

ADVANCE SHEET Pages 111-125

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42 Years in Harrisburg

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Estate Notices

DECEDENTS ESTATES

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

FIRST PUBLICATION

ESTATE OF JESSE L. HEBERLE, late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Thomas E. Heberle, 265 Berkstone Drive, Harrisburg, PA 17112.

o19-n2

ESTATE OF BRUCE D. SELLERS, late of South Hanover Township, Dauphin County, Pennsylvania (died September 14, 2012). Administratrix: Barbara A. Sellers. Attorney: George W. Porter, Esq., 909 East Chocolate Avenue, Hershey, PA 17033.

o19-n2

ESTATE OF NED M. WEAVER, late of Elizabethville Borough, Dauphin County, Pennsylvania. Co-Executors: Anthony Michael Weaver, 1240 McAndrew Road, Ojai, CA 93023 and James Richard Weaver, 587 Union Street South, Concord, NC 28025. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023.

o19-n2

ESTATE OF SYLVESTER M. WEATHERLY, late of Harrisburg, Dauphin County, Pennsylvania. Administrator: Sylvester M. Weatherly, Jr. Attorney: E. Ralph Godfrey, Esq., Cipriani & Werner, P.C., 1011 Mumma Road, Suite 201, Lemoyne, PA 17043.

o19-n2

ESTATE OF MELVYN L. GROSSMAN a/k/a MELVYN LESTER GROSSMAN a/k/a MELVIN L. GROSSMAN, late of Hershey, Dauphin County, Pennsylvania (died May 2, 2012). Personal Representative: Ann J. Chadwell, 1714 Letchworth Road, Camp Hill, PA 17011. Attorney: Amy M. Moya, Esq., 5011 Locust Lane, Harrisburg, PA 17109.

o19-n2

ESTATE OF RYAN DAVID WISSINGER, late of Dauphin County, Pennsylvania (died July 24, 2011). Personal Representatives: Lynnette Wissinger and Richard Wissinger, 1095 Wooded Pond Road, Harrisburg, PA 17011. Attorney: Elizabeth J. Goldstein, Esq., Dilworth Paxson, LLP, 112 Market Street, Suite 800, Harrisburg, PA 17101.

o19-n2

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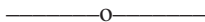
the Residence and the Facility were those who were responsible for the operation of The Jewish Home of Greater Harrisburg - the ownership, management, governing body and the administration.

(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



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Equity — Injunction — Free Speech — Nonpublic Forum — Reasonableness — Captive Audience Doctrine — Viewpoint Neutrality.

Plaintiff School District sought a permanent injunction barring the Defendant, a self-proclaimed street preacher and evangelist, from coming closer than twenty (20) yards of any School District bus stop during times when school children were either waiting to board or de-board a school bus. Defendant argued that an injunction would violate his free speech rights. The Court disagreed and granted permanent injunctive relief.

1. Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. *U.S. Const. amend. I*. Activities such as speaking, distributing literature, displaying signs, petitioning for change and disseminating information concerning issues of public concern are central to the protections of the First Amendment, which is applicable to the states through the Fourteenth Amendment. *Martin v. City of Struthers*, 319 U.S. 141, 143 (1943). One who is rightfully on a street which the state has left open to the public carries with him there as elsewhere the constitutional right to express his views in an orderly fashion.

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2. An injunction is an extraordinary remedy that should be issued with caution and only where the rights and equity of the plaintiff are clear and free from doubt, and where the harm to be remedied is great and irreparable. *Big Bass Lake Community Ass'n v. Warren*, 950 A.2d 1137, 1144-1145 (Pa. Commw. 2008).

3. The Supreme Court has adopted a forum analysis as a means of determining when the Government's interest in limiting the use of its property to its intended purpose outweighs the interest of those wishing to use the property for other purposes. Accordingly, the extent to which the Government can control access depends on the nature of the relevant forum. *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 800 (1985). Strict scrutiny applies to speech restrictions in "traditional fora" as well as in "designated public fora." *U.S. v. Kokinda*, 497 U.S. 720, 726 (1990). Restrictions of speech on all other public property ("nonpublic" fora) are enforceable as long as they are reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view. *Perry Educ. Ass'n v. Perry Local Educators' Assn.*, 460 U.S. 37, 46 (1983). In regulating speech, the government may not commit "viewpoint discrimination," which is the regulation of speech based on its substantive content or the message conveyed. Such discrimination is a violation of the First Amendment in any forum. *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 828 (1995).

4. School bus stops on residential sidewalks when utilized by students to board and de-board school buses are nonpublic fora.

5. Control over access to a nonpublic forum can be based on subject matter and speaker identity so long as the distinctions drawn are reasonable in light of the purpose served by the forum and are viewpoint neutral. See *Cornelius* at 806. The First Amendment does not demand unrestricted access to a nonpublic forum merely because use of that forum may be the most efficient means of delivering the speaker's message. *Id.* Rarely will a nonpublic forum provide the only means of contact with a particular audience. *Id.*

6. School bus stops have been considered part of the "school setting." Courts have often considered children in other school settings to be members of a "captive audience" whose interests school authorities may seek to protect. See *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 684 (1986). Speech may be more readily subject to restrictions when a school or workplace audience is "captive" and cannot avoid the objectionable speech. *Saxe v. State Coll. Area Sch. Dist.*, 240 F.3d 200, 210 (3d Cir. 2001).

Petition for Permanent Injunctive Relief C.P., Dau. Co., No. 2010 CV 14711 EQ. Granted.

Jeffrey B. Engle, for the Plaintiff

Henry L. Sollenberger, for the Defendant

TURGEON, J., September 30, 2012. – Plaintiff, Central Dauphin School District, seeks a permanent injunction barring Defendant, Stephen Garisto, a self-proclaimed street preacher, from approaching any school bus stop established by the School District during times when school children are either waiting to board or de-board a school bus. Defendant argues that the injunction will violate his free speech rights. I disagree,

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and for the reasons set forth below, grant the permanent injunction prohibiting Defendant from coming closer than twenty (20) yards within any School District bus stop.

PROCEDURAL BACKGROUND

The School District initially filed a Complaint seeking preliminary emergency and permanent injunctive relief, pursuant to Pennsylvania Rule of Civil Procedure 1531. Following a hearing, I granted a preliminary injunction, prohibiting Defendant from coming within twenty yards of the any School District bus stop while school children are waiting to board or de-board a school bus. I thereafter scheduled a hearing on whether to make the injunction permanent.¹

FACTUAL BACKGROUND

School District Bus Stops

Defendant is an adult individual who at all relevant times resided within the School District. On various dates, Defendant approached students as they waited for or were dropped off at a school bus stop initially located at 26th and Boas Streets, directly across the street from his home where he has resided for a number of years. (N.T. 30-31) The School District later moved the bus stop about fifty to sixty feet, to 26th and Hoffer Streets, due to concerns expressed by parents concerning Defendant's interactions with school children. Approximately fifteen to eighteen middle school students and an unspecified number of high school students regularly use this bus stop. (N.T. 6)

The School District has officially designated this stop and others like it as "school bus loading zones" pursuant to its authority under the Motor Vehicle Code, which provides:

3345(h). Loading zones for school children

Every school district transporting school children by school bus shall establish and maintain school bus loading zones at or near all schools to or from which school children are transported and shall establish school bus loading zones along the highways and trafficways traversed by school buses in accordance with regulations promulgated by the department [PennDOT].

75 Pa.C.S.A. § 3345(h). The relevant PennDOT regulations chiefly concern loading zone placement and maintenance and contemplate

1. The parties waived the time requirements of Pa.R.C.P. 1531(f)(1).

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that the loading zones will be created off-roadway, but if not possible, on-roadway or on separate roadways. See 67 Pa. Code §104.1-104.3. The regulations also contemplate that loading zones for school children will be placed on either governmental property (county or municipal) or on private property. *Id.* The loading zone area for the school bus stop in question is an off-roadway loading zone located on a residential sidewalk. There was no evidence that the School District has erected any structures at this bus stop.

