon defendants until deficiencies were corrected. (CEO/Admin Report Nov. 2008 and Oct. 2008 Survey). In the CEO/Administrative Report of December 2008, Mr. Levy noted that five deficiencies were substantiated but mentioned nothing of the other two cited deficiencies in that survey, nor did he inform the Board about the extent to which defendants could be fined. (CEO/Admin Report Dec. 2008)

In its annual survey, published November 24, 2008, the DOH cited defendants for seven deficiencies involving care and services. (November 2008 Survey) Mr. Levy reported to the Board that Jewish Home was fined \$10,000 for having failed to properly deal with a resident’s death and for leaving a resident with a fracture lying in bed, in pain. (*Id.*) He informed the Board that licensed nurses involved in the deficiencies were terminated though he otherwise failed to inform the Board the citations were largely about recurrent/continuing unresolved care issues. (CEO/Admin Report Dec. 2008)

Dr. Fowler opined that the Board and its president “abandoned their responsibilities to the residents, including Ms. Glass,” by their lack of interest in “agency usage/costs, survey outcomes of ‘repeated’ deficiencies, provisional licensure, and costly monetary penalties” as well as through their failure to take disciplinary action against Mr. Levy or the DON. Dr. Fowler characterized this failure as “reckless behavior” by the Board “and placed every [Jewish Home] resident at risk for harm and injury, including Ms. Glass.” (Fowler Rpt. at 10)

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LACK OF STAFF

Plaintiff testified that the Residence was very short-staffed and that she heard nurses complaining about this problem. She testified that she had a conversation with the DON, Laura Elder, a month or two after her mother's admission about the issue and that Ms. Elder allegedly told her that this was the staff she had and that "unfortunately, nobody seems to have a sense of urgency about anything." (Laff dep. at 204) Plaintiff became so upset by the lack of staff that she requested to attend a meeting of the Board of Directors but her offer was declined. (Laff dep. at 134)

Ms. Elder acknowledged that CEO Levy and she set up a "skeletal" staffing grid, in use for several years prior to Ms. Glass' residency. (Elder dep. at 81-82, 164) The actual daily staffing to fill this grid was performed by scheduling managers who filled in slots, but did not have the power to correct staffing for increased care needs of the residents. Ms. Elder received numerous complaints regarding short-staffing from nurses and aides - those individuals who were the primary caregivers to residents such as Ms. Glass - as well as from the residents themselves and their family members. (*Id.* at 127) Plaintiff and her husband relayed their concerns about Ms. Glass to Ms. Elder including of inadequate hydration, toileting needs and meals that Ms. Glass was receiving. (*Id.* at 96) Ms. Elder testified that she relayed complaints about short staffing from her RNs to both Mr. Levy and the Facility CFO and was told that the budget would not permit more staffing and that she had to work with the staff she had. (*Id.* at 85-89, 127-28)

Melanie Rolon, LPN, a floor nurse who cared for Ms. Glass, provided deposition testimony regarding the numerous problems related to short-staffing at the Facility. She testified that due to a shortage of help, the nurse to patient ratio was much higher than she was told it would be during her interview and she was often overwhelmed trying to assess and tend to all the patients in her care. (Rolon dep. at 29-30) Residents and their family members complained all the time about lack of staff and she admitted residents did not receive daily care such as shaving, showering, bathing and brushing their teeth. It was even reported to her that residents were found lying in their own urine because they were not taken to the bathroom in a timely fashion. (*Id.* at 36, 37, 41-42) According to Ms. Rolon, it was commonplace for call bells to go unanswered for fifteen to twenty minutes despite a facility policy stating they should be answered within three to five minutes, which was a policy Ms. Rolon considered simply "not feasible" and that proper policies and procedures concerning patient care were often ignored. (*Id.* at 27-28, 177-79, 184) Despite

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making her supervisors aware of complaints, nurses were told by Mr. Levy and the DON that they could not spend any more money on nursing and they simply had to “make it work.” (*Id.* at 45-47) Ms. Rolon claimed to have made repeated claims to management about short staffing:

Q. Did you tell that to your supervisors?

A. I put it in many letters and I verbally told them.

Q. And what - told who?

A. [DON] Laura [Elder].

Q. What response did you get?

A. I got no response. I can, I spent, I cried on the phone to her numerous occasions, begging her to figure out a way to get us the proper help and I never got any help.

(*Id.* at 47-48) Ms. Rolon also testified that staff levels would increase during state inspections, in an attempt to make it appear that there was sufficient staff to care for the residents, when, in fact, there was not. (*Id.* at 48-49)

Alicia Weikel, a CNA who worked at the Facility during Ms. Glass’ residency, testified to short-staffing problems as well, claiming to have notified her supervisors that aides were unable to provide adequate care and treatment to the residents. (Weikel dep. at 17-18) Ms. Weikel also corroborated Ms. Rolon’s testimony regarding the increase in staffing that would occur only during DOH inspections. (*Id.* at 23-24)

With regard to the care rendered to Ms. Glass, Ms. Elder acknowledged that despite her problems related to an inability to feed herself, high risk for developing pressure sores, infections and being a high fall risk, Ms. Glass was not monitored properly and that there was a serious lack of communication between staff. She admitted that defendants basically, “dropped the ball” with regard to Ms. Glass’ care. (Elder dep. at 177-178, 360-363-412-414, 436-438)

Dr. Fowler also opined as to the overall level of care:

The staff members of JHGH and its owners, managers, consultants and agents failed to adhere to the standards of care in their care, and treatment of Ms. Glass and those deviations and the delivery of substandard care increased her risk of harm and deterioration.

(Fowler Rpt. at 4-5)

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LEGAL DISCUSSION

Summary judgment may be granted only when the record clearly shows that no genuine issues of material fact exist and that the moving party is entitled to judgment as a matter of law. *Reliance Ins. Co. v. IRPC, Inc.*, 904 A.2d 912, 914 (Pa. Super. 2006). The moving party has the burden of proving that no genuine issues of material fact exist. *Id.* In determining whether to grant summary judgment, the trial court must view the record in the light most favorable to the non-moving party and must resolve all doubts as to the existence of a genuine issue of material fact against the moving party. *Id.* at 914-15. Therefore, summary judgment is proper only when the uncontroverted allegations in the pleadings, depositions, answers to interrogatories, admissions of record, and submitted affidavits demonstrate that no genuine issue of material fact exists, and that the moving party is entitled to judgment as a matter of law. *Id.* 915. In reviewing defendant's motion, I must accept the non-moving party's evidence and all reasonable inferences deducible therefrom as true. *Schindler v. Sofamor, Inc.*, 774 A.2d 765, 775 n. 11 (Pa. Super.), *appeal denied*, 786 A.2d 989 (Pa. 2001).

