

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

(USPS 810-200)

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CONTAINING THE DECISIONS RENDERED IN THE  
12th JUDICIAL DISTRICT

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Schutjer Bogar, LLC v. The Pennsylvania Chamber of Business and Industry 444  
Bar Association Page Inside Back Cover

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41 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 JANICE HERROLD, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executor: Donald B. Herrold, 1003 Union Street, Millersburg, PA 17061. Attorney: Earl Richard Etzweiler, Esq., 105 N. Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600 o21-n4

ESTATE OF LAWRENCE J. SMITH, Jr., late of Nokomis, Florida. Executrix: Nelle Jean Holthouse Smith, 1176 Wyeth Drive, Nokomis, FL 34275. Attorney: James H. Turner, Esq., Turner and O'Connell, 4701 North Front Street, Harrisburg, PA 17110. o21-n4

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ESTATE OF KEITH A. YESPY, late of Dauphin County, Pennsylvania (died August 22, 2010). Executor: Robin Yespy, 880 West Main Street, Hummelstown, PA 17036. Attorney: J. Ronaldo Legaspi, Goldberg Katzman, 320 Market Street, P.O. Box 1268, Harrisburg, PA 17101. o21-n4

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ESTATE OF MARY R. PHOENIX, late of Lower Paxton Township, Dauphin County, Pennsylvania (died September 29, 2011). Executor: Donald L. Steinmeier, c/o Gary E. French, Esquire, Keefer Wood Allen & Rahal, LLP, P.O. Box 11963, Harrisburg, PA 17108-1963. o21-n4

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ESTATE OF JULIUS J. FABIANKOVITZ, late of Dauphin County, Pennsylvania. Administrator: Susan Brawley, 1921 Powderhorn Road, Middletown, PA 17057. Attorney: Bruce D. Foreman, Esq., Foreman & Caraciolo, P.C., Sixth Floor, 112 Market Street, Harrisburg, PA 17101. o21-n4

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ESTATE OF ALLISON EMILIE HEYDEN a/k/a ALLISON E. HEYDEN, late of Harrisburg, Dauphin County, Pennsylvania. Personal Representative: David Jerry Heyden, 2437 Malvern Circle, Harrisburg, PA 17112 and Renee Iris Heyden, 2437 Malvern Circle, Harrisburg, PA 17112. Attorney: Stuart S. Sacks, Esq., Smigel, Anderson & Sacks, LLP, 4431 North Front Street, Third Floor, Harrisburg, PA 17110. o21-n4

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**FIRST PUBLICATION**

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**Estate Notices**

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ESTATE OF H. EDWARD BRANNON  
a/k/a HARRY EDWARD BRANNON a/k/a  
HARRY E. BRANNON, late of Lower  
Paxton Township, Dauphin County,  
Pennsylvania. Executrix: Linda K. Scott, 253  
Berkstone Drive, Harrisburg, PA 17112.  
Attorney: John J. Krafzig, Jr., Esq., 2921  
North Front Street, Harrisburg, PA 17110.

o21-n4

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**SECOND PUBLICATION**

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ESTATE OF HOWARD E. HAMMAKER,  
late of the City of Harrisburg, Dauphin  
County, Pennsylvania. Executor/Attorney:  
Anthony T. McBeth, Esq., 407 North Front  
Street, Harrisburg, PA 17101.

o14-o28

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ESTATE OF MARY E. ENGLE, late of  
Elizabethville, Dauphin County, Pennsyl-  
vania (died September 11, 2011). Executor:  
Harold D. Engle, 1 Laurel Lane, Millersburg,  
PA 17061. Attorney: Dale K. Ketner, Esq.,  
Shaffer & Engle Law Offices, 512 Market  
Street, Millersburg, PA 17061.

o14-o28

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ESTATE OF NANCY C. KUHN, late of  
Harrisburg, Dauphin County, Pennsylvania  
(died March 3, 2011). Personal Rep-  
resentative: Brian C. Kuhn, 2315 Kerr Road,  
Harleysville, PA 19438.

o14-o28

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ESTATE OF NANCY R. WELLER, late of  
Millersburg Borough, Dauphin County,  
Pennsylvania. Executrix: Lisa W. Cooney,  
1004 Stevie Lane, Pennsburg, PA 18073.  
Attorney: Earl Richard Etzweiler, Esq., 105  
North Front Street, Harrisburg, PA 17101.  
Telephone (717) 234-5600.

o14-o28

ESTATE OF JANET MARIE DeHART  
a/k/a JANET M. DeHART, late of  
Harrisburg, Dauphin County, Pennsylvania.  
Executor: Stephen L. Straining, 372  
Jamestown Court, Harrisburg, PA 17111.  
Attorney: Heather D. Royer, Esq., Smigel,  
Anderson & Sacks, LLP, 4431 North Front  
Street, Third Floor, Harrisburg, PA 17110.

o14-o28

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ESTATE OF JAMES K. NEELY, late of  
Swatara Township, Dauphin County, Penn-  
sylvania. Executrix: Amy L. Berry, 100  
Summit Street, Oberlin, PA 17113. Attorney:  
Elizabeth H. Feather, Esq., Caldwell &  
Kearns, P.C., 2631 North Front Street,  
Harrisburg, PA 17110. Telephone (717) 232-  
7661.

o14-o28

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ESTATE OF RICHARD E. KLINGER,  
late of the Borough of Lykens, Dauphin  
County, Pennsylvania. Co-Executors:  
Richard Eiler Klinger, 217 Main Street,  
Lykens, PA 17048 and Rebecca Irene Davis,  
516 North 25th Street, Lebanon, PA 17046.  
Attorney: Gregory M. Kerwin, Esq., Kerwin  
& Kerwin, LLP, 4245 State Route 209,  
Elizabethville, PA 17023.

o14-o28

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ESTATE OF MYRON KATZ, late of  
Londonderry Township, Dauphin County,  
Pennsylvania (died July 16, 2011). Executor:  
Ronald S. Katz, 326 Turkey Path Road,  
Sugarloaf, PA 18249. Attorney: Christa M.  
Aplin, Esq., Jan L. Bown & Associates, 845  
Sir Thomas Court, Suite 12, Harrisburg, PA  
17109.

o14-o28

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ESTATE OF SUSAN JANE BLOUGH  
a/k/a SUSAN J. BLOUGH a/k/a SUSAN B.  
DOLACK, late of Lower Paxton Township,  
Dauphin County, Pennsylvania (died  
September 8, 2011). Executrix: Amanda L.  
Peters, 6025 Greenfield Lane, Harrisburg,  
PA 17112. Attorney: Francis A. Zulli, Esq.,  
Wion, Zulli & Seibert, 109 Locust Street,  
Harrisburg, PA 17101.

o14-o28

**Schutjer Bogar, LLC v.  
The Pennsylvania Chamber of Business and Industry**

**Jurisdiction — Preliminary Injunction — Uniform Arbitration Act.**

A dispute arising from an incident in a parking garage escalated into a contest between the plaintiff/tenant and defendant/landlord, resulting in repossession of rented office space. Despite the existence of an arbitration clause in the lease agreement, plaintiff sought a preliminary injunction to obtain immediate access to the leased premises. Defendant filed a preliminary objection, arguing that the Court lacked subject matter jurisdiction to grant injunctive relief pending arbitration.