Defendant's Speech and Conduct

Defendant testified that he is a street preacher and evangelist who has preached for many years in many cities. (N.T. 35) He stated that he has ministered to children since 1986 in various capacities and that his intent is to “save” and “disciple” them. (N.T. 44) Defendant admitted that for at least four years, he handed out Gospel tracts to “unsaved” children at the school bus stop, including to middle school-aged children. (N.T. 36, 39-40, 45)

School bus driver Carol Mihailoff testified that she had contact with Defendant at this bus stop on a number of occasions. (N.T. 18-19) She recalled that before the bus stop was moved, Defendant on a few occasions would meet the school children coming off the bus and stop them to try to engage them in conversation and hand them pamphlets. (N.T. 19) She also recalled an incident when, after dropping students off and turning her bus around, she saw Defendant stop a girl who had gotten off the bus. Ms. Mihailoff stopped her bus and directed the girl to walk in front of the bus to her home. (N.T. 18) Ms. Mihailoff watched as Defendant followed the girl and stopped her again along with another student. (N.T. 20-21) She yelled at the girls to go home at which point she had to leave to continue her bus run. (N.T. 18) Ms. Mihailoff was concerned about the safety of the girls being stopped by an adult stranger and reported it to her office. (N.T. 21-22) She also testified that she has been concerned about the safety of other students at other times there because of Defendant's actions. (N.T. 21)

Parent Patricia Seaman testified that while dropping off her twelve-year-old son at the bus stop, her son told her he was “scared” of Defendant and indicated other children at the stop were also “concerned” because there was an adult whom they didn't know at the stop. (N.T. 4, 6-7) She pulled up in her vehicle and told Defendant that the children were uncomfortable and asked him to move on. Defendant refused and asserted his right to free speech. (N.T. 7) Ms. Seaman decided to park her vehicle and stay in the area. (N.T. 8) When the bus

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came, Defendant yelled at her which concerned some of the school children, including her son, whom she stated could not concentrate in school that day. (N.T. 8) She also reported that Defendant yelled at one child specifically, calling him a “heathen.” (Id.) Ms. Seaman was so upset she called “911” because Defendant’s behavior made her feel unsafe. (N.T. 9)

Defendant recalled this incident with Ms. Seaman and admitted he refused to stop talking to the school children, asserting his right to free speech. He explained that he had been talking with school children he knew from the neighborhood. (N.T. 32) He denied yelling at Ms. Seaman or calling any student a “heathen.” (N.T. 42-43)

After this initial confrontation, Ms. Seaman or her husband were always present at the bus stop for the transport of middle school children through the fall and winter and generally stood on the opposite corner in order to look out for their son’s safety. (N.T. 10- 11) Ms. Seaman also agreed to remain at the bus stop when high school students were picked up, upon the request of another parent who was concerned for the safety of their child. (N.T. 12) During this time, Ms. Seaman’s husband and the Defendant had at least one confrontation involving yelling. (N.T. 10) Later, Ms. Seaman recalled that Defendant appeared at the stop and offered the children hot soup or the like while “preaching and evangelizing” to them. He also made derogatory comments to the Seamans about allowing smoking and drinking in their house. (N.T. 11-12) Ms. Seaman later complained to the School District, which ultimately changed the school bus stop location for the next school year.

Defendant corroborated that he offered hot chocolate and tea (not soup) to school children on one occasion because it was cold. He stated that he had done the same in the past. (N.T. 33) He claimed that only school children whom he knew accepted the drinks. (N.T. 42) He denied he was preaching or talking loudly to the children. (N.T. 34) He did recall that he and Ms. Seaman, and either her husband or another man who were smoking on the corner, got into an argument over his presence, with Defendant again asserting his right of free speech. He admitted that he yelled at her and told her she was a “bad influence” on children. (N.T. 35-36, 43) During this occasion, he admittedly began to preach to the school children at the bus stop asking them if they want to be involved with someone who smoked and drank (alluding to Ms. Seaman and the other male) or whether they wanted to follow God and discover what God had called them to do. (N.T. 35-36) He claimed this was the only time he actually preached to any of the school children at the bus stop. (N.T. 35, 41)

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Defendant admitted that he appeared at the bus stop on a number of other occasions, though he claimed it was primarily to speak with Christian students whose families he knew from the neighborhood. (N.T. 34-35) Defendant also testified that on one occasion he advised a male student that his choice of T-shirts was not Christian; he gave that student a Bible and offered to bring him Christian T-shirts. (N.T. 38)

Defendant's neighbor and friend, Milton Quinteros, testified that he observed Defendant at the bus stop talking to the school children and "doing a presentation" for them. (N.T. 28) He has otherwise never seen Defendant do anything with school children that made him afraid for their safety and that he has no fears concerning his own daughter talking to Defendant. (N.T. 25-26,28)

LEGAL DISCUSSION

The School District seeks a final permanent injunction against the Defendant, directing that he "maintain a safe distance of no less than twenty yards from the school bus stop located at [Boas Street] and/or any current bus stop utilized by the Central Dauphin School District where children are waiting to board or de-board." Defendant argues that this injunction is an attempt by the School District to prevent him from speaking based upon the content of his speech, which is a violation of the First Amendment, which provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Const. amend I.

The School District asserts that the injunction is not violative of Defendant's free speech rights and is necessary to protect school children at its bus stops. The School District stresses that it is not concerned with the particular message Defendant seeks to offer school children. Rather, it is concerned by his physical and general verbal interaction with students at the time when they are boarding and de-boarding their buses. The School District asserts it is specifically concerned with Defendant engaging the school children in conversation, handing out pamphlets (regardless of content) and, in some instances, pursuing children as they travel to and from the bus stop. The School District is ultimately concerned with the manner of the Defendant's expressive speech, noting its statutory obligation to maintain safe bus stops.

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First Amendment Forum Analysis

Defendant has identified two types of speech in which he was engaged at the bus stop which are protected: preaching (speaking) and the distribution of religious literature or items with a religious message. Activities such as speaking, distributing literature, displaying signs, petitioning for change and disseminating information concerning issues of public concern are central to the protections of the First Amendment, which is applicable to the states through the Fourteenth Amendment. *Martin v. City of Struthers*, 319 U.S. 141, 143 (1943) (“The right of freedom of speech and press has broad scope. ... This freedom embraces the right to distribute literature, ... and necessarily protects the right to receive it.” (internal citation omitted)). First Amendment protection extends to the distribution of information and opinion concerning religious, political and economic matters, and other subjects of public concern, through handbills, leaflets and pamphlets. *Jamison v. Texas*, 318 U.S. 413, 416 (1943) (“... one who is rightfully on a street which the state has left open to the public carries with him there as elsewhere the constitutional right to express his views in an orderly fashion. This right extends to the communication of ideas by handbills and literature as well as by the spoken word.”) *See, also Klebanoff v. McMonagle*, 552 A.2d 677, 680 (1988), *appeal denied*, 563 A.2d 888 (Pa. 1989) (noting that the U.S. Supreme Court “has been especially hostile to regulating the publication or distribution of printed or written materials because these are seen to be closer to pure speech”).²

Nevertheless, “[e]ven protected speech is not equally permissible in all places and at all times. Nothing in the Constitution requires the Government freely to grant access to all who wish to exercise their right to free speech on every type of Government property without regard to the nature of the property or to the disruption that might be caused by the speaker’s activities.” *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 799-800 (1985). As such, the government may, as a general rule, limit speech that takes place on its property without running afoul of the First Amendment. *Lamb’s Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384, 390 (1993); *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*. 460 U.S. 37, 46 (1983).

2. Street preaching is an American tradition with a history that pre-dates the Revolution. “There is even some suggestion that itinerant preaching contributed to Madison’s belief in the need for a Bill of Rights, especially the First Amendment.” Patrick J. Flynn, *Street Preachers Versus Merchants: Will the First Amendment Be Held Captive in the Balance?*, 14 St. Louis U. Pub. L. Rev. 613, 615 (1995) (footnotes omitted).

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The Supreme Court has “adopted a forum analysis as a means of determining when the Government’s interest in limiting the use of its property to its intended purpose outweighs the interest of those wishing to use the property for other purposes. Accordingly, the extent to which the Government can control access depends on the nature of the relevant forum.” *Cornelius* at 800. Under the forum analysis, the level of scrutiny applicable to government restrictions of expression on public property focuses on the “character of the property at issue.” *Perry* at 44, see *U.S. v. Kokinda*, 497 U.S. 720, 726 (1990). Strict scrutiny applies to speech restrictions in “traditional fora” as well as in “designated public fora.” *Kokinda* at 726 (citing *Perry*). Reasonable time, place, and manner restrictions in these fora are enforceable, however, as long as they are “content-neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication.” *Perry* at 45. Restrictions of speech on all other public property (“nonpublic” fora) are enforceable as long as they are reasonable and “not an effort to suppress expression merely because public officials oppose the speaker’s view.” *Id.* at 46 (citation omitted).

Traditional public fora are those places “which by long tradition or by government fiat have been devoted to assembly and debate . . .” *Perry* at 45. This type of forum includes “streets and parks which ‘have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions.’” *Perry* at 45 (quoting *Hague v. CIO*, 307 U.S. 496, 515 (1939)). “Because a principal purpose of traditional public fora is the free exchange of ideas, speakers can be excluded from a public forum only when the exclusion is necessary to serve a compelling state interest and the exclusion is narrowly drawn to achieve that interest.” *Cornelius* at 800 (citing *Perry* at 45).