SUBJECT MATTER JURISDICTION

Defendants seek to dismiss the bulk of plaintiff's Amended Complaint on the basis that her claims are essentially assertions of violations of the Health Care Facilities Act and that such claims are beyond the subject matter jurisdiction of the courts of common pleas. 35 P.S. § 448.101, et seq. (HCFA). The HCFA was enacted, to among other things, enhance the orderly and economical distribution of health care resources and to foster responsible private operation and ownership of health care facilities. 35 P.S. § 448.102. With respect to licensing, the HCFA's purpose is to protect and promote public health and welfare through the establishment and enforcement of regulations setting minimum standards for maintenance and operation of health care facilities; to assure safe, adequate and efficient facilities and services; and to promote the health, safety and adequate care of the patients or residents of such facilities.⁵ 35 P.S. § 448.802a. The DOH has exclusive jurisdiction to determine whether healthcare providers have complied with the HCFA. 35 P.S. § 448.201. The HCFA created an administrative body, the State Health Facility Hearing Board, to adjudicate licensure issues under the HCFA. 35 P.S. § 448.805.

5. The HCFA applies to skilled nursing facilities, including the defendants' Facility but not to a personal care facility, including the Residence.

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Defendants argue that plaintiff has alleged defendants violated the HCFA and related regulations. The entity with primary and exclusive jurisdiction to determine whether there is a violation of the HCFA is the State Health Facility Hearing Board. Defendants point to plaintiff's claims of negligence as being replete with reference to deficiencies and citations assessed against defendants under the HCFA and its regulations, the fact of its having been given a provisional license as the result of proceedings occurring before the Hearing Board and reference to standards of care set forth under the HCFA, including response time to call lights, reporting requirements to administrators, understaffing and caps on nursing staff costs, and the requirement of a full time social service professional on site, among others. Defendants maintain that under the above referenced statutory provisions and the primary jurisdiction doctrine, this Court is precluded from determining whether defendants violated the HCFA.

I previously dismissed this same jurisdictional challenge to plaintiff's claims in addressing defendants' preliminary objections to the Amended Complaint. By Order dated March 2, 2012, I concluded that jurisdiction was proper and I again so rule. As evident from the allegations in the Amended Complaint, plaintiff does not allege a cause of action based upon the provisions of HCFA or of any other federal or state regulation governing nursing homes. Furthermore, any allegations in the Amended Complaint that can be conceived as references to violations of state and federal regulations governing nursing homes are evidence of defendants' negligence and are not being alleged as independent causes of action under the HCFA.

NEGLIGENCE PER SE UNDER THE NEGLECT
OF CARE-DEPENDENT PERSON STATUTE

Defendants move to dismiss Count 2 of the Amended Complaint in which plaintiff asserts a negligence *per se* claim under Pennsylvania's criminal statute addressing neglect by a caregiver to a dependent person. 18 Pa.C.S.A. § 2713. This criminal statute was established to protect care-dependent individuals residing in nursing homes or personal care homes or otherwise receiving care for a fee. *Id.* In relevant part, the statute holds that a caretaker is guilty of neglect if he or she "[i]ntentionally, knowingly or recklessly causes bodily injury or serious bodily injury by failing to provide treatment, care, goods or services necessary to preserve the health, safety or welfare of a care-dependent person for whom he is responsible to provide care." 18 Pa.C.S.A. § 2713(a)(1).

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As I noted in an order addressing the preliminary objections filed by defendants to the original Complaint, raising a similar issue, “[t]he doctrine of per se liability does not create an independent basis of tort liability but rather establishes, by reference to a statutory scheme, the standard of care appropriate to the underlying tort.” *Cabiroy v. Scipione*, 767 A.2d 1078, 1082 (Pa. Super. 2001). I thus permitted plaintiff to plead negligence per se as an additional basis for negligence otherwise pled.

While the criminal statute at issue does not create a private cause of action, our courts have established that a plaintiff asserting negligence per se may rely upon the statute to establish a standard of care where: (1) the purpose of the statute is at least in part, to protect the interest of a group of individuals, as opposed to the public generally; (2) the statute clearly applies to the conduct of the defendant; (3) the defendant violated the statute; and (4) the violation was the proximate cause of the plaintiff’s injuries. *Wagner v. Anzon, Inc.*, 684 A.2d 570, 574 (Pa. Super. 1996). Plaintiff’s expert reports and deposition testimony provide sufficient evidence to prove each of these elements. Accordingly, I denied defendants motion seeking to dismiss plaintiff’s claim of negligence based upon violation of the standard of care enunciated in the caregiver neglect statute.

CORPORATE NEGLIGENCE

Defendants concede that, as the law now stands, plaintiffs claims of corporate negligence are permitted as against defendants’ skilled nursing home, the Facility, under the precedent established by the Superior Court in *Scampone*. Defendants argue, however, that *Scampone* does not extend to claims of corporate negligence as against the defendants’ assisted living facility, the Residence. The primary holding in *Scampone* was to extend the doctrine of hospital liability announced in *Thompson v. Nason Hospital* to a nursing home facility and their related corporate entities.⁶ The rationale in *Thompson* for imposing direct liability on hospitals was that they have evolved into highly sophisticated corporations

6. Under *Thompson*, a hospital (and nursing home) has the following duties: (1) a duty to use reasonable care in the maintenance of safe and adequate facilities and equipment; (2) a duty to select and retain only competent physicians; (3) a duty to oversee all persons who practice medicine within its walls as to patient care; and (4) a duty to formulate, adopt and enforce adequate rules and policies to ensure quality care for the patients. A cause of action for corporate negligence arises from the policies, actions or inaction of the institution itself rather than the specific acts of individual hospital employees. Thus, under this theory, a corporation is held directly liable, as opposed to vicariously liable, for its own negligent acts.

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operating primarily on a fee-for-service basis and had assumed the role of a comprehensive health center with responsibility for arranging and coordinating the total health care of its patients. The *Scampono* court found that nursing home performed similar comprehensive functions.

The *Thompson* theory of corporate liability has not yet been explicitly extended to personal care homes. Nevertheless, plaintiff has provided sufficient evidence that the corporate defendants are one in the same for both facilities, and the claims of corporate negligence are against the corporate entity, not the individual facilities. Both sections, assisted living (the Residence) and skilled living (the Facility), are located on the same campus, at the same address. Corporate officials for defendants preside over, manage and control both the Residence and the Facility, and they are controlled by a single Board of Directors. Additionally, the CEO supervises and manages both the assisted living and skilled living departments. Because it is not clear as a matter of law that plaintiff cannot maintain a claim for corporate liability against defendants for the care rendered to plaintiff's decedent in the Residence, I permitted the claim to proceed.