1. A trial court retains the authority to grant injunctive relief in an arbitral dispute pending arbitration.

2. The Uniform Arbitration Act, 42 Pa. C.S. §§ 7301-7362, does not preclude a trial court from granting equitable relief in the nature of a preliminary injunction pending the outcome of arbitration proceedings. *Langston v. Nat'l Media Corp.*, 617 A.2d 354 (Pa. Super. Ct. 1992)

3. A trial court can properly issue a preliminary injunction preserving the *status quo ante* provided that the prerequisites for such an injunction are present. Arbitration would become a “hollow formality” if parties are able to irretrievably alter the status quo pending outcome of the underlying dispute. *Myerowitz v. Pathology Lab. Diag., Inc.*, 678 A.2d 404, 408 (Pa. Super. Ct. 1996).

Defendant’s Preliminary Objection. C.P., Dau. Co., No. 2010 CV 16007 CV. Objection denied.

*Vincent Candiello and Paula J. McDermott*, for Plaintiff

*Jayson R. Wolfgang and Holly L. Cline*, for Defendant

DOWLING, J. Septmeber 12, 2011. –

Send Lawyers, Guns and Money  
The Shit has hit the fan  
Send Lawyers, Guns and Money . . . .  
Warren Zevon

This is a Landlord/Tenant dispute concerning threats involving lawyers, guns and of course money. A dispute that began in a parking lot ended a few days later with the law firm of Schutjer Bogar, LLC (Plaintiff here and the tenant) being locked out of their offices by the Defendant, The Pennsylvania Chamber of Business and Industry (Plaintiff’s landlord.) This matter first came to the court on a preliminary injunction which was granted immediately.

Schutjer Bogar, LLC v. The Pennsylvania Chamber of Business and Industry

#### A. FACTS ALLEGED AND PROCEDURAL HISTORY

The law firm of Schutjer Bogar was a tenant of the Pennsylvania Chamber of Business and Industry (“Chamber”) renting commercial office space located at 417 Walnut Street, Harrisburg, Dauphin County, Pennsylvania which office space is the subject of a commercial lease entered into by the parties on or about October 30, 2007. The Complaint suggests that both parties have been dissatisfied with their current lease agreement for some time. This dissatisfaction came to a head during a dispute over parking etiquette on or around December 15 - 20 of 2010 and centers around a claim for breach of contract. Ultimately the dispute resulted in the Chamber repossessing the leased property on December 20, 2010.

Schutjer Bogar subleased a portion of the leased premises to Quality Challenge Coins, Inc. (QCC). QCC employed a woman by the name of Lisa Black. Schutjer Bogar contends that on December 15, 2010, Chamber employee Don Holt narrowly missed hitting the vehicle driven by Ms. Black, while she was parking her vehicle in the building’s parking garage. Lisa Black is the wife of Schutjer Bogar principal Chadwick Bogar. That same day Mr. Bogar sent an e-mail to Jacqueline M. Williams, PHR, Director, HR and Administrative Services, of the Chamber to complain about Mr. Holt’s behavior. The e-mail stated in part:

Would you mind passing along to the wannabe Nascar driver with the grey convertible BMW to show some patience when parking in the garage? ... [T]he guy has always been an ass to us. ... Thanks and hope all is well.

That same day, Mr. Holt responded via e-mail to Ms. Williams and Mr. Bogar part of which states:

... I won’t be apologizing to you. ... I have a rule that I never apologize to anyone who calls me an ass. Sorry, that’s the rule. No exceptions.

After someone calls another guy an ass, what’s next?: (1) let’s step outside and settle this? .... or (2) pistols at dawn?

I know you are a lawyer and all of that. I know you’ve been trained to be adversarial and confrontational. ... [b]ut you don’t have to assume everyone is a jerk in order to get ahead — especially your lessor. I get the impression that you enjoy the art of “picking shit with the chickens”.

Schutjer Bogar, LLC v. The Pennsylvania Chamber of Business and Industry

... I don't fear anything. I don't fear you; I don't fear lawyers generally; I don't fear lawsuits; I don't fear threats. ... The only things I do fear are the business end of a gun and the wrath of God.

The older I get, the better I understand Shakespeare's comment about "killing all the lawyers." It wouldn't solve all of the world's problems, but it would help a lot.<sup>1</sup>

Additionally, the e-mail by Mr. Holt sarcastically included a Christmas blessing to Mr. Bogar and his family. Perhaps, considering the season, he did not want to be compared to a certain villainous Dickens character!

Mr. Bogar interpreted Mr. Holt's e-mail as a threat by Mr. Holt to use unlawful physical force against himself or his employees and reacted by hiring a licensed armed security guard to guard the leased premises during business hours. The security guard was first present on Thursday, December 16, 2010. On the morning of December 17, 2010, the Chamber altered the buildings Rules and Regulations (as permitted in the Lease) to include a prohibition against "firearms or any other deadly weapons of any kind" on the leased premises, building, grounds and parking garage. Schutjer Bogar was given **one hour** to remove the security guard from the building. Schutjer Bogar did not immediately remove the security guard, but his services were terminated a short time thereafter. On Monday, December 20, 2010, Ms. Williams sent the following e-mail to Mr. Bogar:

Pursuant to Articles 13(a) and 13(b), the PA Chamber of Business & industry hereby declares Schutjer Bogar,

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1. Mindful of this court's former Shakespearean jurist, renowned for his affinity of Shakespeare and his tendency to quote the 16th century English poet and playwright, this court would be remiss if it did not correct Mr. Holt's common misquote derived from Shakespeare's play *Henry VI, Part 2* (said jurist would surely rollover in his grave otherwise). Shakespeare did not attribute the quote to himself, nor did he use it as a pejorative. Instead the quote "first thing we do, let's kill all the lawyers" was spoken by Dick the Butcher who was a member of Jack Cade's anarchist rebellion. He was referring to ways in which the rebellion could be successful. The theory implied by the Butcher was that to create anarchy through rebellion it would be advantageous to kill all the lawyers because they are the guardians of the legal process, individual rights, justice, liberty, and social order, just to name a few. The anarchists in *Henry VI* wanted to eliminate all educated opponents who would stand up for people's rights. Shakespeare acknowledged through Dick the Butcher that lawyers, educated to think critically, were actually the guardians of these virtues and therefore the antithesis of anarchy and not the societal plagues Mr. Holt implies. Regardless, the court digresses slightly from the issue at hand with its admittedly elementary interpretation of Shakespeare.

Schutjer Bogar, LLC v. The Pennsylvania Chamber of Business and Industry

LLC in default of our lease by the maintenance of a hazardous condition in its Leased Premises. That condition was the continued presence of an armed man on Friday, December 17, 2010, despite the Chamber's direction that firearms be removed from the premises.

Consequently, the Chamber has exercised its right of repossession of its Leased Premises. Schutjer Bogar, LLC no longer is permitted to access the building; any access will be considered a trespass. Please have Deanna contact me to arrange for access to the building to remove your property.

Articles 13(a) and 13(b) of the Lease provided:

**DEFAULT** — The occurrence of any of the following shall constitute a default (a "Default") by Lessee under the Lease: ... (ii) Lessee fails to perform any other provision of this Lease and such failure is not current within thirty (30) days (or immediately if the failure involved a hazardous condition) after notice from the Lessor. ...

**RIGHT OF RE-ENTRY** — Upon the occurrence of a Default, Lessor may elect to terminate this Lease, or, without terminating this Lease [sic], terminate Lessee's right to Possession of the Premises. Upon any such termination, Lessee shall immediately surrender and vacate the Premises and deliver possession thereof to Lessor.

Therefore, the Chamber believed that the presence of the armed security guard was a hazardous condition which warranted their repossession of the leased premises. Furthermore, both parties agree, pursuant to the lease agreement's arbitration clause, that their dispute is subject to arbitration. However, due to the temporary, as-needed-structure, of the American Arbitration Association, arbitration does not provide an adequate mechanism to hear requests for immediate relief such as a preliminary injunction.