Designated public fora consist of “public property which the state has opened for use by the public as a place for expressive activity.” *Perry* at 45. The government does not create a public forum by inaction or by permitting limited discourse, but only by intentionally opening a nontraditional forum for public discourse. *Cornelius* at 802. Although the government is not required to open or indefinitely retain the open nature of these places, the government is bound, once it does so, by the same limitations on speech restriction as exist in the traditional public forum context. *Perry* at 46. That is, reasonable time, place and manner regulations are permissible, and a content-based prohibition must be narrowly drawn to effectuate a compelling state interest. *Id.*

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A nonpublic forum, “is not by tradition or designation a forum for public communication....” *Perry* at 46. The mere fact that government property is used for expressive activity does not qualify it as a public forum. Rather, “the State, no less than a private owner of property, has power to preserve the property under its control for the use to which it is lawfully dedicated.” *Id.* A nonpublic forum, however, is not a private forum, and because it is a government-sponsored medium of communication, it is still subject to First Amendment constraints. *See Estiverne v. Louisiana State Bar Ass’n*, 863 F.2d 371, 378 (5th Cir. 1989) (citing *Cornelius* at 814 (Blackmun, J., dissenting)). The government can restrict access to a nonpublic forum as long as the restrictions are “reasonable and [are] not an effort to suppress expression merely because public officials oppose the speaker’s view.” *Cornelius* at 800 (quoting *Perry* at 46). Rather, the government may restrain speech “based on subject matter and speaker identity so long as the distinctions drawn are reasonable in light of the purpose served by the forum and are viewpoint neutral.” *Cornelius* at 806 (citing *Perry* at 49).

Regardless of the forum classification, the government cannot commit “viewpoint discrimination” which is a violation of the First Amendment in any forum. *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 828 (1995). “It is axiomatic that the government may not regulate speech based on its substantive content or the message it conveys.” *Id.* Viewpoint discrimination is a form of content discrimination in which “the government targets not subject matter, but particular views taken by speakers on a subject.” *Id.* (citing *R.A.V. v. City of St. Paul*, 505 U.S. 377, 391 (1992)). “Viewpoint discrimination is thus an egregious form of content discrimination. The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.” *Id.*

Forum Identification

With these standards in mind, this court turns its attention to application of the forum analysis. The first step in this analysis is the identification of the forum. The decision on that issue will determine what level of scrutiny to apply: restrictions on speech in a public forum receive strict scrutiny whereas restrictions in a nonpublic forum need only be reasonable and not viewpoint discriminatory.

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Defendant has argued that the forum in question be defined as a public sidewalk, which has been characterized as a “quintessential” or “archetypal” traditional public forum. *See Kokinda* at 728; *Frisby v. Schultz*, 487 U.S. 474, 480 (1988) (residential sidewalk); *see also Carey v. Brown*, 447 U.S. 455, 460-61 (1980) (public streets and sidewalks in residential neighborhoods are public fora). The School District contends that the forum here should be defined as school property, historically held to be a nonpublic forum subject to the lower level of scrutiny of the reasonableness test, absent some policy or practice by authorities designating school facilities for public use. *See Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 267 (U.S. 1988) (citations omitted).

The property here, however, has characteristics of two distinct fora; a public sidewalk and a school bus loading zone. Neither party has submitted, and this court has not discovered, any case from any jurisdiction involving an analysis of First Amendment rights for this type of hybrid property. *Compare Center for Bio-Ethical Reform, Inc. v. Los Angeles County Sheriff Dep’t*, 533 F.3d 780, 786-87 (9th Cir. 2008) (public street surrounding the perimeter of a middle school is a public forum); *PeTA v. Rasmussen*, 298 F.3d 1198, 1204 (10th Cir. 2002) (public sidewalk near school but off school grounds is a public forum); *Grattan v. Bd. of Commr.’s of Baltimore City*, 805 F.2d 1160, 1162-63 (4th Cir. 1986) (parking lot on school grounds is a nonpublic forum); and *Reed v. State*, 762 S.W.2d 640, 642 (Tex. App. 1988) (sidewalk entirely on school grounds inside high school campus at a bus unloading point is a nonpublic forum); *see also, Christ’s Bride Ministries v. SEPTA*, 937 F. Supp. 425 (E.D. Pa. 1996), *rev’d on other grounds*, 148 F.3d 242 (3d Cir. Pa. 1998), *cert. denied*, 525 U.S. 1068 (1999) (rail and subway stations in a public transit system are nonpublic fora).

The School District, in support of its argument that this school bus stop is school property and thus a presumed nonpublic forum, cites that portion of the Motor Vehicle Code, discussed above, which mandates that school districts create school bus loading zones (bus stops) in accordance with PennDOT regulations. 75 Pa.C.S.A. § 3345(h). As noted, the regulations contemplate that the school bus stops established will be created on either governmentally-owned or privately-owned property. Nothing in this language, however, indicates that schools maintain an ownership interest over designated school loading zones. Nevertheless, this court finds them nonpublic fora.

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Although school bus stops on residential streets are not per se school property, school districts remain obligated to “maintain” them.³ *Id.* Furthermore, their purpose is directly related to the school function of student transport. Such a function, when exercised on school property, would clearly be considered nonpublic, and has been. *See Grattan* (school parking lot is a nonpublic forum) and *Reed* (bus unloading zone on school campus is a nonpublic forum). Additionally, our Legislature recently passed a school anti-bullying law that reflects an intent to define the “school setting” beyond school grounds to include bus stops. 24 P.S. § 13-1303.1-A (2008). This law requires that public schools districts adopt student conduct policies addressing bullying in “a school setting,” defined under this law as “in the school, on school grounds, in school vehicles, *at a designated bus stop* or at any activity sponsored, supervised or sanctioned by the school.” 24 P.S. § 13-1303. 1-A(e) (italics provided).

In recognizing public sidewalks as quintessential or archetypal public fora, the Supreme Court has explained their nature as “continually open, often uncongested, and constitut[ing] not only a necessary conduit in the daily affairs of a locality’s citizens, but also a place where people may enjoy the open air or the company of friends and neighbors in a relaxed environment.” *Heffron v. International Society for Krishna Consciousness, Inc.* 452 U.S. 640, 651 (1981). The decisions “identify[ing] public streets and sidewalks as traditional public fora are not accidental invocations of a ‘cliché,’ but recognition that ‘[w]herever the title of streets and parks may rest, they have immemorially been held in trust for the use of the public.’ No particularized inquiry into the precise nature of a specific street is necessary; all public streets are held in the public trust and are properly considered traditional public fora.” *Frisby v. Schultz*, 487 U.S. 474, 480-81(1988) (quoting *Hague v. CIO* at 515).

The Supreme Court in *Cornelius*, however, guides us that “forum analysis is not completed merely by identifying the government property at issue. Rather, in defining the forum we have focused on the access

3. This court does note the Commonwealth Court’s holding in *Dunaway v. Southeastern Sch. Dist.*, 676 A.2d 1281 (Pa. Commw. Ct. 1996), *appeal denied*, 547 Pa. 719 (Pa. 1997). The Commonwealth Court there upheld the grant of summary judgment in a school district’s favor where a child was injured at a school bus stop. The court agreed with the trial court’s finding that the record showed, as a matter of law, the school district had not breached its duty by violating any of the regulations under 67 Pa. Code § 104.3 in creating an off-roadway bus stop. Though the issue was not squarely before it, this holding implies that had the evidence revealed a breach of duty under the regulations, the school district would have been liable, indicating that school districts maintain some level of control over designated school bus loading zone property.

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sought by the speaker.” *Id.* at 801. The access to which the Defendant speaker here seeks is not simply the right to public citizenry on public thoroughfares. Instead, Defendant seeks physical access to a school bus stop on a residential sidewalk because school children congregate at this location at least two times per day when school is in session; Defendant ultimately seeks to direct speech and conduct toward these school children. There is no indication that Defendant otherwise seeks access to the public at large at this location. It is indeed the defining characteristic of this forum site - the sidewalk area portion designated a school bus stop at times when it is being utilized as such - which has drawn Defendant to it.

Furthermore, unlike the purpose of a typical public sidewalk forum addressed by the Supreme Court, these school children, particularly while waiting to board buses, are not free to come and go as they please in this “open and uncongested conduit to the daily affairs” as actors to the “the open air or the company of friends and neighbors in a relaxed environment.” They are in effect, a captive audience, present at this location in order to fulfill their compulsory obligation to attend school.⁴ It is to this captive audience to which Defendant seeks access. As such, based upon the access sought, this forum is not merely a generic public sidewalk utilized by the citizenry that may be considered, without further inquiry, a public forum.

Indeed, on a few occasions, sidewalks created for public use have been considered as nonpublic fora. In *Kokinda*, political activists were arrested for setting up a table on a public postal sidewalk near a post office entrance, soliciting contributions and handing out pamphlets, among other things. They were later convicted of violating a federal regulation which prohibited the solicitation of “alms and contributions” on post office property. The activists challenged the constitutionality of the regulation. A plurality of the Supreme Court held that the sidewalk was a nonpublic forum since it had been constructed solely to assist patrons of the post office to access the post office. *Kokinda* at 723. The plurality also indicated its disagreement with the dissent which would designate all sidewalks open to the public as public fora. *Id.* at 728. Instead, the plurality explained that its First Amendment jurisprudence reveals that not every public sidewalk is a public forum.⁵ *Id.* at 728 (citation and

4. All children of compulsory school age (eight to seventeen) who are residents of the Commonwealth must attend school. 24 P.S. §§ 13-1326, 1327(a).

5. A fifth justice was of the view that the federal regulation was valid under the First Amendment regardless of whether the postal sidewalk was considered a public or nonpublic forum.