As to the merits, in order to prevail on a corporate negligence claim, plaintiff need only produce evidence that defendants had "actual or constructive knowledge of the defect or procedures that created the harm" and that its negligence was "a substantial factor in bringing about the harm" to Ms. Glass. *Thompson v. Nason Hosp.* at 708. As noted above the record provided supports plaintiffs allegations that defendants knowingly failed to (1) properly fund and staff the facilities; (2) hire, retain, train and oversee their nursing staff and personnel; (3) enact and enforce policies and procedures to prevent injuries to the facilities' residents, including Ms. Glass; and (4) promulgate and enforce adequate policies and procedures to prevent injury and harm from occurring to the residents of the facilities, including Ms. Glass. Therefore, I denied defendants' summary judgment motion on this issue.

PUNITIVE DAMAGES

The Superior Court in *Scampono*, in reviewing the jury's award of punitive damages in plaintiff's favor against the nursing home facility, summarized the law, as follows:

We now address whether the evidence was sufficient to permit the jury to make an award of punitive damages, "an extreme remedy" available in only the "most exceptional matters." *Phillips v. Cricket Lighters*, 584 Pa. 179,

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883 A.2d 439, 445 (Pa. 2005) (citing *Martin v. Johns-Manville Corp.*, 508 Pa. 154, 494 A.2d 1088, 1098 n. 14. (Pa. 1985)), rev'd on other grounds sub nom., *Kirkbride v. Lisbon Contractors, Inc.*, 521 Pa. 97, 555 A.2d 800 (Pa. 1989). The fact finder is permitted to award punitive damages when the plaintiff has established that the defendant "acted in an outrageous fashion" due to either an evil motive or in "reckless indifference to the rights of others." *Phillips, supra* at 445. Accord *Hutchison v. Luddy*, 582 Pa. 114, 870 A.2d 766, 770 (Pa. 2005) (punitive damages appropriate only if plaintiff establishes defendant acted so outrageously that the defendant demonstrated "willful, wanton or reckless conduct"). "A defendant acts recklessly when 'his conduct creates an unreasonable risk of physical harm to another and such risk is substantially greater than that which is necessary to make his conduct negligent.'" *Phillips, supra* at 445 (quoting in part *Hutchison, supra* at 771).

Id. at 991.⁷ The Superior Court found "reckless disregard" existed to justify punitive damages against the nursing home facility and its corporate operators where they ignored and/or hid known staffing problems, including the deliberate alteration of records, which resulted in harm to a resident. *Scampone* at 991.

In reviewing defendants' motion, I must accept the plaintiffs evidence and reasonable inferences therefrom as true. *Schindler v. Sofamor, Inc., supra*. The evidence submitted by plaintiff, outlined in detail above, supports plaintiffs claims of reckless indifference and is sufficient at this juncture to submit the punitive damages claim to a jury. Notably, Dr. Lipton, based upon his review of the evidence, summarized the care extended to Ms. Glass by defendants, as follows:

The [defendants' conduct] constitute[s] indifference to Ms. Lillian Glass' circumstances, reckless and oppressive behavior, and inexcusable deviations from the standard of care by the untrained, understaffed, unskilled, and undersupervised staff at these care facilities - all of which increased her risk of harm.... one can only conclude that those individuals responsible for the recklessness and inexcusable deviations from the standard of care at both

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the Residence and the Facility were those who were responsible for the operation of The Jewish Home of Greater Harrisburg - the ownership, management, governing body and the administration.

(Lipson Rpt. at 67-68)

WRONGFUL DEATH

Defendants argue in their summary judgment motion that any claim raised by plaintiff suggesting defendants caused Ms. Glass' death must be dismissed because plaintiff cannot prove causation. Defendants additionally note that plaintiff has failed to bring an action under the Wrongful Death Statute. Indeed, plaintiff's Complaint did not include a claim for wrongful death or allege any action that defendants caused Ms. Glass' death, only that their actions or failures to act contributed to her deterioration and caused her needless pain and suffering. Thus, there is no claim to dismiss regarding a wrongful death claim.

Accordingly, I dismissed defendant's motion for summary judgment in its entirety

SECOND PUBLICATION

Estate Notices

ESTATE OF ELIZABETH E. FARINA, late of Middletown, Dauphin County, Pennsylvania (died June 21, 2012). Executor: Stephen E. Farina, c/o James D. Cameron, Esq., 1325 North Front Street, Harrisburg, PA 17102. Attorney: James D. Cameron, Esq., 1325 North Front Street, Harrisburg, PA 17102. a24-s7

ESTATE OF DOROTHY M. DAY, late of Lower Paxton Township, Dauphin County, Pennsylvania (died February 14, 2012). Executor: Thomas R. Day, 29 Eagle Lane, Etters, PA 17319. Attorney: Jacqueline R. Kelly, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. Telephone (717) 541-5550. a24-s7

ESTATE OF CHARLES ROBERT MELONI a/k/a C. ROBERT MELONI a/k/a C.R. MELONI, late of Lower Paxton Township, Dauphin County, Pennsylvania (died August 6, 2012). Co-Executors: Mary-Teresa Meloni and Robert R. Church. Attorney: Robert R. Church, Esq., Keefer Wood Allen & Rahal, LLP, P.O. Box 11963, Harrisburg, PA 17108-1963. a24-s7

ESTATE OF JOHN T. PARSON, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Joel Parson, 6423 Whisperwood Lane, Harrisburg, PA 17112. Attorney: Theresa L. Shade Wix, Esq., Wix, Wenger & Weidner, 4705 Duke Street, Harrisburg, PA 17109-3041. a24-s7

ESTATE OF PATRICIA A. BOLASH, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Steven L. Bolash, 2612 Outerbridge Crossing, Harrisburg, PA 17112. Attorney: John R. Beinhaus, Esq., Curcillo Law, LLC, 3964 Lexington Street, Harrisburg, PA 17109. a24-s7

ESTATE OF ADRIENNE R. RITTER, late of Susquehanna Township, Dauphin County, Pennsylvania. Personal Representative/Administrator: Timothy Ritter, Sr., 1275 Fox Hollow Drive, Harrisburg, PA 17113. Attorney: John R. Zonarich, Esq., Skarlatos Zonarich LLC, 17 South 2nd Street, Floor 6, Harrisburg, PA 17101. a24-s7

ESTATE OF MATTIE J. LEWIS, late of Palm Harbor, Pinellas County, Florida. Administrator c.t.a: Tyrone Lewis, 2759 Steeple Court, Palm Harbor, FL 34684. Attorney: Bradford Dorrance, Esq., Keefer Wood Allen & Rahal, LLP, 210 Walnut Street, P.O. Box 11963, Harrisburg, PA 17108-1963. a24-s7

ESTATE OF ARLENE L. KELLEY a/k/a ARLENE KELLEY, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Suzanne K. Kelley, 4295 Maryland Court, Harrisburg, PA 17112. Attorney: Scott W. Morrison, Esq., Center Square, P.O. Box 232, New Bloomfield, PA 17068. a24-s7