Therefore, Schutjer Bogar, in order to prevent further disruption of its law practice, filed with this court a Complaint and a Motion for Preliminary Injunction on December 20, 2010. That same day this court granted Schutjer Bogar's request pending a hearing scheduled for January 24, 2011. The order immediately enjoined the Chamber from precluding access to Schutjer Bogar's personnel at the leased premises.

Schutjer Bogar, LLC v. The Pennsylvania Chamber of Business and Industry

On December 23, 2010, the Chamber filed a Preliminary Objection to Plaintiff's Complaint. On January 12, 2011, Schutjer Bogar timely filed an Amended Complaint, thereby rendering the Chamber's original Preliminary Objection moot pursuant to Pa. R.C.P. No. 1028(b)(c)(1). Schutjer Bogar also filed with their Amended Complaint an Amended Motion for Preliminary Injunction. Both parties appeared for the Preliminary Injunction Hearing on January 24, 2011. However, in lieu of the Preliminary Injunction Hearing the parties agreed to a Stipulation on the record. Among other things, the parties agreed that the Preliminary Injunction ordered on December 20, 2010 would continue and then terminate on April 30, 2011 at 11:59 P.M.<sup>2</sup>

Despite the Stipulation, the Chamber filed a Preliminary Objection to the Amended Complaint on February 1, 2011 arguing that this court lacked subject matter jurisdiction to enter the Preliminary Injunction. On March 9, 2011, the Chamber initiated arbitration with the American Arbitration Association claiming \$225,500 in damages resulting from Schutjer Bogar's request for injunctive relief. The Chamber subsequently filed its Brief in Support of its Preliminary Objection on April 4, 2011. Schutjer Bogar filed their Brief in Opposition for April 14, 2011. The court then scheduled Oral Arguments for June 6, 2011 in which the court heard argument as to whether this court had subject matter jurisdiction to grant injunctive relief pending arbitration.

#### B. PRELIMINARY OBJECTION AS TO SUBJECT MATTER JURISDICTION

The question presented to this court for decision is a matter of law; whether the Uniform Arbitration Act, 42 Pa. C.S. §§ 7301-7362 (Arbitration Act), precludes this court from granting a preliminary injunction in an arbitral case pending arbitration? We hold that it does not.

In considering preliminary objections, the scope of this court's factual analysis is limited to the averments found in the moving party's motion and the opposing party's subsequent response. *See, Cooper v. Church of St. Benedict*, 954 A.2d 1216, 1221 (Pa. Super. Ct. 2008); *See*, Pa. R.C.P. No. 1026(a) and note to Pa. R.C.P. No. 1028(c)(2).

Questions of jurisdiction are raised by preliminary objection. Pa. R.C.P. No. 1028(a)(1). Whether a court has subject matter jurisdiction over an action is a fundamental issue of law which may be raised at any

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2. Perhaps they should have also agreed to appear in an episode of The British Comedy "Men Behaving Badly."



Schutjer Bogar, LLC v. The Pennsylvania Chamber of Business and Industry

time in the course of the proceedings, including by a reviewing *court sua sponte*. *In re: Admin. Order No. 1-MD-2003*, 936 A.2d 1, 5-6 (Pa. 2007) (citing *Commw. v. Little*, 314 A.2d 270, 272 (Pa. 1974) *aff'd*, 359 A.2d 788 (Pa. 1976)). Furthermore:

When a party raises preliminary objections challenging subject matter jurisdiction, the trial court's function is to determine whether the law will bar recovery because of the lack of such jurisdiction. The action or inaction of the parties cannot bestow subject matter jurisdiction upon a court that otherwise lacks it [ ... ]

Jurisdiction is the capacity to pronounce a judgment of the law on an issue brought before the court through due process of law. It is the right to adjudicate concerning the subject matter in a given case. ... Without such jurisdiction, there is no authority to give judgment and one so entered is without force or effect.

The trial court has jurisdiction if it is competent to hear or determine controversies of the general nature of the matter involved *sub judice*. Jurisdiction lies if the court had power to enter upon the inquiry, not whether it might ultimately decide that it could not give relief in the particular case.

*Aronson v. Sprint Spectrum, L.P.*, 767 A.2d 564, 568 (Pa. Super. Ct. 2001) (quoting *Bernhard v. Bernhard*, 668 A.2d 546, 548 (Pa. Super. Ct. 1995) (internal citations and quotation marks omitted) (bracketed ellipsis added). Additionally:

- (a) *General rule*. — Except where exclusive original jurisdiction of an action or proceeding is by statute or by general rule adopted pursuant to Section 503 (relating to reassignment of matters) vested in another court of this Commonwealth, the courts of common pleas shall have unlimited original jurisdiction of all actions and proceedings, including all actions and proceedings heretofore cognizable by law or usage in the courts of common pleas.
- (b) *Concurrent and exclusive jurisdiction*. — The jurisdiction of the courts of common pleas under this section shall be exclusive except with respect to actions and proceedings concurrent jurisdiction of which is by statute or by general

Schutjer Bogar, LLC v. The Pennsylvania Chamber of Business and Industry

rule adopted pursuant to Section 503 vested in another court of this Commonwealth or in the magisterial district judges.

42 Pa. C.S. § 931.

The Superior Court of Pennsylvania previously addressed the issue before us in *Langston v. Nat'l Media Corp.*, 617 A.2d 354 (Pa. Super. Ct. 1992) and again in *Myerowitz v. Pathology Lab. Diag., Inc.*, 678 A.2d 404 (Pa. Super. Ct. 1996). We believe these cases control the matter before us and therefore hold that this court retains the authority to issue injunctive relief in an arbitral dispute and that the Uniform Arbitration Act, 42 Pa. C.S. §§ 7301-7362, does not preclude the court from granting a preliminary injunction pending arbitration because, without such authority, the utility of arbitration as a vehicle for dispute resolution would be eliminated, as the underlying controversy would be rendered moot.

In *Langston*, a business executive sought a preliminary injunction directing employer and its parent corporation to deposit in escrow certain funds as provided for in her employment contract pending outcome of arbitration over her termination. The Court of Common Pleas of Philadelphia County granted injunctive relief, and employer and parent corporation appealed. The Superior Court held that the Uniform Arbitration Act did not preclude the trial court from granting equitable relief in the nature of a preliminary injunction pending the outcome of the arbitration proceedings. *Langston*, 617 A.2d at 356. It reasoned that because Arbitrators are empowered to dispense equitable relief, Pennsylvania, as a matter of public policy, had fallen in line with the federal authorities in its recognition and acceptance of arbitration as a necessary tool for relieving crowded dockets and ensuring the swift and orderly settlement of disputes. *Id.* (citing *Dickler v. Shearson Lehman Hutton, Inc.*, 596 A.2d 860, 863-64 (Pa. Super. Ct. 1991)).

Furthermore, the Superior Court found that federal courts have relied on similar public policy arguments when construing the Federal Arbitration Act, 9 U.S.C. §§ 1-16, to allow for injunctive relief pending the outcome of an arbitral claim. Without such authority the utility of arbitration as a vehicle for dispute resolution would be “ultimately rendered asunder,” and the issue “rendered moot.” *Id.* The court highlighted the fact that “arbitration would become a ‘hollow formality’ if parties were able to irretrievably alter the status quo pending the outcome of the underlying dispute.” *Id.* at 356-57. *Langston* went on

Schutjer Bogar, LLC v. The Pennsylvania Chamber of Business and Industry

to find the analysis of the federal courts particularly persuasive given the fact that the applicable provisions of both the Federal Arbitration Act, 9 U.S.C. §§ 3-4, and the Uniform Arbitration Act, 42 Pa. C.S. § 7304, are materially similar and both the federal courts and courts of this Commonwealth favorably recognize the settlement of disputes by arbitration. *Id.* at 357.