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footnote omitted). *See also, Paff v. Kaltenbach*, 204 F.3d 425, 433 (3d Cir. 2000) (public sidewalk on post office property was a nonpublic forum). To a degree, the sidewalk here used as the school bus loading zone can be equated with the sidewalk in *Kokinda*; that is, it is used by school children to get to school - at least for the two times per day of limited duration when it is used as such - like patrons in *Kokinda* used the sidewalks to access the post office.

The Supreme Court further guides that “[w]e will not find that a public forum has been created in the face of clear evidence of a contrary intent, nor will we infer that the government intended to create a public forum when the nature of the property is inconsistent with expressive activity.” *Cornelius* at 803 (citations omitted). School bus stops are not areas which by tradition have been devoted to expressive activity such as public assembly or debate by the general public. *See Cornelius* at 802 (cases cited therein). Furthermore, at least in the context of the school anti-bullying law discussed above, our Legislature has indicated that it considers designated school bus stops part of the school setting.

For this and all of the reasons set forth above, I find that the forum in question - school bus stops on residential sidewalks when utilized by students to board and de-board school buses - are nonpublic fora.⁶ Therefore, I will apply the reasonableness test in assessing whether the limits which the School District seeks to place on Defendant’s access to the bus stops pass constitutional muster.

Reasonableness Test

In assessing whether a limitation on speech in a nonpublic forum is constitutionally sound, the *Cornelius* court guides that “[c]ontrol over access to a nonpublic forum can be based on subject matter and speaker identity so long as the distinctions drawn are reasonable in light of the purpose served by the forum and are viewpoint neutral.” *Id.* at 806 (citing *Perry* at 49). That court further guides that “[t]he Government’s decision to restrict access to a nonpublic forum need only be *reasonable*; it need not be the most reasonable or the only reasonable limitation. In contrast to a public forum, a finding of strict incompatibility between the nature of the speech or the identity of the speaker and the functioning of the nonpublic forum is not mandated.” *Cornelius* at 808 (italics in original). “The reasonableness of the Government’s restriction of access to a nonpublic forum must be assessed in the light of the purpose of the forum and all the surrounding circumstances.” *Id.* at 809.

6. I reach the same conclusion to the extent that School District bus stops are located on public roads (on roadway).

Central Dauphin School District v. Garisto

The School District here does not seek to make any distinction on access on the basis of subject matter. The injunction does, however, seek to control access on the basis of speaker identity. In fact, Defendant is the only speaker whom the School District seeks to restrict under the proposed injunction, under which he is required to remain at least twenty yards from school bus stops when being utilized as such.

The control over access to school bus stops sought by the School District, which draws a distinction based upon speaker identity, is reasonable in light of the purpose served by the forum and the surrounding circumstances. The purpose of school bus stops is to provide a safe place for school children to await transport to school and be returned following school in order that they may fulfill their compulsory and desired education obligation. Defendant's presence at the bus stop amongst the students has on occasion made some of the school children feel scared and has made a number of parents concerned for their children's safety. The school bus driver expressed similar concern for their safety in instances when Defendant stopped school children as they walked off the bus as well as pursuing another child after she was walking away from the bus. Defendant has also approached school children and offered them hot drinks. As discussed above, the school children at School District bus stops are captive audiences. They cannot always, in the face of conduct they find objectionable, simply walk away. It is a traditional exercise of governmental power "to protect the health and safety of their citizens." *Hill v. Colorado*, 530 U.S. 703, 715 (2000) (citation omitted). Certainly the School District has a strong interest in preventing an adult stranger from approaching captive audience school children and engaging them in conversation, handing out pamphlets, stopping them as they get off a school bus or pursuing them as they walk away therefrom.

The permanent injunction the School District seeks might also be considered reasonable as it is arguably a proper exercise of its authority to protect the school children's privacy interests. The Pennsylvania Supreme Court has recognized the right of the government to employ an injunction to limit speech "to protect a substantial interest recognized in both Pennsylvania law and in the United States Constitution. It protects what has been variously called the individual's right of privacy, the right to be free from intrusion upon one's solitude or seclusion, or the right to be left alone." *Klebanoff* at 679 (internal citations omitted). "The unwilling listener's interest in avoiding unwanted communication has been repeatedly identified in our cases. It is an aspect of the broader 'right to be let alone' that one of our wisest Justices characterized as 'the most

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comprehensive of rights and the right most valued by civilized men.” *Hill* at 716-17 (quoting *Olmstead v. United States*, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting)). “The First Amendment permits the government to prohibit offensive speech as intrusive when the ‘captive’ audience cannot avoid the objectionable speech.” *Klebanoff* at 680 (1988) (quoting *Frisby* at 487).

As noted above, school bus stops have been considered part of the “school setting.” Courts have often considered children in other school settings to be members of a “captive audience” whose interests school authorities may seek to protect. *See Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 684 (1986) (children in public schools are a “captive audience” that “school authorities acting in *loco parentis* [may] protect”); *Saxe v. State Coll. Area Sch. Dist.*, 240 F.3d 200, 210 (3d Cir. 2001) (“speech may be more readily subject to restrictions when a school or workplace audience is ‘captive’ and cannot avoid the objectionable speech”); *see also, Miles v. Denver Pub. Sch.*, 944 F.2d 773, 776 (10th Cir. 1991) (“[a] podium before a captive audience of public school children is decisively different from a street corner soapbox”).

Although it is not entirely clear under current Supreme Court jurisprudence that the captive audience doctrine would apply in this case,⁷ to the extent it would apply and assuming school children have a recognized privacy interest to be left alone from the approach of strange adults at school bus stops, it is reasonable for the School District to protect those interests including from the overtures by the adult stranger to engage them in conversation, hand out literature and stop and pursue them as they travel to and from the buses.

Viewpoint Neutrality

Having found the proposed injunction reasonable, the next issue is whether the limitation on Defendant’s speech is “viewpoint neutral.” As noted above, in regulating speech, the government may not commit

7. The law in this area is not a model of clarity. In its most recent decision in this area, the Supreme Court backed away from a broad application of the captive audience doctrine, noting it has been applied only “sparingly” and giving examples only of its application to protect the substantial privacy of homeowners. *Snyder v. Phelps*, ____ U.S. ____, 131 S. Ct. 1207, 1220 (2011) (citations omitted). It further reiterated that the doctrine will protect the captive audience only where the privacy interests are being invaded in an “essentially intolerable manner.” *Id.* (citation omitted). *See* Marcy Strauss, *Redefining the Captive Audience Doctrine*, 19 Hastings Const. L.Q. 85, 95 (1992) (noting that the captive audience doctrine relating to speech outside the home is “riddled with confusion and inconsistency”) and Caroline Mala Corbin, *First Amendment Right Against Compelled Listening*, 89 B.U. L. Rev. 939, 951 (2009) (noting that Supreme Court decisions concerning the captive audience doctrine “are far from consistent”).

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“viewpoint discrimination,” which is the regulation of speech based on its substantive content or the message conveyed. Such discrimination is a violation of the First Amendment in any forum. *Rosenberger supra*.

The proposed injunctive language is facially neutral because it makes no mention concerning content nor otherwise indicates any intent to suppress speech based upon content. Defendant asserts, however, that the injunction is being sought, and that his speech will be impermissibly curtailed, based solely upon the reaction of the recipients to its religious content; i.e., that the injunction sought is in essence a “heckler’s veto.” (N.T. 53)

Under the First Amendment, government cannot silence messages simply because they cause discomfort, fear or even anger amongst the recipients. *See, Bachellar v. Maryland*, 397 U.S. 564, 567 (1970) and *Ctr. for Bio-Ethical Reform, Inc. v. Los Angeles County Sheriff Dept.*, 533 F.3d 780, 787 (9th Cir. 2008). “‘Listeners’ reaction to speech is not a content-neutral basis for regulation’ - in other words, the First Amendment does not permit a heckler’s veto.” *Ctr. for Bio-Ethical Reform* at 788 (quoting *Forsyth County v. Nationalist Movement*, 505 U.S. 123, 134 (1992)).

While there was evidence that the Defendant’s presence at the bus stop elicited fear and concern amongst school children, a few parents and the school bus driver, and that on at least two occasions Defendant and some parents got into a verbal confrontation over his presence, there was no evidence presented that it was the content of Defendant’s message that caused these reactions. Instead, the evidence indicates it was the presence of an adult stranger and his actions approaching and interacting with school children which elicited the reactions and lead to the School District’s seeking of injunctive relief.