ESTATE OF BARBARA E. LAUDERMILCH, late of Swatara Township, Dauphin County, Pennsylvania (died March 29, 2012). Executor: Gerald E. Laudermilch, 505 West High Street, Hummelstown, PA 17036. Attorney: Jean D. Seibert, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. a24-s7

THIRD PUBLICATION

Estate Notices

ESTATE OF STEPHEN P. SPRENKLE, late of Lower Swatara Township, Dauphin County, Pennsylvania. Executrix: Sandra S. Dailey, 2907 Westbury Court, Apt. 701, Camp Hill, PA 17011. Attorney: Allen D. Smith, Esq., 51 South Front Street, P.O. Box 7592, Steelton, PA 17113. a17-a31

ESTATE OF CHARLOTTE BLANKENBILLER, late of Millersburg Borough, Dauphin County, Pennsylvania. Executrix: Carole Casner, 785 Church Street, Millersburg, PA 17061. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. a17-a31

ESTATE OF LEAH I. LONG, late of Upper Paxton Township, Dauphin County, Pennsylvania (died July 26, 2012). Co-Executors: Mary Rebeck Peters, 310 Tennessee Avenue, Elizabethville, PA 17023; Craig D. Peters, Box 125, Berrysburg, PA 17005 and Gregory M. Kerwin, 4245 State Route 209, Elizabethville, PA 17023. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. a17-a31

ESTATE OF CLARA M. RADER, late of Middle Paxton Township, Dauphin County, Pennsylvania (died May 29, 2012). Executor: William H. Rader, 316 River Road, Dauphin, PA 17019. Attorney: Jean D. Seibert, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. a17-a31

ESTATE OF DORIS L. CIRILLO, late of Dauphin County, Pennsylvania (died April 22, 2012). Executor: Lawrence P. Cirillo, Jr., 4317 South Victoria Way, Harrisburg, PA 17112. Attorney: Steven J. Schiffman, Esq., Serratelli, Schiffman & Brown, P.C., 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110. a17-a31

ESTATE OF JAMIE C. CUSHEY, late of Dauphin County, Pennsylvania (died May 14, 2012). Executrix: Betsy J. Gates, 504 North Pine Street, Middletown, PA 17057. Attorney: Steven J. Schiffman, Esq., Serratelli, Schiffman & Brown, P.C., 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110. a17-a31

ESTATE OF GLORIA L. WALKER, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Janice M. James, 501 Allenview Drive, Mechanicsburg, PA 17055. Attorney: Theresa L. Shade Wix, Esq., Wix, Wenger & Weidner, 4705 Duke Street, Harrisburg, PA 17109-3041. a17-a31

ESTATE OF TERESA M. BELL, late of Harrisburg, Dauphin County, Pennsylvania (died June 6, 2012). Executor: George A. Bell. Attorney: David C. Miller, Jr., Esq., 1100 Spring Garden Drive, Suite A, Middletown, PA 17057. Telephone (717) 939-9806; email: DavidCMillerJr@verizon.net. a17-a31

ESTATE OF ANNE LOUISE SILLS, late of Susquehanna Township, Dauphin County, Pennsylvania (died August 3, 2012). Executor: Robert A. Sills. Attorney: Elizabeth P. Mullaugh, Esq., McNeese Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166. Telephone (717) 237-5243. a17-a31

THIRD PUBLICATION

Estate Notices

ESTATE OF MARY SUE LOWERY, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Walter L. Lowery, 2242 Forest Hills Drive, Harrisburg, PA 17112-1004. Attorney: Steve C. Nicholas, Esq., 2215 Forest Hills Drive, Suite 37, Harrisburg, PA 17112-1099. a17-a31

ESTATE OF GRACE M. OSSMAN, late of the Borough of Williamstown, Dauphin County, Pennsylvania (died June 10, 2012). Administrator: Joel J. Jenkins, 244 Vine Street, Williamstown, PA 17098. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. a17-a31

ESTATE OF MARGIE N. JONES, late of the Borough of Lykens, Dauphin County, Pennsylvania (died July 16, 2012). Administrator: Brian G. Jones, 701 West Broad Street, Williamstown, PA 17098. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. a17-a31

ESTATE OF NANCY L. KEISTER, late of Middletown, Dauphin County, Pennsylvania (died June 23, 2012). Executrix: Karen K. Myers. Attorney: David C. Miller, Jr., Esq., 1100 Spring Garden Drive, Suite A, Middletown, PA 17057. Telephone (717) 939-9806; email: DavidCMillerJr@verizon.net. a17-a31

ESTATE OF JOAN R. DANIELS, late of Millersburg Borough, Dauphin County, Pennsylvania. Co-Executors: Jeffrey D. Daniels, 120 Bills Road, Millersburg, PA 17061 and Steven L. Daniels, 203 11th Street, New Cumberland, PA 17070. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. a17-a31

ESTATE OF ESTER L. DICKEY, late of Harrisburg, Dauphin County, Pennsylvania (died July 13, 2012). Executrix: Sylvia Irene Dickey Blazina. Attorney: David C. Miller, Jr., Esq., 1100 Spring Garden Drive, Suite A, Middletown, PA 17057. Telephone (717) 939-9806; email: DavidCMillerJr@verizon.net. a17-a31

ESTATE OF MARY O'B D'AMICO, late of Dauphin County, Pennsylvania (died August 1, 2012). Executrix: Ann D'Amico. Attorney: Patricia Carey Zucker, Esq., Daley Zucker Meilton Miner & Gingrich, LLC, 635 N. 12th Street, Suite 101, Lemoyne, PA 17043. a17-a31

ESTATE OF LESLIE R. REAM, JR., late of West Hanover Township, Dauphin County, Pennsylvania (died July 20, 2012). Executor: Kevin D. Ream. Attorney: Nora F. Blair, Esq., 5440 Jonestown Road, P.O. Box 6216, Harrisburg, PA 17112. a17-a31

ESTATE OF KENNETH E. BASEHORE, late of Lower Paxton Township, Dauphin County, Pennsylvania (died October 19, 2011). Executrix: Deborah Trout. Attorney: David W. Reager, Esq., Reager & Adler, PC, 2331 Market Street, Camp Hill, PA 17011. Telephone (717) 763-1383. a17-a31

THIRD PUBLICATION

Estate Notices

ESTATE OF RICHARD A. SHIFFLETT, late of East Hanover Township, Dauphin County, Pennsylvania. Executor: Richard D. Snyder, 915 Homestead Lane, Hershey, PA 17033. Attorney: Michael H. Small, Esq., 210 South Railroad Street, P.O. Box 76, Palmyra, PA 17078-0076. a17-a31

ESTATE OF JEAN R. DELLINGER, late of Derry Township, Dauphin County, Pennsylvania. Co-Executors: Susan M. Dellinger and Richard N. Dellinger, Jr.. Attorney: Timothy D. Sheffey, Esq., Reilly, Wolfson, Sheffey, Schrum and Lundberg LLP, 1601 Cornwall Road, Lebanon, PA 17042. a17-a31

ESTATE OF HELEN S. GRUBER, late of the Borough of Middletown, Dauphin County, Pennsylvania. Co-Executrices: Debbie Reinfeld and Dianne Billy. Attorney: Craig A. Diehl, Esq., CPA, Law Offices of Craig A. Diehl, 3464 Trindle Road, Camp Hill, PA 17011. a17-a31

FIRST PUBLICATION

Corporate Notices

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 July 16, 2012, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Sanchez Industrial Design Inc.** c/o AAAgent Services, LLC.