More recently, in *Myerowitz* the Superior Court reaffirmed its holding in *Langston*. In *Myerowitz*, the Director of a corporation brought equitable action seeking preliminary injunction prohibiting shareholders from terminating his employment with the corporation. The Court of Common Pleas of Allegheny County stayed the action pending arbitration. The Director appealed. *Myerowitz* 678 A.2d at 405-07. The Superior Court held that a trial court could properly issue a preliminary injunction preserving the *status quo ante* provided that the prerequisites for such an injunction were present. *Id.* at 408. The court reiterated *Langston's* reasoning by stating that "arbitration would become a 'hollow formality' if parties were able to irretrievably alter the status quo pending the outcome of the underlying dispute." *Id.* at 408 (quoting *Langston*, 617 A.2d at 356-57).

In this case the Chamber repossessed and excluded their tenant Schutjer Bogar from their rented office space. It goes without saying that a law office, and its respective attorney's must be able to access important legal documents in order to fulfill their legal obligations and duties to their clients. The Chamber in changing the *status quo ante* threatened Schutjer Bogar with harm which this court found could only be remedied by a Preliminary Injunction. This court's Preliminary Injunction merely attempted to preserve the efficacy of the arbitration process as in *Langston* and return the parties to the *status quo ante* similar to *Myerowitz*. Furthermore, this court is clear and free from doubt that we do in fact retain subject matter jurisdiction over arbitral cases pending arbitration. We believe that the controlling cases of *Langston* and *Myerowitz* definitively illustrate this point by highlighting the extent of our jurisdiction over arbitral claims.

Therefore, in recognition of the pro-arbitration policies reflected in the enactment of the Uniform Arbitration Act and case law of this Commonwealth, we hold that this court retains the authority to grant injunctive relief in an arbitral dispute pending arbitration. Consequently, the jurisdiction of this court encompassed the authority to issue the Preliminary Injunction of December 20, 2010. Accordingly, the Chamber's Preliminary Objection is DENIED.

Schutjer Bogar, LLC v. The Pennsylvania Chamber of Business and Industry

The proper procedure for disposing of a case subject to arbitration is found at 42 Pa. C.S. § 7304(d) and although not directly on point it provides this court with reasonable guidance.

- d) Stay of *judicial proceedings*. — An action or proceeding, allegedly involving an issue subject to arbitration, shall be stayed if a court order to proceed with arbitration has been made or an application for such an order has been made under this section. If the issue allegedly subject to arbitration is severable, the stay of the court action or proceeding may be made with respect to the severable issue only. If the application for an order to proceed with arbitration is made in such action or proceeding and is granted, the court order to proceed with arbitration shall include a stay of the action or proceeding.

42 Pa. C.S. § 7304.

In the instant matter the lease provides for disputes to initially proceed to arbitration and therefore this court need not compel arbitration. We hold that the proper procedure for this court in disposing of an arbitral dispute in which this court granted preliminary injunctive relief is to grant a stay of this court's proceedings similar to that provided for under 42 Pa. C.S. § 7304(d).

The Court would be remiss without commenting on some of the antics of the parties and counsel. The preliminary objections and response also included lengthy letters sent to the court inappropriately ex-parte, the contents of which indicate the animosity between the parties has extended to animosity between their attorneys. The intensity and corresponding cost of this continued litigation appears to be fueled more by emotion than rational business judgment.

We would have liked to end this drama with the well know song by — Jackson Browne — “Lawyers in Love” but perhaps that will have to wait for another day!

Instead, we enter the following order:

ORDER

AND NOW, this 12th day of September, 2011, upon consideration of the Chamber's Preliminary Objection as to this courts lack of subject matter jurisdiction, the responses thereto, and oral argument of the parties, it is hereby ORDERED that the Chamber's Preliminary Objection is DENIED; and

Schutjer Bogar, LLC v. The Pennsylvania Chamber of Business and Industry

That further proceedings are hereby **STAYED** pending arbitration, and the parties are **ORDERED** to file a status report with this court no later than November 1, 2011.

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**SECOND PUBLICATION**

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**Estate Notices**

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ESTATE OF SHIRLEY A. PAUL, late of the Township of Halifax, Dauphin County, Pennsylvania (died September 12, 2011). Executrix: Diane D. Etzweiler, 3020 Powells Valley Road, Halifax, PA 17032. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. o14-o28

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**THIRD PUBLICATION**

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ESTATE OF BETTY R. SMITH, late of West Hanover Township, Dauphin County, Pennsylvania (died August 20, 2011). Executor: Richard Smith, 3806 Bonnybrook Road, Harrisburg, PA 17109. Attorney: Jan L. Brown, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. o7-o21

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ESTATE OF ROBERT W. KING, late of the Borough of Middletown, Dauphin County, Pennsylvania (died August 20, 2011). Co-Executors: Daniel Ganse, 1178 Shumaker Road, Manheim, PA 17545 and Sandra Kelly, 561 Springton Way, Lancaster, PA 17601. Attorney: John S. Davidson, Esq., 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. o7-o21

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ESTATE OF LEON ROBERT O'KONSKI a/k/a LEON R. OKONSKI, late of Middletown, Dauphin County, Pennsylvania (died August 7, 2011). Administratrix: Lynne A. Berkowsky. Attorney: Bruce J. Warshawsky, Esq., Cunningham & Chernicoff, P.C., 2302 North Second Street, Harrisburg, PA 17110. o7-o21

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ESTATE OF CAROL A. STRAUP, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executor: Robert P. Straup, 2215 Shippen Dam Road, Millersburg, PA 17061. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. o7-o21

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ESTATE OF BETTY GOLD a/k/a REBECCA GOLD, late of Harrisburg, Dauphin County, Pennsylvania. Executrix: Jane Mendlow, 4717 Pine Ridge Road, Harrisburg, PA 17110. Attorney: Howard B. Krug, Esq., Purcell, Krug & Haller, 1719 North Front Street, Harrisburg, PA 17102. o7-o21

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ESTATE OF JEAN W. BIEHL a/k/a JEAN HELEN BIEHL a/k/a JEAN WILLIAMS BIEHL, late of Swatara Township, Dauphin County, Pennsylvania (died September 12, 2011). Executrix: Suzi B. Follett, 7201 Audubon Drive, Harrisburg, PA 17111. Attorney: Gary L. James, Esq., James, Smith, Dietterick & Connelly, LLP, 134 Sipe Avenue, Hummelstown, PA 17036. Telephone (717) 533-3280. o7-o21

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ESTATE OF JANET L. MINEMYER, late of Dauphin County, Pennsylvania (died July 18, 2011). Co-Executors: Sara A. Smith, 6233 Warren Avenue, Harrisburg, PA 17112 and Terry Alan Minemyer, 705 Glenwood Avenue, Johnstown, PA 15905. Attorney: Elizabeth J. Goldstein, Esq., Dilworth Paxson, LLP, 112 Market Street, Suite 800, Harrisburg, PA 17101. o7-o21

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ESTATE OF HERBERT E. UTTS, late of Lower Paxton Township, Dauphin County, Pennsylvania (died July 30, 2011). Personal Representative: Cathy Beer, 1477 Elm Road, Elizabethtown, PA 17022. o7-o21

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**THIRD PUBLICATION**

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**Estate Notices**

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ESTATE OF CATHERINE J. PARKOVICH, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Diane M. Youtz, 1958 Landvater Road, Hummelstown, PA 17036. Attorney: Melanie Walz Scaringi, Esq., Scaringi & Scaringi, P.C., 2000 Lingelstown Road, Suite 106, Harrisburg, PA 17110. o7-o21

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ESTATE OF DAVID E. GERHARD, late of Millersburg Borough, Dauphin County, Pennsylvania. Co-Executors: Larry Gerhard, 801 Mountain Road, Dauphin, PA and Michael E. Miller, P.O. Box 355, Elizabethtown, PA 17023. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. o7-o21

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**FIRST PUBLICATION**

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**Corporate Notices**

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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 September 29, 2011, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Business Intelligence Systems Solutions, Inc.**, c/o Registered Agent Solutions, Inc.