Furthermore, the fact that the injunction sought will permit Defendant to remain in the general area of school bus stops reveals an intent by the School District to limit his physical access to school children rather than to suppress his religious message. The proposed limitation on Defendant’s access will not entirely foreclose his ability to speak (preach), as he may remain twenty yards away, within earshot of his intended audience. As such, he will still be able to offer his religious message in this form to school children and thus exercise his First Amendment rights. Additionally, while the twenty-yard limitation will curb his ability to hand out religious items, school children remain

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free to approach him and receive religious information should they so choose. “The First Amendment does not demand unrestricted access to a nonpublic forum merely because use of that forum may be the most efficient means of delivering the speaker’s message.” *Cornelius* at 809 (citation omitted). “Rarely will a nonpublic forum provide the only means of contact with a particular audience.” *Id.* Speakers will generally have access to “alternative channels” of access. *Id.*

Injunctive Relief

An injunction “is an extraordinary remedy that should be issued with caution and only where the rights and equity of the plaintiff are clear and free from doubt, and where the harm to be remedied is great and irreparable.” *Big Bass Lake Community Ass’n v. Warren*, 950 A.2d 1137, 1144-1145 (Pa. Commw. 2008) (citations omitted). An injunction is available to prohibit or command virtually any type of action so long as the moving party can show (1) a clear right to relief-, (2) an urgent necessity to avoid an injury that cannot be compensated in damages; and (3) a finding that greater injury will result from refusing, rather than granting, the relief requested. *Id.* at 1145. “Even where the essential prerequisites of an injunction are satisfied, the court must narrowly tailor its remedy to abate the injury.” *Id.*

As set forth in detail above, the School District’s right to relief is clear. The evidence has revealed that Defendant’s speech and conduct at the school bus stop has placed the safety of students at risk. Furthermore, the limitation imposed upon Defendant by the proposed injunction does not violate his First Amendment rights because the School District’s proposed remedy of limiting his access to students at bus stops when used as such is reasonable under the applicable law.

There is additionally an urgent necessity to avoid injury that cannot be compensated by monetary damages. The potential injury involved here is to children whose safety and sense of well-being has been placed at risk by Defendant’s conduct, detailed above. This is clearly a potential injury which cannot be compensated by money damages.

Finally, greater injury will result from refusing, rather than granting, the relief requested. Were Defendant able to continue to physically approach the school children, he would be placing them in potential physical danger. He would also continue to cause the children, and their parents, fear and concern. As a captive audience, the children’s privacy interests would remain unprotected as they would have no way to avoid Defendant’s approach.

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Finally, the proposed injunction is narrowly tailored. As detailed above, Defendant remains able to exercise his speech rights and will continue to have access to children who seek him out outside the twenty-yard zone. This zone is nevertheless sufficiently broad so that the school children are protected from and may avoid Defendant's physical approach.

Accordingly, I enter the following:

ORDER

AND NOW, this 20th day of September, 2012, it is hereby directed that a permanent injunction is granted, as follows: Defendant Stephen Garisto is directed to maintain a safe distance of no less than twenty (20) yards from any designated bus stop / school bus loading zone established by the Central Dauphin School District where children are waiting to board or de-board school buses.

—————O—————

FIRST PUBLICATION

Estate Notices

ESTATE OF LAURENCE H. DEMERS, late of Derry Township, Dauphin County, Pennsylvania. Personal Representative: Laurence M. Demers, 1175 Stonegate Road, Hummelstown, PA 17036. o19-n2

ESTATE OF JOYCE A. ZOBITNE, late of Middletown Borough, Dauphin County, Pennsylvania. Executrix: Diane M. Hester, 3720 West Camino Christy, Tucson, AZ 85742. Attorney: Anthony T. McBeth, Esq., 407 North Front Street, Harrisburg, PA 17101. o19-n2

ESTATE OF ROSALIE TAYLOR, late of Derry Township, Dauphin County, Pennsylvania (died September 16, 2012). Executor: Timothy J. Taylor, 1021 S. Progress Avenue, Apt. R6, Harrisburg, PA 17111. Attorney: Kendra A. Mohr, Esq., Pannebaker & Mohr, P.C., 4000 Vine Street, Middletown, PA 17057. Telephone (717) 944-1333. o19-n2

ESTATE OF FLORENCE STEWART, late of Harrisburg, Dauphin County, Pennsylvania (died September 23, 2012). Personal Representative: Paul R. Stewart, 1400 Par Causeway, Wescosville, PA 18106. Attorney: Gary E. French, Esq., 213 Market Street, 8th Floor, Harrisburg, PA 17101. o19-n2

ESTATE OF GARY C. CLEMENS, late of Middle Paxton Township, Dauphin County, Pennsylvania (died September 3, 2012). Personal Representative: Baiba M. Clemens, 436 Fishing Creek Valley Road, Harrisburg, PA 17112. Attorney: Elyse E. Rogers, Esq., Saidis, Sullivan & Rogers, 635 North 12th Street, Suite 400, Lemoyne, PA 17043. o19-n2

ESTATE OF MIRIAM L. GEORGE, late of Lower Swatara Township, Dauphin County, Pennsylvania (died September 16, 2012). Executor: William L. George, 378 North Prospectors Road, Diamond Bar, California, 91765. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. o19-n2

SECOND PUBLICATION

ESTATE OF GEORGE L. NEWKIRK, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executrix: Sharon L. Waters, P.O. Box 61637, Harrisburg, PA 17106-1637. o12-o26

ESTATE OF ALMA G. CRIDER, late of Conewago Township, Dauphin County, Pennsylvania (died August 29, 2012). Executrix: Ruth E. Crider, 3650 Old Hershey Road, Hershey, PA 17033. Attorney: Shelly J. Kunkel, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. o12-o26

ESTATE OF STEVEN P. KALDES, late of Susquehanna Township, Dauphin County, Pennsylvania (died May 23, 2012). Personal Representative: JoAnna Kaldes Kontanis, 752 Steeplechase Road, Landisville, PA 17538. Attorney: Ronlad Perry, Esq., 345 East Market Street, York, PA 17403. o5-o26

ESTATE OF ANN L. LINGLE, late of South Hanover Township, Dauphin County, Pennsylvania (died September 19, 2012). Executor: Chad A. Lingle, 80 Leno Drive, Palmyra, PA 17078. Attorney: Jean D. Seibert, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. o12-o26

SECOND PUBLICATION

Estate Notices

ESTATE OF HARLEY A. BEEBE, late of Harrisburg, Dauphin County, Pennsylvania. Executor: Raymond F. Beyers, Jr., 65 Oaktree Road, Hummelstown, PA 17036. Attorney: Heather D. Royer, Esq., Smigel, Anderson & Sacks, LLP, 4431 North Front Street, Harrisburg, PA 17110. o12-o26

ESTATE OF CHARLES R. NEWKAM, late of the Township of Susquehanna, Dauphin County, Pennsylvania (died September 19, 2012). Executrix: Cynthia L. Hultzapple, 321 Regent Road, Harrisburg, PA 17112. Attorney: Terrence J. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. o12-o26

ESTATE OF THOMAS J. KENNEDY, late of Susquehanna Township, Dauphin County, Pennsylvania (died September 6, 2012). Personal Representative: Colleen Salvatore, 2706 Keystone Drive, Harrisburg, PA 17112. o12-o26

ESTATE OF AGNES J. HIRSCHMANN, late of Lower Paxton Township, Dauphin County, Pennsylvania (died September 3, 2012). Executor: Joseph G. Hirschmann, 4102 Wimbledon Drive, Harrisburg, PA 17112. Attorney: John D. Killian, Esq., Killian & Gephart, LLP, 218 Pine Street, Harrisburg, PA 17101. o12-o26

THIRD PUBLICATION

ESTATE OF LINDA L. SHEEDER, late of Harrisburg, Dauphin County, Pennsylvania. Administrator: Randall S. Sheeder. Attorney: E. Ralph Godfrey, Esq., Cipriani & Werner, P.C., 1011 Mumma Road, Suite 201, Lemoyne, PA 17043. o5-o19

ESTATE OF JOSEPHINE F. RUDY, late of East Hanover Township, Dauphin County, Pennsylvania (died September 10, 2012). Executrix: Mary Jane Hitz, 1008 Earlys Mill Road, Hummelstown, PA 17036. Attorney: Jean D. Seibert, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. o5-o19

ESTATE OF JOHN R. NAYLOR, late of West Hanover Township, Dauphin County, Pennsylvania (died May 27, 2012). Executrix: Patricia F. Naylor. Attorney: Susan H. Confair, Esq., Reager & Adler, PC, 2331 Market Street, Camp Hill, PA 17011. Telephone (717) 763-1383. o5-o19

ESTATE OF MARY L. HUSTON, late of Middletown, Dauphin County, Pennsylvania (died August 13, 2012). Co-Administrators: William G. Huston, 1020 Lieds Road, Coatesville, PA 19320 and Nancy J. Deibert, 322 Sue Drive, Hummelstown, PA 17036. Attorneys: Mateya Law Firm, PC, 55 W. Church Avenue, Carlisle, PA 17013. o5-o19

ESTATE OF LINDA J. HOFFMAN, late of Lower Paxton Township, Dauphin County, Pennsylvania. Personal Representative: Delores Liddick, 605 Old Grove Road, Mechanicsburg, PA 17055. Attorney: John R. Zonarich, Esq., Skarlatos Zonarich LLC, 17 South 2nd Street, Floor 6, Harrisburg, PA 17101. o5-o19

THIRD PUBLICATION

Estate Notices

ESTATE OF CHARLES W. DONAHUE, late of Hershey, Dauphin County, Pennsylvania (died August 11, 2012). Co-Executors: Charles W. Donahue, Jr., Tumwater, WA 98501 and Michael P. Donahue, Lawrenceville, NJ 08648. Attorney: A. Mark Winter, Esq., 310 W. Chocolate Avenue, Hershey, PA 17033. Telephone (717) 533-4868. o5-o19