This corporation is incorporated under the laws of Wisconsin.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 4319 Twin Valley Rd. — Suite 3, Middleton, WI 53562.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. a31

NOTICE IS HEREBY GIVEN that **The Ascent Group, Inc.**, a foreign business corporation incorporated under the laws of the State of Georgia, where its principal office is located at 120 River Oak Way, Athens GA 30605, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at Corporate Filing Solutions, LLC, a Commercial Registered Office Provider located at 125 Locust Street, Harrisburg, PA 17101. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. a31

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about August 14, 2012 for: **Jasmine Acquisition Corp.** c/o CT Corporation System.

The corporation has been incorporated under the provisions of the Business Corporation Law of 1988 as amended. a31

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Safeway Companies Employee Association**, a nonprofit corporation incorporated under the laws of the State of California with its principal office located at 5918 Stoneridge Mall Road, Pleasanton, CA 94588, has filed an Application for Termination of Authority under Section 4129/6129 of the Business Corporation Law on August 17, 2012 and the registered office is located at c/o Corporation Service Co., Dauphin County, Pennsylvania.

a31

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on July 11, 2012, by **Whip Deuce Entertainment Inc.**, a foreign corporation formed under the laws of the State of California, where its principal office is located at 3140 Anasazi Way, Simi Valley, CA 93063, 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 at c/o Business Filings Incorporated, Dauphin County.

a31

NOTICE IS HEREBY GIVEN that **Merge Healthcare Incorporated** with a registered agent 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 900 Walnut Ridge Dr., Hartland, WI 53029. This shall serve as official notice to creditors and taxing authorities.

a31

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on August 2012 for **The Lenker Manor Paxtang Women's Club** for the purpose of obtaining a Non-profit Corporation organized under the Pennsylvania Non-profit Corporation Law of 1988.

a31

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 **Surefire Medical, Inc.** The address of its principal office under the laws of its jurisdiction is 615 South Dupont Highway Dover DE 19901. The name of this corporation's 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).

a31

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 **H.J. Knight International Insurance Agency, Inc.** on 8/13/12. The address of its principal office under the laws of the jurisdiction in which it is incorporated is 30 Braintree Hill Office Park, Ste 203 Braintree, MA 02184. The registered office for this business is Nauman, Smith, Shissler & Hall, LLP, Dauphin County, PA. The corporation is file in compliance with the requirements of the applicable provision of 15 PA. C.S. 4124. a31

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Dept. of State for **The Pi Shop, Inc.**, a corporation organized under the Pennsylvania Business Corp. Law of 1988.

a31

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **USISL, Inc.** with a registered agent 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 1715 N. West Shore Blvd., Ste. 825, Tampa, FL 33607. This shall serve as official notice to creditors and taxing authorities. a31

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on 07/18/2012.

With respect to a proposed Limited Liability Corporation, **F & J Auto Repair, LLC** which has been incorporated under the Limited Liability Corporation Law of 1988. A brief summary of the purposes for which said corporation is organized is: Limited Liability Company that it will be providing Complete Auto Repair Services.

ISIDRO HERNANDEZ
2120 Gillinham Street
a31 Philadelphia, PA 19121

NOTICE IS HEREBY GIVEN that a limited Certificate of Authority was filed in the Department of State of the Commonwealth of Pennsylvania **Derma Sciences, Inc.** d/b/a **Derma Sciences Delaware, Inc.** The address of its principal office under the laws of its jurisdiction is 901 N. Market St., Suite 705, Wilmington, DE 19801. The registered agent is listed as Penncorp Servicegroup, Inc. in Dauphin county. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b) and 54 Pa. C.S 311. a31

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on July 30, 2012, with the Commonwealth of Pennsylvania. The name of the corporation is **Cocoa Kayak Rentals of Hershey, Inc.** The corporation has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.

MEGAN C. HUFF, Esq.
1135 East Chocolate Avenue
Hershey, PA 17033
a31 (717) 533-5406

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on August 22, 2012, by **takebytes, inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 108 W. 13th St., Wilmington, DE 19801, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at Business Filings Incorporated, Dauphin County. a31

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on August 15, 2012, by **Technology Services Industry Association d/b/a Technology Services Industry Association Inc.**, a foreign corporation formed under the laws of the State of California, where its principal office is located at 17065 Camino San Bernardo, Ste. 200, San Diego, CA 92127, 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 at c/o Business Filings Incorporated, Dauphin County. a31

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **Custom Environmental Services, Inc.**, a corporation of the State of Colorado, with principal office located at 8041 W. I-70 Frontage Rd., #11, Arvada, CO 80002, and having a Commercial Registered office Provider and county of venue as follows: CT Corporation System, Dauphin County, which on March 13, 2008, was granted a Certificate of Authority, to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State.

a31

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corp. Law of 1988, **Simons Petroleum, Inc.**, a corporation of the State of Oklahoma, with principal office located at 210 Park Ave., Ste. 1800, Oklahoma City, OK 73102, and having a Commercial Registered office Provider and county of venue as follows: CT Corp. System, Dauphin County, which on 4/10/95, was granted a Certificate of Authority, to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State.

a31

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

GELBERG & ASSOC., P.C., Solicitors
1601 Market St., Ste. 2600
Phila., PA 19103

a31

NOTICE IS HEREBY GIVEN that **Chicago Mortgage Solutions Corporation**, a foreign business corporation incorporated under the laws of the State of Illinois, where its principal office is located at 333 Knightsbridge Parkway, Suite 210, Lincolnshire, IL 60169, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at InCorp Services, Inc., 7208 Red Top Rd, 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.

a31

NOTICE IS HEREBY GIVEN that **Hamilton Appraisal Management Services Corporation**, a foreign business corporation, has applied for a Certificate of Authority to do business in the Commonwealth of Pennsylvania under the provisions of the Business Corporation Law of 1988. The corporation is incorporated under the laws of the State of New Jersey. The address of its principal office under the laws of said jurisdiction is 1 International Boulevard, Suite 208, Mahwah, NJ 07495, and its commercial registered officer provider in Pennsylvania is National Registered Agents, Inc., County of Dauphin.