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

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 16955 Via Del Campo, Suite 200, San Diego, CA 92127.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. o21

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on October 3, 2011 and have been approved by the Department of State of the Commonwealth of Pennsylvania for the purpose of incorporating the **World Affairs Council of Harrisburg** under the provisions of the Pennsylvania Nonprofit Corporation Act of 1988, as amended.

The general purpose the **World Affairs Council of Harrisburg** is to operate exclusively for charitable, religious, literary, educational and scientific purposes within the meaning of Section 501 (c)(3) of the Internal Revenue Code. The further purpose of the World Affairs Council of Harrisburg is to inform, educate and engage the central Pennsylvania community in world affairs and to advance the understanding of diverse peoples and cultures.

HARRY L. WITTE, Esq.  
2338 North Second Street  
Harrisburg, PA 17110  
o21

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NOTICE OF VOLUNTARY DISSOLUTION OF **IFS General Agency, Inc.** On August 18, 2011, IFS General Agency, Inc. filed Articles of Dissolution with the Pennsylvania Department of State. IFS General Agency, Inc., having its registered office located at 116 Pine Street, Suite 320, Harrisburg, PA 17101, hereby gives notice of its winding up proceedings in accordance with Section 1975(b) of the Pennsylvania Business Corporation Law of 1988. o21

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NOTICE IS HEREBY GIVEN that **TNS Healthcare, Inc.** with a commercial registered office provider listed as United Corporate Services, 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 c/o Davis & Gilber LLP, 125 Park Avenue, New York, NY 10019. This shall serve as official notice to creditors and taxing authorities. o21

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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that **Random Properties Acquisition Corp. IV**, a foreign business corporation incorporated under the laws of the State of Delaware, with its principal office located at 600 Washington Blvd., Attn: Legal Dept., Stamford, CT 06901, has applied for a Certificate of Authority in Pennsylvania under the PA Business Corporation 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. o21

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NOTICE IS HEREBY GIVEN that **Jefferson-Pilot Investments, Inc.**, a foreign business corporation incorporated under the laws of the State of North Carolina, with its principal office located at 100 N. Greene Street, Greensboro, NC 27401, has applied for a Certificate of Authority in Pennsylvania under the PA Business Corporation 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. o21

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NOTICE IS HEREBY GIVEN that **X Pressman Logistics, Inc.**, a foreign business corporation incorporated under the laws of the Commonwealth of Massachusetts, with its principal office located at 69 Teed Drive, Randolph, MA 02368, has applied for a Certificate of Authority in Pennsylvania under the PA Business Corporation 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. o21

NOTICE IS HEREBY GIVEN that **TeamStore, Inc.**, a foreign business corporation incorporated under the laws of the State of Delaware, with its principal office located at 5245 Commonwealth Avenue, Jacksonville, FL 32254, has applied for a Certificate of Authority in Pennsylvania under the PA Business Corporation 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. o21

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NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **J.F. Molloy & Associates, Inc.**, a corporation incorporated under the laws of the State of Indiana with its principal office located at 711 High Street, Des Moines, IA 50392 and a registered office in PA at c/o: Corporation Service Co., Dauphin County, which on 12/24/2003, 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. o21

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NOTICE IS HEREBY GIVEN that **Timberlake Construction Co., Inc.**, a foreign business corporation incorporated under the laws of the State of Oklahoma, 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 of incorporation is 7613 N. Classen, Oklahoma City, OK 73116.

Its last registered office in this Commonwealth is c/o National Registered Agents, Inc. and is deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. o21



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FIRST PUBLICATION

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Corporate Notices

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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 August 30, 2011, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Frank Lill & Son Inc.**, c/o Corporation Service Company.

This corporation is incorporated under the laws of the State of New York.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 656 Basket Road, Webster, NY 14580.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. o21

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NOTICE IS HEREBY GIVEN that **Don Love CLU Agency, Inc.** dba **Mike Love Insurance Marketing**, a foreign business corporation incorporated under the laws of the State of California, 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 of incorporation is 2432 Railway Avenue, Suite G, Los Olivos, CA 93441.

Its last registered office in this Commonwealth is c/o AAAgent Services, LLC and is deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. o21

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NOTICE IS HEREBY GIVEN that **Hubspan, Inc.**, a foreign business corporation incorporated under the laws of the State of Washington, with its principal office located at 505 Fifth Avenue, S., Suite 350, Seattle, WA 98104, has applied for a Certificate of Authority in Pennsylvania under the PA Business Corporation Law of 1998. 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. o21

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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 September 26, 2011, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Jaylor Fabricating Inc.**, c/o AAAgent Services, LLC.

This corporation is incorporated under the laws of Ontario, Canada.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is RR #2, Orton, ON LON 1N0.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. o2

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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, 2011, by **The Robins Corporation**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 400 Shades Creek Parkway, Birmingham, AL 35209, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o21

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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 11, 2011, by **Duolingo, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 2250 Mary Street, # 109, Pittsburgh, PA 15203, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o21

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 3, 2011, by **Bucyrus America, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 644 S. Howell Ave., Oak Creek, WI 53134, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o21

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NOTICE IS HEREBY GIVEN that **Precision Mine Repair, Inc.**, a foreign business corporation incorporated under the laws of the State of Illinois, with its principal office located at 705 W. Main Street, Ridgway, IL 62979, has applied for a Certificate of Authority in Pennsylvania under the PA Business Corporation 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. o21

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 21, 2011, by **Brunel Energy, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 5333 Westheimer Road, Suite 840, Houston, TX 77056, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o21

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NOTICE IS HEREBY GIVEN that **Passero Associates, L.L.C.**, a foreign business corporation incorporated under the laws of the State of Florida, where its principal office is located at 13453 N. Main Street, Suite 104, Jacksonville, Florida 32218, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at InCorp Services, Inc., Dauphin County.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. o21

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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 **Platinum Partners X/S Services, LLC** on 09/06/11. The address of its principal office under the laws of the jurisdiction in which it is incorporated is 100 Corporate Place, Peabody, MA 01960.

The registered office for this business is: Nauman, Smith, Shissler & Hall, LLP, Dauphin County, PA.

The corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 4124. o21

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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority was filed with the PA Dept. of State on 10/07/11 by **Skyline Sales, Inc.**, a foreign corporation formed under the laws of the State of MN with its principal office located at 3355 Discovery Road, Eagan, MN 55121, to do business in PA under the provisions of the Business Corporation Law of 1988.

The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. o21

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NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority was filed with the PA Dept. of State on 10/06/11 by **CHS Health Services, Inc.**, a foreign corporation formed under the laws of the State of DE with its principal office located at 10701 Parkridge Boulevard, Suite 200, Reston, VA 20191, to do business in PA under the provisions of the Business Corporation Law of 1988.

The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. o21

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NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **Fair Isaac Software, Inc.**, a corporation of the State of Delaware, with principal office located at 901 Marquette Avenue, Suite 3200, Minneapolis, MN 55402, and having a Commercial Registered office Provider and county of venue as follows: Corporation Service Company, Dauphin County, which on December 6, 1999, 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. o21

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on August 29, 2011, by **KNIGHT OIL TOOLS, LLC**, a foreign Limited Liability Company formed under the laws of the State of Louisiana, where its principal office is located at 2727 SE Evangeline Thruway, Lafayette, LA 70508, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Limited Liability Corporation Law.