ESTATE OF CHRISTINA A. SKOCZYNSKI, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Matthew Skoczynski, 530 Clermont Drive, Harrisburg, PA 17112. Attorney: Craig A. Hatch, Esq., Gates, Halbruner, Hatch & Guise, P.C., 1013 Mumma Road, Suite 100, Lemoyne, PA 17043. o5-o19

ESTATE OF CHARLES ZITO, late of Middletown, Dauphin County, Pennsylvania (died May 21, 2012). Executrix: Linda G. Fortini. Attorney: David C. Miller, Jr., Esq., 1100 Spring Garden Drive, Suite A, Middletown, PA 17057. Telephone (717) 939-9806; Email: DavidCMillerJr@verizon.net. o5-o19

ESTATE OF ROBERT L. WIEST, SR., late of Derry Township, Dauphin County, Pennsylvania (died April 22, 2012). Executor: Robert L. Wiest, Jr. Attorney: George W. Porter, Esq., 909 East Chocolate Avenue, Hershey, PA 17033. o5-o19

ESTATE OF RUTH M. WIEST, late of Derry Township, Dauphin County, Pennsylvania (died September 4, 2012). Executor: Robert L. Wiest, Jr. Attorney: George W. Porter, Esq., 909 East Chocolate Avenue, Hershey, PA 17033. o5-o19

ESTATE OF MARCIA A. DRENNON, late of Lower Paxton Township, Dauphin County, Pennsylvania. Personal Representative: Frankie Lee Drennon. Attorney: Paul A. Lundberg, Esq., Reilly, Wolfson, Sheffey, Schrum and Lundberg LLP, 1601 Cornwall Road, Lebanon, PA 17042. o5-o19

ESTATE OF JACK D. STOVER, late of Susquehanna Township, Dauphin County, Pennsylvania (died September 5, 2012). Personal Representative: Charles K. Haupt, 18 Riddle Road, Camp Hill, PA 17011. Telephone (717) 975-2508; Email: chscuba@gmail.com. o5-o19

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that a Certificate of Organization of Domestic Limited Liability Company was filed on September 28, 2012, with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Organization of a proposed domestic limited liability company to be organized under the 1988 Pennsylvania Business Corporation Law of the Commonwealth of Pennsylvania. The name of the company is **600 WCA, LLC**. The registered office is at 600 W. Chocolate Avenue, Hershey, Dauphin County, Pennsylvania 17033-1940. The purpose of the company is: To operate a licensed restaurant business and all other lawful business in the Commonwealth of Pennsylvania and elsewhere for which corporations may be incorporated under the Pennsylvania Business Corporation Law.

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

o19

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Informa Business Information, Inc.**, a foreign business corporation incorporated under the laws of the Commonwealth of Massachusetts, received a Certificate of Authority in Pennsylvania on May 16, 2011 and surrenders its certificate of authority to do business in Pennsylvania.

Its last registered office in this Commonwealth was located at: c/o Corporation Service Company, Dauphin County, PA, and its last registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania.

Notice of its intention to withdraw from Pennsylvania was mailed by certified or registered mail to each municipal corporation in which the registered office or principal place of business of the corporation in Pennsylvania is located.

The post office address, including street and number, if any, to which process may be sent in an action or proceeding upon any liability incurred before any liability incurred before the filing of the application for termination of authority is Informa USA, Attn: General Counsel, 100 Wall Street, 9th Floor, New York, NY 10005. o19

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA in accordance with the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania. The name of the corporation is **GMW Solutions, Inc.**

DEAN M. NACCARATO, Esq.
COHEN & GRIGSBY, P.C.
625 Liberty Avenue
Pittsburgh, PA 15222-3152

o19

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on October 5, 2012, with respect to a proposed non-profit corporation. **Zeta Theta Lambda Foundation Incorporated**, which has been incorporated under the nonprofit Corporation Law of 1988. A brief summary of the purposes for which said corporation is organized is: to operate exclusively for charitable and educational purposes, to fund educational scholarships, to assist community groups and individuals in educational, civic improvement and charitable activity, to accept and make donations of money and personal and real property and to invest in real estate and personal property for educational and charitable purposes. o19

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State at Harrisburg, Pennsylvania on June 14, 2012, incorporating **CHILDREN "R" SPECIAL, INC.** as a business corporation under the provisions of the Business Corporation Law of 1988, as amended.

GERALD J. BRINSER, Esq.
BRINSER, WAGNER & ZIMMERMAN
6 East Main Street – 2nd Floor
Palmyra, PA 17078

o19

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on or before 9/5/2012, with respect to a proposed nonprofit corporation, **T.R.A.C.K. INC.**, which has been incorporated under the Nonprofit Corporation Law of 1988. A brief summary of the purpose or purposes for which said corporation is organized is: fundraising for the Oswayo Valley school district track. o19

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 9/25/2012 under the Domestic Business Corporation Law, for **SALON MODA HV, INC.**, and the name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County. o19

NOTICE IS HEREBY GIVEN that **CENTEX REAL ESTATE CORPORATION**, a foreign business corporation incorporated under the laws of Nevada, intends to withdraw from doing business in this Commonwealth.

The address, including street and number, if any, of its principal office under the laws of its jurisdiction is its last registered office in this Commonwealth is c/o Corporation Service Company and is deemed for venue and official publication purposes to be located in Dauphin County. o19

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **Organix Recycling, Inc.**, a corporation incorporated under the laws of the State of Illinois with its principal office located at 9980 W. 190th St., Ste. C, Mokena, IL 60448 and a registered office in PA at c/o: Corporation Service Co., Dauphin County, which on 8/1/2011, was granted a Certificate of Authority to transact business in the Commonwealth of PA, intends to file an Application for Termination of Authority with the Dept. of State. o19

NOTICE IS HEREBY GIVEN that a Certificate of Authority was filed in the Department of State of the Commonwealth of Pennsylvania for **QW Holding Corporation**. The address of its principal office under the laws of its jurisdiction is 1180 Peachtree St., Ste. 2500, Atlanta, GA 30309. The commercial registered office provider is National Registered Agents, Inc. in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b). o19

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed in the Department of State of the Commonwealth of Pennsylvania on the 9th day of October, 2012 for the purpose of incorporating a nonprofit corporation under the Pennsylvania Non-Profit Corporation Law of 1988. The name of the corporation is **Central PA Claims Association (CPCA)**. It has been organized for insurance industry related educational, social, charitable and civic purposes.

RYAN MCGOUGH
3300 N. 3rd Street
Harrisburg, PA 17110
o19

NOTICE IS HEREBY GIVEN that **D3 Air and Space Operations, Inc.**, a foreign business corporation organized under the laws of the State of Florida, with its principal office is located at 2225 A1A South, Ste C-10, St. Augustine, FL 32080-2928, has applied for a Certificate of Authority to do business in Pennsylvania under provisions of the Pennsylvania Business Corporation Law of 1988. Its' registered office is located at 1288 North Mountain Road, Ste A (2nd Fl), Harrisburg, PA 17112-1754. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County. o19

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Business Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **United Leasing, Inc.** The address of its principal office under the laws of its jurisdiction is 3700 East Morgan Ave., Evansville, IN 47715. The name of this corporations commercial registered office provider is National Registered Agents, Inc. in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 4124(b).

o19

NOTICE. IS HEREBY GIVEN that **Urie Bates Architects, P.C.**, a foreign business corporation incorporated under the laws of the State of Maryland, received a Certificate of Authority in Pennsylvania on June 26, 2006 and surrenders its certificate of authority to do business in Pennsylvania.

Its last registered office in this Commonwealth was located at: 2595 Interstate Drive, Suite 103, Harrisburg, PA 17110 and its last registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania.

Notice of its intention to withdraw from Pennsylvania was mailed by certified or registered mail to each municipal corporation in which the registered office or principal place of business of the corporation in Pennsylvania is located.

The post office address, including street and number, if any, to which process may be sent in an action or proceeding upon any liability incurred before any liability incurred before the filing of the application for termination of authority is 11114 Innsbrook Way, Ijamsville, MD 21754.

o19

NOTICE IS HEREBY GIVEN that **Zep Vehicle Care Inc.**, a foreign business corporation incorporated under the laws of Georgia, with its princ. office located at 1310 Seaboard Industrial Blvd., NW, Atlanta, GA 30318, 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.

o19

NOTICE IS HEREBY GIVEN that **Advant-Edge Solutions, Inc.** with a registered agent provider in care of National Corporate Research, Ltd. 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 927 Red Toad Road, North East, MD 21901. This shall serve as official notice to creditors and taxing authorities.

o19

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 9, 2012, by **Fast Forward Energy, Inc.**, a foreign corporation formed under the laws of the State of Indiana, where its principal office is located at 2101 Rexford Rd., Ste. 236E, Charlotte, NC 28211, 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 CT Corporation System, Dauphin County.

o19

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 9, 2012, by **Elcon Electrical Contractors, Inc.**, a foreign corporation formed under the laws of the State of Mississippi, where its principal office is located at 160 Value Rd., Brandon, MS 39042, 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 CT Corporation System, Dauphin County. o19

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 20, 2012, by **C.P/Masters, Inc.**, doing business in the Commonwealth of Pennsylvania under the fictitious name of **BEIS Masters, Inc.**, a foreign corporation formed under the laws of the State of Texas, where its principal office is located at 350 N. Paul St., Ste. 2900, Dallas, TX 75201-4234, 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 CT Corporation System, Dauphin County. o19

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 1, 2012, by **Everite Machine Products Co.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 1209 Orange 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 c/o CT Corporation System, Dauphin County. o19

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 September 26, 2012, for the purpose of obtaining a charter of a Nonprofit Corporation organized under the Nonprofit Corporation Law of 1988 of the Commonwealth of Pennsylvania. The name of the corporation is: **Insight PA Cyber Charter School**. The corporation is organized and operated exclusively to provide quality public education for children without regard to race, color, ethnic origin, religion, disability, sex or sexual orientation.