a31

NOTICE IS HEREBY GIVEN that **Johnson, Spellman & Associates, Inc.**, a foreign business corporation incorporated under the laws of the State of Georgia, where its principal office is located at 6991 Peachtree Industrial Blvd., Building 700, Norcross, GA 30092 has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at 2595 Interstate Drive #103, Harrisburg, PA, 17110. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania.

a31

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **CONFIRMIT, INC.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 330 Seventh Ave., NY, NY 10001, has applied for a Certificate of Authority in Pennsylvania under the PA Bus. Corp. Law of 1988. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County.

a31

FIRST PUBLICATION

Fictitious Notices

NOTICE IS HEREBY GIVEN that an application for registration of the fictitious name, **Cocoa Kayak Rentals**, with the principal place of business being 132 Burnwell Lane, Palmyra, PA 17078, was made to the Commonwealth of Pennsylvania on July 30, 2012, pursuant to the provisions of the Business Corporation Law of 1988, as amended. The entity owning or interested in said business is Cocoa Kayak Rentals of Hershey, Inc., 132 Burnwell Lane, Palmyra, PA 17078. Megan C. Huff, Esquire, 1135 East Chocolate Avenue, Suite 300, Hershey, PA 17033, (717) 533-5406, Attorney for Cocoa Kayak Rentals of Hershey, Inc.

a31

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Interbank Mortgage Company**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 333 Knightsbridge Parkway, Suite 210, Lincolnshire, IL 60069 was made, to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 16th day of June, 2012 pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the persons owning or interested in the said business are: Dmitry Godin, CEO/President, 333 Knightsbridge Parkway, Suite 210, Lincolnshire, IL 60069 and Ilya Shulman, CFO, 333 Knightsbridge Parkway, Suite 210, Lincolnshire, IL 60069.

a31

FIRST PUBLICATION

Miscellaneous Notices

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

ORPHANS' COURT DIVISION

No. 54-ADOPT-2012

**IN RE. ADOPTION OF
A.F.A., A.L.A. AND A.N.A.,
MINORS**

LEGAL NOTICE

**NOTICE OF HEARING
TO TERMINATE
PARENTAL RIGHTS**

YOU ARE HEREBY NOTIFIED that an involuntary Termination of Parental Rights Hearing shall take place on September 25, 2012 at 10:30 A.M. in Courtroom Number 5, 3rd Floor, Dauphin County Courthouse, 101 Market Street, Harrisburg, Pennsylvania.

FIRST PUBLICATION

Miscellaneous Notices

TO: ALEXANDER AQUILINO ALVALLE,
father of children born to
Angela Nicole Marsico-Rodery.
In re: male child — A.F.A.,
born December 27, 1998;

female child — A.L.A.,
born January 27, 2001

and

female child — A.N.A.
born June 8, 2003.

NOTICE IS HEREBY GIVEN that a petition has been filed asking the Court to put an end to all rights you have to your children. The Court has set a hearing to consider ending your rights to your children. That hearing will be held in Dauphin County Courthouse, 101 Market Street, Harrisburg, Pennsylvania, in Courtroom 5, on the date and time specified. 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 children may be ended by the Court without your 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, or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help. You are also warned that if you fail to file either an acknowledgement or paternity pursuant to 23 Pa. C.S.A. Section 5103 and fail to either appear at the hearing to object to the termination of your rights or file a written objection to such termination with the Court prior to the hearing, your rights may also be terminated under Pa. C.S.A. Section 2503(d) or Section 2504(c) of the Adoption Act.

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

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

CIVIL ACTION – LAW

No. 2012-CV-00007-MF

**NOTICE OF SHERIFF SALE
OF REAL ESTATE
PURSUANT TO Pa.R.C.P. 3129**

WELLS FARGO BANK, NA, Plaintiff

vs.

CIERRA G. BRIGHT, Defendant

TO: Cierra G. Bright

YOU ARE HEREBY NOTIFIED that the Sheriff's Sale of Real Property (Real Estate) will be held in the Commissioner's Hearing Room, Dauphin County Administration Building (formerly the Mellon Bank Building). Please enter through the Market Square Entrance, take the elevator to the 4th Floor and turn right. Hearing Room is on the left. Harrisburg, Pennsylvania 17101 on 10/18/2012 at 10:00 a.m. prevailing local time.

THE PROPERTY TO BE SOLD is delineated in detail in a legal description consisting of a statement of the measured boundaries of the property, together with a brief mention of the buildings and any other major improvements erected on the land.

The LOCATION of your property to be sold is: 3012 Meadowlark Place, Harrisburg, PA, 17104-1534.

The JUDGMENT under or pursuant to which your property is being sold is docketed to: No.: 2012-CV-00007-MF.

A complete copy of the Notice of Sheriff Sale will be sent to you upon request to the Attorney for the Plaintiff, Scott A. Dietterick, Esquire, Zucker, Goldberg & Ackerman, LLC, 200 Sheffield Street, Mountaintop, NJ 07092, 908-233-8500.

FIRST PUBLICATION

Miscellaneous Notices

**THIS IS A NOTICE
OF THE TIME AND PLACE
OF THE SALE OF YOUR PROPERTY.**

**IT HAS BEEN ISSUED
BECAUSE THERE IS A JUDGMENT
AGAINST YOU.**

**IT MAY CAUSE YOUR PROPERTY
TO BE HELD, TO BE SOLD
OR TAKEN TO PAY THE JUDGMENT.**

You may have legal rights to prevent your property from being taken away. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, YOU MUST ACT PROMPTLY.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET FREE LEGAL ADVICE:

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

a31

ZUCKER, GOLDBERG
& ACKERMAN, LLC

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

No. 2012 CV 6324 NC

**PETITION FOR
CHANGE OF NAME**

NOTICE

NOTICE IS HEREBY GIVEN that on August 15, 2012 the Petition of **Kantinan** and **Michael Mohr**, for the minor child, **Chanarat Wattanapreechakiat a/k/a Joy Mohr** was filed in the above named court, requesting a decree to change his/her name from **Chanarat Wattanapreechakiat** to **Joy Chanarat Mohr**.

The Court has fixed October 1, 2012 at 1:30 p.m. in Courtroom No. 11, at the Juvenile Justice Center, 25 South Front Street, 7th floor, 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. a31

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

CIVIL ACTION – LAW

No. 2012-CV-4309-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**BANK OF AMERICA, N.A.,
SUCCESSOR BY MERGER
TO BAC HOME LOANS SERVICING,
LP f/k/a COUNTRYWIDE HOME
LOANS SERVICING, LP, Plaintiff**

vs.