The registered office in Pennsylvania is located at c/o National Registered Agents, Inc., Dauphin County, Pennsylvania. o21

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 3, 2011, by **WEST HOU, INC.**, a foreign corporation formed under the laws of the State of Texas, where its principal office is located at 907 Bains, P.O. Box 577, Brookshire, TX 77423, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o21

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 3, 2011, by **Tri-State Occupational Medicine, Inc.**, a foreign corporation formed under the laws of the State of Ohio, where its principal office is located at 612 Sixth Avenue, Huntington, WV 25701, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o National Registered Agents, Inc., Dauphin County, Pennsylvania. o21

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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 13, 2011, by **Leadership Platform Acquisition Corporation**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at Corp. Trust Center, 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 is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o21

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 13, 2011, by **WFM Gift Boxes, Inc.**, 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 is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o21

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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, 2011, by **Robins & Morton Corporation**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 400 Shades Creek Parkway, Birmingham, AL 35209, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o21

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 13, 2011, by **Chesapeake Operating, Inc.**, a foreign corporation formed under the laws of the State of Oklahoma, where its principal office is located at 6100 N. Western Ave., Oklahoma City, OK 73118, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o21

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 30, 2011, by **Aarvak Services, Inc.**, a foreign corporation formed under the laws of the State of Texas, where its principal office is located at 12157 12th Street, Santa Fe, TX 77510, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o National Registered Agents, Inc., Dauphin County, Pennsylvania. o21

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**FIRST PUBLICATION**

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**Fictitious Notices**

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NOTICE IS HEREBY GIVEN pursuant to the provisions of the Fictitious Names Act, 54 Pa. C. S. §301, et seq., and its amendments and supplements, of filing with the Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, on September 26, 2011, an application for conducting business under the assumed or fictitious name of **Billy's Breakers**, with its principal place of business at 510 N. Blue Ribbon Avenue, Harrisburg, PA 17112.

The names and addresses of all persons owning or interested in said business are: J.S. Mixon Electrical Contractors, Inc., 510 N. Blue Ribbon Avenue, Harrisburg, PA 17112.

FRANCIS A. ZULLI, Esq.  
Wion, Zulli & Seibert  
109 Locust Street  
Harrisburg, PA 17101

o21

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NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Commonwealth of Pennsylvania on May 31, 2011 for **Penn Franchising** located at 817 North Union Street, Middletown, PA 17057. The name and address of each individual interested in the business is Daniel Joseph Ziroli, 817 North Union Street, Middletown, PA 17057.

This was filed in accordance with 54 Pa. C.S. 311. o21

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NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name: **Harrisburg HEAT** for the conduct of business In Dauphin County, Pennsylvania, with a principal place of business at 4141 Linglestown Road, Harrisburg, PA 17112, was made to the Department of State on September 27, 2011.

The name of the interested party in said business is Eric Kessler. o21

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Commonwealth of Pennsylvania on June 15, 2011 for **Wright Squared Music** located at 1234 Main Street, Steelton, PA 17113-1114. The name and address of each individual interested in the business is Matthew G. Wright, 1234 Main Street, Steelton PA 17113-1114.

This was filed in accordance with 54 Pa. C.S. 311. o21

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NOTICE IS HEREBY GIVEN that an Application for Registration of the following fictitious names: **Allison Door Service; Central State-Allison Door; CSDdoors.com; and Central State Overhead Door Service**, for conduct of business in the Commonwealth of Pennsylvania, with its principal place of business at 5400 Paxton Street, Harrisburg, Pennsylvania 17111, was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about October 10, 2011, pursuant to the Fictitious Names Act of December 16, 1982, Act 295 (54 Pa. C.S.A. 301 et seq.). The name and address of the entity owning or interested in said business are: Vigor Consulting Group, LLC, 5400 Paxton Street, Harrisburg, Pennsylvania 17111,

PETER M. GOOD, Esq.  
Smigel, Anderson & Sacks, LLP  
4431 North Front Street  
Harrisburg, PA 17110

o21

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FIRST PUBLICATION

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Miscellaneous Notices

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IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA

CIVIL ACTION – LAW

No. 2009 CV 14117 DV

IN DIVORCE

MELISSA MARIE GILBERT, Plaintiff

vs.

FRANK MITCHELL GILBERT,  
Defendant

**NOTICE TO DEFEND  
AND CLAIM RIGHTS**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following, you must take prompt action. You are warned that if you fail to do so, the cause may proceed without you and a decree of divorce or annulment may be entered against you by this notice by the Plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Prothonotary's Office, Dauphin County Courthouse, Harrisburg, Dauphin County, Pennsylvania.

**IF YOU DO NOT FILE A CLAIM  
FOR ALIMONY, DIVISION  
OF PROPERTY, LAWYER'S FEES  
OR EXPENSES BEFORE A  
DIVORCE OR ANNULMENT  
IS GRANTED, YOU MAY LOSE THE  
RIGHT TO CLAIM ANY OF THEM.**

**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

**NOTICE**

IF YOU WISH TO DENY any of the statements set forth in this affidavit, you must file a counter-affidavit within twenty (20) days after this affidavit has been served upon you or the statements will be admitted.

**AFFIDAVIT UNDER SECTION 3301(d)  
OF THE DIVORCE CODE**

1. The parties to this action separated on December 31, 1999 and have continued to live separate and apart for a period of at least two years.
2. The marriage is irretrievably broken.
3. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

/s/ Melissa Marie Gilbert, Plaintiff  
DATE: October 28, 2009

DIANE M. DILS, Esq.  
Law Office of Dils & Dils  
1400 North Second Street  
Harrisburg, PA 17102  
(717) 232-9724

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FIRST PUBLICATION

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Miscellaneous Notices

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IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA

CIVIL ACTION – QUIET TITLE

No. 2011-CV-9443-QT

**THE REDEVELOPMENT AUTHORITY  
OF THE CITY OF HARRISBURG,  
A PENNSYLVANIA REDEVELOPMENT  
AUTHORITY, Plaintiff**

vs.

**JP MORGAN CHASE BANK, NA  
(successor in interest to Chase Manhattan  
Bank), WJA, INC., INDUSTRY  
MORTGAGE COMPANY, INC., and  
LEHMAN COMMERCIAL, INC., and  
their unknown heirs, assigns and  
successors in interest, Defendants**

**TO: Lehman Commercial, Inc.  
Industry Mortgage Company, Inc.**

**NOTICE**

YOU ARE HEREBY NOTIFIED that an Action to Quiet Title was brought against you in the Court of Common Pleas of Dauphin County, filed to No. 2011-CV-9443-QT requesting that you be forever barred from asserting any right, title or interest in and to the real property described herein and that The Redevelopment Authority of the City of Harrisburg has extinguished any right, lien, title or interest claimed by you or any other person or persons to the premises as follows: 1531 Swatara Street, Harrisburg, Pennsylvania.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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 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

STUART J. MAGDULE, Esq.  
Smigel, Anderson & Sacks, LLP  
4431 North Front Street  
Harrisburg, PA 17110  
(717) 234-2401

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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

**No. 2009-CV-09377-MF**

**NOTICE OF SHERIFF'S SALE  
OF REAL ESTATE PURSUANT  
TO PENNSYLVANIA RULE OF  
CIVIL PROCEDURE 3129**

**U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR STRUCTURED  
ASSET SECURITIES CORPORATION  
MORTGAGE LOAN TRUST 2007-BNC1,  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-B,  
Plaintiff**

vs.