Notice is further given that Articles of Amendment were filed on September 28, 2012, changing the name to PA Community Partners for Education.

DUANE MORRIS LLP, Solicitors
30 S. 17th St.
Philadelphia, PA 19103-4196

o19

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 12, 2012, by **Michael J. Bollinger Co., Inc.**, a foreign corporation formed under the laws of the State of Maryland, where its principal office is located at 3520 E. Federal St., Baltimore, MD 21213, 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 CT Corporation System, Dauphin County. o19

NOTICE IS HEREBY GIVEN that **Deluxe Digital Cinema Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 2400 W. Empire Ave., 2nd Fl., Burbank, CA 91504, 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. o19

NOTICE IS HEREBY GIVEN that a Certificate of Authority was filed in the Department of State of the Commonwealth of Pennsylvania for **Strategic Power Holdings Operations, Inc.** The address of its principal office under the laws of its jurisdiction is 1675 South State St., Ste. B., Dover, DE 19901. The commercial registered office provider is Capitol Corporate Services, Inc. in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b). o19

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 10/11/2012 under the Domestic Business Corporation Law, for **EYE ON MAIN STREET, INC.**, and the name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County. o19

NOTICE IS HEREBY GIVEN that **Fabric.com, Inc.**, a foreign business corporation incorporated under the laws of Georgia, with its princ. office located at 2151 Northwest Pkwy., Ste. 500, Marietta, GA 30067, 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. o19

NOTICE IS HEREBY GIVEN that Articles of Incorporation for **Supreme USA Inc.** were filed with the Department of State of the Commonwealth of Pennsylvania on 10/2/12 in accordance with the provisions of the Business Corporation Law of December 21, 1988, P.L. 1444, No. 177, as amended and supplemented. o19

FIRST PUBLICATION

Fictitious Notices

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Commonwealth of Pennsylvania on September 21, 2012 for **Re-Inventing Spaces by Linda** located at 4500 Egret Drive Harrisburg PA 17112. The name and address of each individual interested in the business is Linda Sue Green 4500 Egret Drive Harrisburg PA 17112. This was filed in accordance with 54 PaC.S. 311. o19

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Pawsitive Response Service Dogs, LLC**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being _____, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 10th day of October, 2012, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person owning or interested in the said business is: Kim Nolte, 211 Conewago Street, Middletown, PA 17057. o19

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Teledyne Isco**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 16830 Chestnut Street, City of Industry, California 91748 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on September 21, 2012, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the entity owning or interested in the said business is: Teledyne Instruments, Inc., 1049 Camino Dos Rios, Thousand Oaks, CA 91360. o19

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of Assembly, No. 295, effective March 16, 1983, of the filing in the office of the Department of State, of the Commonwealth of Pennsylvania, at Harrisburg, PA, for an Application for the conduct of business in Dauphin County, Pennsylvania, under the assumed of fictitious name, style or designation **MPLX Logistics Holdings**, with the principal place of business at c/o CT Corporation System, Dauphin County.

The name and address of the entity owning or interested in said business is: MPLX Pipe Line Holdings LP, 200 E. Hardin St., Findlay, OH 45840. o19

FIRST PUBLICATION

Miscellaneous Notices

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

CIVIL ACTION – LAW

No. 2011-CV-7936-MF

NOTICE OF SHERIFF’S SALE

**PHH MORTGAGE CORPORATION,
Plaintiff**

vs.

**BRIAN D. WILLIAMS and
ANTOINETTE RADIC, Defendants**

NOTICE

**TO: BRIAN D. WILLIAMS and
ANTOINETTE RADIC**

**NOTICE OF SHERIFF’S SALE
OF REAL PROPERTY**

**BEING PREMISES: 600 HIGH STREET,
STEELTON, PA 17113-2829.**

FIRST PUBLICATION

Miscellaneous Notices

BEING in VILLAGE OF BRESSLER, County of DAUPHIN, Commonwealth of Pennsylvania, 63-057-087-000-0000.

IMPROVEMENTS consist of residential property.

SOLD as the property of BRIAN D. WILLIAMS and ANTOINETTE RADIC.

YOU ARE HEREBY NOTIFIED that your house (real estate) at 600 HIGH STREET, STEELTON, PA 17113-2829 is scheduled to be sold at the Sheriff's Sale on 12/06/2012 at 10:00 AM, at the DAUPHIN County Courthouse, 101 Market Street, Harrisburg, PA 17107-2012, to enforce the Court Judgment of \$112,846.76 obtained by, PHH MORTGAGE CORPORATION (the mortgage), against the above premises.

PHELAN HALLINAN
o19 & SCHMIEG, LLP

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

CIVIL ACTION – LAW

No. 2010 CV 5704 MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**PNC BANK, NATIONAL ASSOCIATION,
C/O PNC BANK, N.A., Plaintiff**

vs.

**ROSA MILLINER, DECEASED,
MELISSA BROWN, KNOWN HEIR OF
ROSA MILLINER, DECEASED,
DEIRDRE MILLINER, KNOWN HEIR
OF ROSA MILLINER, DECEASED AND
UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING
RIGHT, TITLE, OR INTEREST FROM
OR UNDER ROSA MILLINER,
DECEASED, Defendants**

**TO: Rosa Milliner, Deceased and
Any and All Unknown Heirs,
Successors, Assigns and
All Persons, Firms or Associations
Claiming Right, Title or Interest
From or Under Rosa Milliner,
Deceased, Defendant(s),
whose last known addresses are**

**2923 Locust Lane
Harrisburg, PA 17109**

and

**110 Crossvine Court
Savannah, GA 31405**

**AMENDED COMPLAINT
IN MORTGAGE FORECLOSURE**

YOU ARE HEREBY NOTIFIED that Plaintiff, PNC Bank, National Association, c/o PNC Bank, N.A., has filed an Amended Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to NO. 2010 CV 5704 MF, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 2923 Locust Lane, Harrisburg, PA 17109, whereupon your property would 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 notice above, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

FIRST PUBLICATION

Miscellaneous Notices

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH THE INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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o19

SECOND PUBLICATION

Miscellaneous Notices

NOTICE OF AUDIT

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

NOTICE IS HEREBY GIVEN that the following accounts have been filed by the respective accountants in the Office of the Register of Wills or with the Clerk of the Orphans' Court Division of the Common Pleas of Dauphin County, as the case may be, and that the same shall be duly presented to the said Orphans' Court Division at the Office of the Court Administrator for Audit, Confirmation and Distribution of the said ascertained balances to and among those legally entitled there to *on Tuesday, November 20, 2012*. Pursuant to Dauphin County Orphans' Court Rule 6.10.1, objections to an account must be filed in writing with the Register or Clerk *no later than the close of business on Tuesday, November 13, 2012*.

1. ENGLEHART, GERALD F., Deceased, First and Partial Account of Manufacturers and Traders Trust Company, Successor to Allfirst Trust Company of Pennsylvania, NA, Heath L. Allen (Deceased), Robert R. Church (Successor to the Late Heath L. Allen) and Kenneth J. Arnold, Co-Trustees. (Trust under the Will), F/B/O Jillian Englehart.
2. RICCI, LYDIA, Deceased, First and Partial Account of Georgianne J. Hess, Executrix.