**KELLY A. HOFFMAN and
JASON HOFFMAN
a/k/a JASON E. HOFFMAN,
MORTGAGORS and REAL OWNERS,
Defendants**

FIRST PUBLICATION

Miscellaneous Notices

**TO: Kelly A. Hoffman and
Jason Hoffman
a/k/a Jason E. Hoffman,
Mortgagors and Real
Owners, Defendants,
whose last known address is
1381 Dayton Road
Steelton, PA 17113**

**THIS FIRM IS A DEBT COLLECTOR
AND WE ARE ATTEMPTING
TO COLLECT A DEBT
OWED TO OUR CLIENT.
ANY INFORMATION
OBTAINED FROM YOU
WILL BE USED FOR
THE PURPOSE
OF COLLECTING THE DEBT.**

YOU ARE HEREBY NOTIFIED that Plaintiff, Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP, has 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. 2012-CV-4309-MF, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 1381 Dayton Road, Steelton, PA 17113, whereupon your property will be sold by the Sheriff of Dauphin County.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the 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 against you by the Court without further notice for any money claimed in the Complaint 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 or cannot afford one, 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.

CENTRAL PENNSYLVANIA
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213A North Front Street
Harrisburg, PA 17101
(717) 232-0581

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
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MICHAEL T. MCKEEVER, Esq.
KML Law Group, P.C.
Ste. 5000, Mellon Independence Center
701 Market St.
Philadelphia PA 19106-1532
(215) 627-1322

a31

FIRST PUBLICATION

Miscellaneous Notices

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

No. 2012 CV 1696 NC

PETITION FOR
CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on June 22, 2012, the Petition of **Melinda Mary Radle-Barrett a/k/a Melinda Mary Radle** was filed in the above named court, requesting a decree to change his/her name from **Melinda Mary Radle-Barrett** to **Melinda Mary Barrett**.

The Court has fixed September 24, 2012 at 1:30 p.m. in Courtroom No. 11, at the Juvenile Justice Center, 25 South Front Street, 7th floor, 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. a31

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL ACTION – LAW

CIVIL DIVISION

No. 2012-CV-412-MF

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

CITIMORTGAGE, INC.
S/B/M TO ABN AMRO
MORTGAGE GROUP, INC.,
Plaintiff

vs.

LINDA PHOENIX, in her capacity
as Administratrix and Heir
of the Estate of JERALD D. PHOENIX

CONSTANCE P. LILLY, in her
capacity as Heir of the Estate of
JERALD D. PHOENIX

LANCE PHOENIX, in his capacity
as Heir of the Estate of
JERALD D. PHOENIX

SONYA PHOENIX SANCHEZ, in her
capacity as Heir of the Estate of
JERALD D. PHOENIX

UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS,
FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE OR
INTEREST FROM OR UNDER
JERALD D. PHOENIX, DECEASED,
Defendants

NOTICE

TO: UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS,
AND ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST
FROM OR UNDER
JERALD D. PHOENIX,
DECEASED

YOU ARE HEREBY NOTIFIED that on JANUARY 17, 2012, Plaintiff, CITIMORTGAGE, INC. S/B/M TO ABN AMRO MORTGAGE GROUP, 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. 2012-CV-412-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 1325 VERBEKE STREET, HARRISBURG, PA 17103-1149 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.

FIRST PUBLICATION

Miscellaneous Notices

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

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

No. 2012 CV 5838 NC

PETITION FOR
CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on July 25, 2012 the Petition of **Richard Leland Levine** was filed in the above named court, requesting a decree to change his/her name from **Richard Leland Levine** to **Rachel Leland Levine**.

The Court has fixed October 2, 2012 at 2:15 p.m. in Courtroom No. 11, at Juvenile Justice Center, 25 South Front Street 7th Floor, 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. a31

a31



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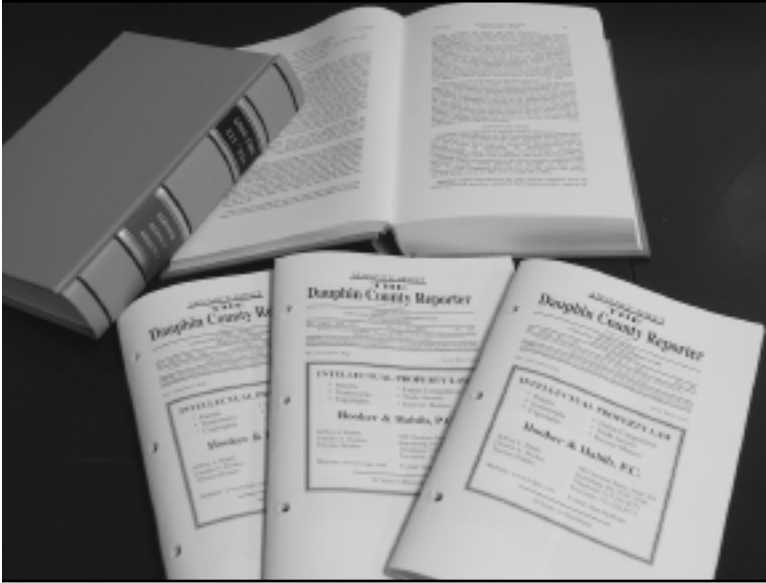
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BAR ASSOCIATION PAGE
Dauphin County Bar Association
213 North Front Street • Harrisburg, PA 17101-1493
Phone: 232-7536 • Fax: 234-4582

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

REPORTING OF ERRORS IN ADVANCE SHEET

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

DAUPHIN COUNTY COURT SECTION

Motion Judge of the Month

AUGUST 2012

Judge Bruce F. BRATTON

SEPTEMBER 2012

Judge Richard A. LEWIS

Opinions Not Yet Reported

BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION
DAUPHIN COUNTY REGISTER OF WILLS
FEE BILL

The following bill of costs is established, pursuant to provisions of the Act of July 1, 1981, P.L. 191, No. 57 (42 P. S. § 21021 et seq.), as amended by Act No. 82 of 1990 (42 P. S. § 21022.1), as amended by Act No. 69 of 1993 (42 P. S. § 21032.1), providing that “such fees and charges shall be established, increased, decreased, modified or eliminated as determined by the Register of Wills and the President Judge.” This is effective October 1, 2012.

Grant of Letters upon gross estimated value of the Estate
(Includes filing fee for Tax Return/Inventory of \$30.00)*/**

\$ 1,000.00	or	less	\$ 73.50
1,000.01	to	10,000.00	\$ 88.50
10,000.01	to	30,000.00	\$ 113.50
30,000.01	to	40,000.00	\$ 163.50
40,000.01	to	50,000.00	\$ 213.50
50,000.01	to	100,000.00	\$ 263.50
100,000.01	to	200,000.00	\$ 363.50
200,000.01	to	300,000.00	\$ 463.50
300,000.01	to	400,000.00	\$ 563.50
400,000.01	to	500,000.00	\$ 663.50
500,000.01	to	600,000.00	\$ 763.50
600,000.01	to	7,00,000.00	\$ 863.50
700,000.01	to	8,00,000.00	\$ 963.50
800,000.01	to	900,000.00	\$ 1,063.50
900,000.01	to	1,000,000.00	\$ 1,163.50

Each additional \$100,000.00 or fraction thereof to 10 Million \$ 150.00

When the gross value of an estate is underestimated in the Petition for Letters, additional costs will be collected when the inheritance tax return and/or inventory is filed. All probates require a Death Certificate.