**JOHN C. WILLIAMS and  
DAWN M. WILLIAMS, Defendants**

**TO: John C. Williams  
1712 North Street  
Harrisburg, Pennsylvania 17103**

**TAKE NOTICE**

YOU ARE HEREBY NOTIFIED that the Sheriff's Sale of Real Property (real estate) will be held:

DATE: December 8, 2011

TIME: 10:00 a.m.

LOCATION: Sheriff's Office  
Dauphin County Administration Building  
Commissioner's Hearing Room  
4th Floor - Market Square  
Harrisburg, Pennsylvania 17101

THE PROPERTY TO BE SOLD is delineated in detail in a legal description mainly 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.

**DESCRIPTION**

THE LOCATION of your property to be sold is 1712 North Street, Harrisburg, Pennsylvania 17103.

THE JUDGMENT under or pursuant to which your property is being sold is docketed in the within Commonwealth and County to: Number 2009-CV-09377-MF.

THE NAME OF THE OWNER OR REPUTED OWNER of this property is: John C. Williams and Dawn M. Williams.

A SCHEDULE DISTRIBUTION, being a list of the persons and/or governmental or corporate entities or agencies being entitled to receive part of the proceeds of the sale received and to be disbursed by the Sheriff (for example, to banks that hold mortgages and municipalities that are owed taxes) will be filed by the Sheriff of this County thirty (30) days after the sale and distribution of the proceeds of sale in accordance with this schedule will, in fact, be made unless someone objects by filing exceptions to it within ten (10) days of the date it is filed.

Information about the Schedule of Distribution may be obtained from the Sheriff of the Court of Common Pleas of the within County at the Courthouse address specified herein.

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

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

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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1. You may file a petition with the Court of Common Pleas of the within County to open the judgment if you have a meritorious defense against the person or company that has entered judgment against you. You may also file a petition with the same Court if you are aware of a legal defect in the obligation or the procedure used against you.
2. After the Sheriff's Sale, you may file a petition with the Court of Common Pleas of the within County to set aside the sale for a grossly inadequate price or for other proper cause. This petition **MUST BE FILED BEFORE THE SHERIFF'S DEED IS DELIVERED.**
3. A petition or petitions raising the legal issues or rights mentioned in the preceding paragraphs must be presented to the Court of Common Pleas of the within County. The petition must be served on the attorney for the creditor or on the creditor before presentation to the Court and a proposed order or rule must be attached to the petition.

If a specific return date is desired, such date must be obtained from the Court Administrator's Office - Civil Division, of the within County Courthouse, before a presentation to the Court.

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

**CIVIL ACTION – QUIET TITLE**

**No. 2011-CV-9442-QT**

**THE REDEVELOPMENT AUTHORITY  
OF THE CITY OF HARRISBURG,  
A PENNSYLVANIA REDEVELOPMENT  
AUTHORITY, Plaintiff**

**vs.**

**JP MORGAN CHASE BANK, NA  
(successor, in interest to Chase  
Manhattan Bank), WJA, INC.,  
INDUSTRY MORTGAGE COMPANY,  
INC., and LEHMAN COMMERCIAL,  
INC., and their unknown heirs, assigns  
and successors in interest, Defendants**

**TO: Lehman Commercial, Inc.  
Industry Mortgage Company, Inc.**

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FIRST PUBLICATION

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Miscellaneous Notices

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NOTICE

YOU ARE HEREBY NOTIFIED that an Action to Quiet Title was brought against you in the Court of Common Pleas of Dauphin County, filed to No. 2011-CV-9442-QT requesting that you be forever barred from asserting any right, title or interest in and to the real property described herein and that The Redevelopment Authority of the City of Harrisburg has extinguished any right, lien, title or interest claimed by you or any other person or persons to the premises as follows: 1533 Swatara Street, Harrisburg, Pennsylvania.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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 RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

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SECOND PUBLICATION

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Miscellaneous Notices

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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 22, 2011**. 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 15, 2011**.

1. WERTZ, SAVANNAH, a minor, First and Final Account of First Niagara Bank, NA, Successor to Harleysville National Bank, Trustee (Special Needs Trust Dated February 1, 2007, f/b/o Savannah Wertz).

Dated: October 7, 2011

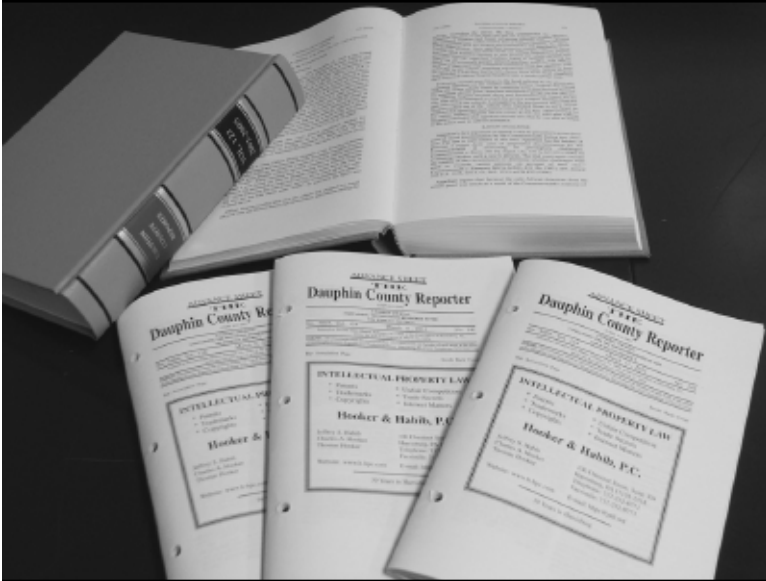
/s/ SANDRA C. SNYDER

Register of Wills and

o14-21 Clerk of the Orphans' Court Division

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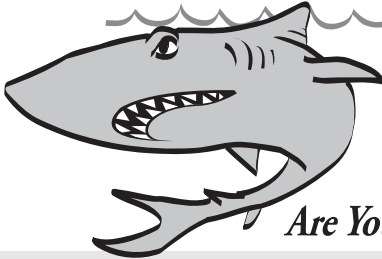
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## CUMULATIVE TABLE OF CASES

Adams, Commonwealth v. . . . .	296
Atlantic Credit & Finance Inc. v. Wylie . . . . .	163
Borough of Middletown v. Teamsters Local Union 776 . . . . .	390
Bowser v. Crossville BNRV Sales, LLC . . . . .	424
Britton, Commonwealth v. . . . .	344
Cameron Real Estate, LP, et al., Pennsy Supply, Inc. v. . . . .	99
Carns, Enders v. . . . .	355
Carroll, Commonwealth v. . . . .	102
Centric Bank, Schmitt v. . . . .	1
Commonwealth v. Adams . . . . .	296
Commonwealth v. Britton . . . . .	344
Commonwealth v. Carroll . . . . .	102
Commonwealth v. Fernsler . . . . .	64
Commonwealth v. Gross . . . . .	334
Commonwealth v. Hosby . . . . .	32
Commonwealth v. Jones . . . . .	194
Commonwealth v. McCreary . . . . .	314
Commonwealth v. Montelione . . . . .	10
Commonwealth v. Perretta-Rosepink	
Commonwealth v. Veon . . . . .	262
Commonwealth v. Wingus . . . . .	82
Commonwealth v. Veon	
Commonwealth v. Perretta-Rosepink . . . . .	262
Commonwealth (PennDOT), Wagner v. . . . .	300
Consoli v. Elias . . . . .	281
Cox, Wilson, et al. v. . . . .	57
Crossville BNRV Sales, LLC, Bowser v. . . . .	424