Dated: October 5, 2012

/s/ JEAN MARFIZO KING

Register of Wills and

o12-o19 Clerk of the Orphans' Court Division

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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

OCTOBER 2012
NOVEMBER 2012

Judge Bernard L. COATES, JR.
Judge Deborah Essis CURCILLO

Opinions Not Yet Reported

BAR ASSOCIATION PAGE – Continued

MISCELLANEOUS SECTION

SEEKING ATTORNEY — Stock and Leader LLP, York County's largest law firm, is seeking an attorney with a minimum of two (2) years experience representing businesses in the following areas:

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Candidates should submit, in confidence, a cover letter outlining relevant experience, a résumé, and law school transcripts: Gary A. Sonke, @gs@stockandleader.com. o12-o26

THE CENTRAL PENNSYLVANIA FEDERAL TAX CLINIC is actively recruiting volunteers to serve on its pro bono panel and represent low-income taxpayers who are involved in disputes with the IRS. The Tax Clinic provides support for volunteers and therefore, no prior tax experience is necessary. Before a case is referred to a volunteer, the Tax Clinic screens both the financial eligibility of the client and the merits of the case. Many cases can be resolved simply by helping the taxpayer fill out the appropriate form. If you are interested in volunteering or would simply like more information, please contact Doug Smith at 717-299-7388, x3911, or at dsmith@pataxhelp.org. o12-o26

PROMINENT INSURANCE DEFENSE FIRM IS SEEKING A WORKERS' COMPENSATION ATTORNEY IN HARRISBURG. — Candidate must have a minimum of 3 years experience. Candidate must have excellent client relation skills and work independently and take initiative. This career opportunity will allow you to work with broad range of prominent clients. Employer offers a competitive salary and benefit package. Please send your resume and cover letter to: Dauphin County Reporter, Box E, 213 North Front Street, Harrisburg, PA 17101.

o19-n2

BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

DAUPHIN COUNTY COURTS 2013 & 2014 ARBITRATORS

**Below is the list of Dauphin County Arbitrators
for the year 2013 & 2014.**

Thomas E. Brenner	Goldberg Katzman
Mary Ann Claraval	Claraval & Claraval
Herbert Corky Goldstein	Abom & Kutulakis LLP
Luther E. Milspaw, Jr.	Law Offices of Luther E. Milspaw, Jr.
Mark T. Silliker	Silliker & Reinhold
John F. Yaninek	Thomas, Thomas & Hafer, LLP
Karen Durkin	Widener Law
William Shreve	Law Offices of William Shreve
Paula J. McDermott	Post & Schell
Thomas A. Fracticelli	Caldwell & Kearns
Robert L. Knupp	Law Offices of Robert L. Knupp
Stephen Moniak	Rhoads & Sinon
J. Michael Sheldon	Law Offices of J. Michael Sheldon
Christopher M. Reeser	Marshall Dennehey
Jason C. Giurintano	Thomas, Thomas & Hafer, LLP
Gail Guida-Souders	Guida Law Office, PC
Tyrone Powell	Powell Law, PC
Terrence J. McGowan	Killian & Gephart

o19

LEGAL ASSISTANT NEEDED — Downtown Hbg. firm seeks seasoned legal secretary. Experience required in civil litigation/Medical Malpractice and Workers' Comp. Must be proficient in Word & Excel and have experience in Electronic Court Filings w/state and federal court systems; be familiar with civil pleadings/discovery and associated response time frames, as well as noting and monitoring due dates for case management deadlines. Must possess ability to work with client representatives, claim professionals and experts regarding scheduling, overnight accommodations and administrative aspects of litigation and be familiar with legal terminology, dictation, and typing of correspondence/pleadings/briefs. Must be familiar with organization of medical records; scheduling and noticing of depositions. Nice work environment, great benefits. Salary commensurate w/experience. Forward resume w/references to officemgr30@gmail.com.

o19-n2

BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

IN THE COURT OF COMMON PLEAS
DAUPHIN COUNTY, PENNSYLVANIA

AO-17-2012
NO. 2012-CV-0000991-AO

IN RE:
APPOINTMENT OF ARBITRATORS
DAUPHIN COUNTY

CALENDAR YEAR 2013-2014

ADMINISTRATIVE ORDER

AND NOW, this 9th day of October, 2012, pursuant to Dauphin R.C.P. 1302, the following attorneys are hereby appointed as Arbitrators to serve for a two-year term beginning January 1, 2013.

Listed below are the Arbitration Panel weeks and the Arbitration Boards' assignments for the calendar year 2013.

BOARD #1

Thomas E. Brenner, Esquire (Chair)
Stephen Moniak, Esquire
J. Michael Sheldon, Esquire

WEEK OF

January 14, 2013
July 15, 2013

BOARD #2

Mary Ann Claraval, Esquire (Chair)
William Shreve, Esquire
Jason C. Giurintano, Esquire

WEEK OF

February 11, 2013
August 12, 2013

BOARD #3

Herbert Corky Goldstein, Esquire (Chair)
Paula J. McDermott, Esquire
Christopher M. Reeser, Esquire

WEEK OF

March 11, 2013
September 23, 2013

BOARD #4

Luther E. Milspaw, Jr., Esquire (Chair)
Thomas A. Fracticelli, Esquire
Terrence J. McGowan, Esquire

WEEK OF

April 15, 2013
October 28, 2013

BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

BOARD #5

Mark T. Sillicker, Esquire (Chair)
Karen Durkin, Esquire
Gail Guida-Souders, Esquire

WEEK OF

May 20, 2013
November 18, 2013

BOARD #6

John F. Yaninek, Esquire (Chair)
Robert L. Knupp, Esquire
Tyrone Powell, Esquire

WEEK OF

June 24, 2013
December 16, 2013

The annual compensation is fixed at \$2,600.00 for members and at \$3,300.00 for chairs, to be paid in semi-annual installments.

Hearings shall be conducted in Courtroom #9, located on the Second (2nd) Floor, of the Dauphin County Courthouse, on the dates set on the Court Calendar.

OCT 09 2012

/s/ Stephen C. Farina
Prothonatary

/s/ Todd A. Hoover
President Judge

o19



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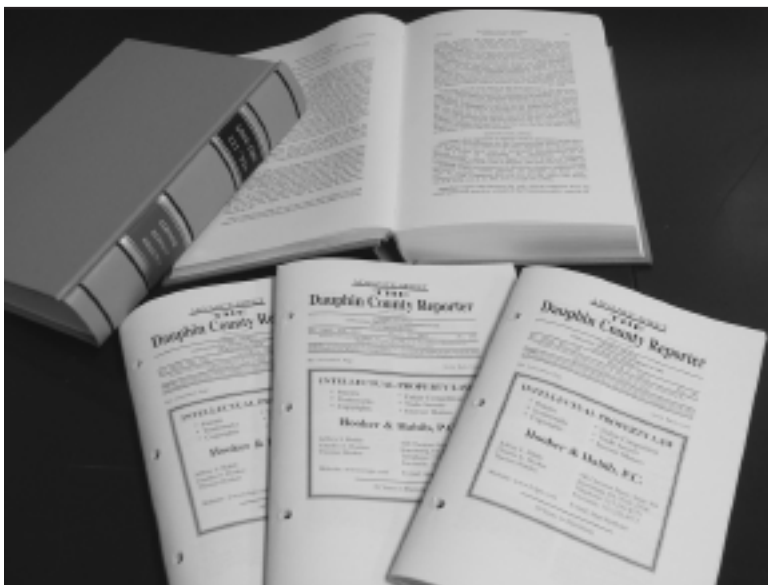
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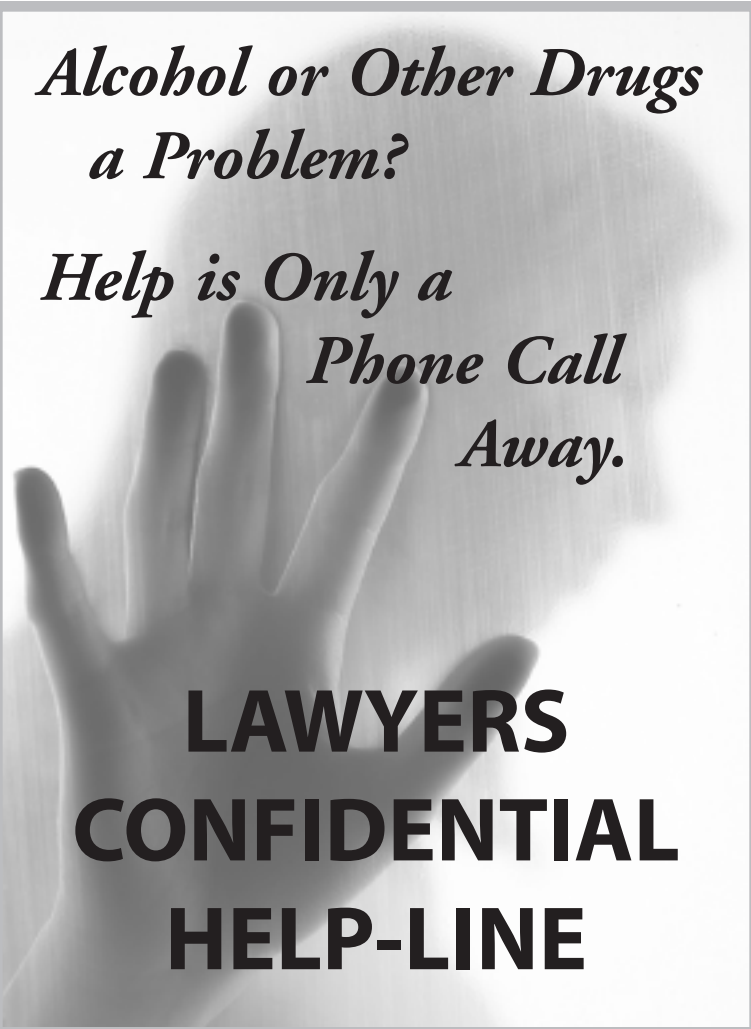
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