Probate of will and/or codicil without letters**	\$ 35.00
Record Authenticated/Exemplified/Certified Copy of Will**	\$ 35.00
Record Power of Attorney**	\$ 35.00

BAR ASSOCIATION PAGE – Continued

MISCELLANEOUS SECTION

Appeal to Orphans' Court	\$ 50.00
Authentications**	\$ 60.00
Caveat - Formal	\$ 50.00
Caveat - Informal	\$ 25.00
Certified Copy	\$ 10.00
Citation"	\$ 35.00
Claims filed	\$ 25.00
Copies on CD**	
1-100 pages	\$ 25.00
101-250 pages	\$ 30.00
251-500 pages	\$ 35.00
501-1000 pages	\$ 40.00
1001+ pages	\$ 50.00
Commission**	\$ 60.00
Re-Commission**	\$ 25.00
Exemplification of letters**	\$ 60.00
(Separate payment for notary seal subject to Prothonotary's fees)	\$ 4.50
Family Settlement Agreement or Release(s)	\$ 25.00
Filing Supplemental Tax Return/Inventory	\$ 25.00
Filing Tax Certificates**	\$ 35.00
Filing Tax Return/Inventory	\$ 30.00
Filing Tax Return/No Letters**	\$ 35.00
Genealogical Research (Per Name)**	\$ 25.00
Personal Representative/Witness fee	\$ 20.00
Petition for Register of Wills Hearing**	\$ 60.00
Renunciation(s)	\$ 10.00 Each
Returned Check**	\$ 25.00
Short Certificate	\$ 6.00
Subpoena	\$ 10.00
Tax Certificate Preparation	\$ 25.00

Filed: August 13, 2012

Approved: August 7, 2012

Effective: October 1, 2012

DAUPHIN COUNTY
REGISTER OF WILLS,
/s/ Jean Marfizo King

DAUPHIN COUNTY
PRESIDENT JUDGE
/s/ Todd A. Hoover

**DAUPHIN COUNTY CLERK
OF THE ORPHANS' COURT DIVISION**

FEE BILL

The following bill of costs is established pursuant to provisions of the Act of July 1, 1981, P.L. 193, No. 58 (42 P.S. § 21031 et seq.), as amended by Act No. 85 of 1990 (42 P.S. § 21031), as amended by Act No. 18 of 1994.

Accounts:

Filing, advertising, etc. where gross debits amount to:**

\$ 0	to	5,000.00	\$ 60.00
5,000.01	to	10,000.00	\$ 85.00
10,000.01	to	20,000.00	\$ 110.00
20,000.01	to	30,000.00	\$ 160.00
30,000.01	to	40,000.00	\$ 210.00
40,000.01	to	50,000.00	\$ 260.00
50,000.01	to	100,000.00	\$ 310.00
100,000.01	to	200,000.00	\$ 410.00
200,000.01	to	300,000.00	\$ 510.00
300,000.01	to	400,000.00	\$ 610.00
400,000.01	to	500,000.00	\$ 710.00
500,000.01	to	600,000.00	\$ 810.00
600,000.01	to	700,000.00	\$ 910.00
700,000.01	to	800,000.00	\$ 1,010.00
800,000.01	to	900,000.00	\$ 1,210.00
900,000.01	to	1,000,000.00	\$ 1,510.00
Each additional \$ 100,000.00 or fraction thereof to 10 Million			\$ 150.00
Adoption - including Certificate of Adoption**/**			\$ 183.50
Each additional Child (One Child per Number)**/**			\$ 83.50
Filing intent to Adopt**			\$ 35.00
Counseling fee (Payable to the D.C. Treasurer)			\$ 75.00
Filing Intermediary Report**			\$ 35.00

BAR ASSOCIATION PAGE – Continued

MISCELLANEOUS SECTION

Petition for Termination of Parental Rights** (Per Parent - Voluntary, Involuntary or Confirm Consent)	\$	60.00
Foreign Adoption*/**	\$	60.00
Guardian - Appointment for Incapacitated*/**	\$	183.50
Appointment for Minor*/**	\$	183.50
Each Additional Child*/**	\$	83.50
Trust - Inter Vivos*/**	\$	60.00
Petition that Opens New File**	\$	40.00
Petition with Existing File**	\$	35.00
Execution of Deed**	\$	35.00
Marriage - Application and License (Includes 1 Certified Copy)**	\$	55.00
Each Consent	\$	10.00
Certified Copy of Application or Marriage Record	\$	10.00
Petition Court - underage Marriage License**	\$	40.00
Petition for Waiver (Emergency/Non Military)**	\$	40.00
Photocopy	\$	1.00
Certified Copy	\$	10.00
Copies on CD**		
1-100 pages	\$	25.00
101 - 250 pages	\$	30.00
251-500 pages	\$	35.00
501 - 1000 pages	\$	40.00
1001+ pages	\$	50.00
Birth or Death Record Search (1893 -1906)**	\$	20.00
Birth or Death Record Certificate	\$	10.00
Appeal to Superior or Supreme Court-County Fee** (Separate fee payable to Superior Court)	\$	275.00
	\$	73.50

BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

*Judicial Computer Project Fee (JCP) (initial filings)	\$	23.50
**Automation/Computerization Fee	\$	10.00

Other Costs:

In cases not herein specifically provided for, the Register or Clerk shall make the same charge as that imposed for services of a substantially similar nature.

When hearings are held by the Register of Wills, costs for the Court Reporter will be paid by the estate.

All orders heretofore establishing fee bills for the Register of Wills and Clerk of the Orphans' Court Division of Dauphin County shall be revoked and superseded as of the effective date hereof.

Filed: August 13, 2012

Approved: August 7, 2012
Effective: October 1, 2012

DAUPHIN COUNTY
CLERK OF THE ORPHANS'
COURT DIVISION
/s/ Jean Marfizo King

DAUPHIN COUNTY
PRESIDENT JUDGE
/s/ Todd A. Hoover

a24-a31

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BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

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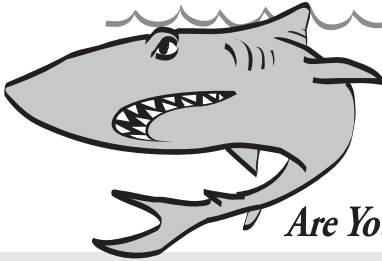
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