Cumulative Table of Cases

Daniels, et al., v. Norfolk Southern Corporation, et al.,  
     Wallett’s Flooring Services, Inc. v. . . . . 94  
 DeHart, Fletcher v. . . . . 134  
 Dock v. Harrisburg Hospital, et al. . . . . 106

East Hanover Township Board of Supervisors  
     v. RVG Land, LLC, Mundy, et al. v. . . . . 116  
 Elias, Consoli v. . . . . 281  
 Enders v. Carns . . . . . 355  
 Estrada v. Olt, et al. . . . . 42  
 Estright v. Harrisburg Hospital, et al. . . . . 153

Fenstermacher, Mihelich v. . . . . 158  
 Fenstermacher, Mihelich v. . . . . 368  
 Fernsler, Commonwealth v. . . . . 64  
 Fletcher v. DeHart . . . . . 134

Gebhardt v. Woods . . . . . 385  
 Gross, Commonwealth v. . . . . 334

Harrisburg Hospital, et al., Dock v. . . . . 106  
 Harrisburg Hospital, et al., Estright v. . . . . 153  
 Hartman, et al. v. Hershey Medical Center, et al. . . . . 243  
 Herd Chiropractic v. State Farm . . . . . 180  
 Hershey Medical Center, et al., Hartman, et al. v. . . . . 243  
 Hershey Medical Center, et al., Lopresti v. . . . . 48  
 Hosby, Commonwealth v. . . . . 32

In re: Appeal of City of Harrisburg . . . . . 200  
 In re: Condemnation of Sheesley Estate . . . . . 223  
 In re: Estate of Benjamin F. Herr . . . . . 171  
 Investigative Consultant Services, Inc., et al.,  
     Tagouma v. . . . . 121



## Cumulative Table of Cases

Jones, Commonwealth v. . . . .	194
K.S.R. v. Reinhardt . . . . .	323
Kelly v. Kelly . . . . .	110
Kelly, Kelly v. . . . .	110
Kelly Systems, Inc. v. Koda . . . . .	21
Keystone Service Systems, Inc., Pennswood Apartments L.P. v. . . . .	27
Koda, Kelly Systems, Inc. v. . . . .	21
Lopresti v. Hershey Medical Center, et al. . . . .	48
McAfee v. Quantum Imaging and Therapeutic Associates, Inc. . . . .	70
McCreary, Commonwealth v. . . . .	314
McGarrie v. Short . . . . .	90
McNany, Walter v. . . . .	147
Mihelich v. Fenstermacher . . . . .	158
Mihelich v. Fenstermacher . . . . .	368
Montelione, Commonwealth v. . . . .	10
Mundy, et al. v. East Hanover Township Board of Supervisors v. RVG Land, LLC . . . . .	116
Norfolk Southern Corporation, et al. v. Wallett's Flooring Services, Inc. v. Daniels, et al. . . . .	94
Olt, et al., Estrada v. . . . .	42
Papadopoulos v. Schmidt, Ronca & Kramer, P.C. . . . .	205
PennDOT, Smith v. . . . .	376
Pennswood Apartments L.P. v. Keystone Service Systems, Inc. . . . .	27
Pennsy Supply, Inc. v. Cameron Real Estate, LP, et al. . . . .	99

## Cumulative Table of Cases

Perretta-Rosepink, Commonwealth v.	
Commonwealth v. Veon . . . . .	262
Peters v. Zoning Hearing Board of Londonderry Township . . . . .	166
Pierce, VQC Designs, LLC v. . . . .	413
Quantum Imaging and Therapeutic Associates, Inc.,	
McAfee v. . . . .	70
Reinhardt, K.S.R. v. . . . .	323
RVG Land, LLC, Mundy, et al. v. East Hanover Township	
Board of Supervisors v. . . . .	116
Schmitt v. Centric Bank . . . . .	1
Schmidt, Ronca & Kramer, P.C., Papadopoulos v. . . . .	205
Short, McGarrie v. . . . .	90
Schutjer Bogar, LLC v. The Pennsylvania Chamber	
of Business and Industry . . . . .	444
Smith v. PennDOT . . . . .	376
Smith v. State Farm . . . . .	435
State Farm, Herd Chiropractic v. . . . .	180
State Farm, Smith v. . . . .	435
State Farm, Tomasetti v. . . . .	186
Tagouma v. Investigative Consultant	
Services, Inc., et al. . . . .	121
Teamsters Local Union 776, Borough of Middletown v. . . . .	390
The Pennsylvania Chamber of Business and Industry,	
Schutjer Bogar, LLC v. . . . .	444
Tomasetti v. State Farm . . . . .	186
Veon, Commonwealth v.	
Commonwealth v. Perretta-Rosepink . . . . .	262
VQC Designs, LLC v. Pierce . . . . .	413

Cumulative Table of Cases

Wagner v. Commonwealth (PennDOT) . . . . . 300

Wallett’s Flooring Services, Inc. v. Daniels, et al.,  
    v. Norfolk Southern Corporation, et al. . . . . 94

Walter v. McNany . . . . . 147

Warner, Wege v. . . . . 219

Wege v. Warner . . . . . 219

Weiss, Zalonis v. . . . . 387

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

Wingus, Commonwealth v. . . . . 82

Woods, Gebhardt v. . . . . 385

Wylie, Atlantic Credit & Finance Inc. v. . . . . 163

Zalonis v. Weiss . . . . . 387

Zoning Hearing Board of Londonderry Township, Peters v. . . . . 166

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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 2011	Judge Bernard L. COATES, JR.
NOVEMBER 2011	Judge Deborah Essis CURCILLO

*Opinions Not Yet Reported*

September 29, 2011 – Turgeon, J., **Commonwealth v. Dixon**, No. 22-CR-4957-2010  
October 3, 2011 – Turgeon, J., **Colon v. Kmart**, No. 2008-CV-09968-CV

## **BAR ASSOCIATION PAGE – Continued**

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**BAR ASSOCIATION PAGE – Continued**  
**MISCELLANEOUS SECTION**  
**IN THE COURT OF COMMON PLEAS**  
**DAUPHIN COUNTY, PENNSYLVANIA**

**AO-13-2011**

**No. 2011-CV-0000003-AO**

**IN RE: 2012 ARBITRATION PANEL CALENDAR**

**ADMINISTRATIVE ORDER**

AND NOW, this 30th day of September, 2011, the Court ENTERS the following:

Listed below are the Arbitration Panel weeks and the Arbitration Boards' assignments for the calendar year 2012.

**BOARD #1**

Robert F. Claraval, Esquire (Chair)  
Todd B. Narvol, Esquire  
Melissa L. Van Eck, Esquire

**WEEK OF**

January 2, 2012  
July 23, 2012

**BOARD #2**

Lee C. Swartz, Esquire (Chair)  
Joseph G. Skelly, Esquire  
Richard E. Freeburn, Esquire

**WEEK OF**

February 6, 2012  
August 13, 2012

**BOARD #3**

Brooks R. Foland, Esquire (Chair)  
Brigid Q. Alford, Esquire  
Karl R. Hildabrand, Esquire

**WEEK OF**

March 12, 2012  
September 24, 2012

**BOARD #4**

Craig J. Staudenmaier, Esquire (Chair)  
Lenora M. Smith, Esquire  
Peter M. Good, Esquire

**WEEK OF**

April 16, 2012  
October 29, 2012

**BOARD #5**

Richard F. Maffet, Jr., Esquire (Chair)  
Bradford Dorrance, Esquire  
Richard L. Placey, Esquire

**WEEK OF**

May 21, 2012  
November 26, 2012

**BOARD #6**

Christopher Marzzacco, Esquire (Chair)  
Lacy Hayes, Jr., Esquire  
Anne Gingrich, Esquire

**WEEK OF**

June 25, 2012  
December 17, 2012

o14-o28



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