

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

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**INTELLECTUAL PROPERTY LAW**

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41 Years in Harrisburg

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#### **Estate Notices**

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##### **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 G. McHAZEL a/k/a GENEVIEVE McHAZEL, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executrix: Jan M. Arkon, 2015 Briggs Street, Harrisburg, PA 17103. Attorney: Keith D. Wagner, Esq.

o28-n11

ESTATE OF EDITH LAUB, late of Lower Paxton Township, Dauphin County, Pennsylvania (died September 4, 2011). Executrix: Sammie G. Miller, 2322 Abbey Lane, Harrisburg, PA 17112. Attorney: Aaron C. Jackson, Esq., Tucker Arensberg, P.C., P.O. Box 889, Harrisburg, PA 17108-0889.  
o28-n11

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ESTATE OF FRED A. GAUKER, JR., late of Dauphin County, Pennsylvania (died May 20, 2011). Executor: Michael A. Gauker, 7 Timberline Place, Hummelstown, PA 17036. Attorney: Mark K. Emery, Esq., Law Offices of Mark K. Emery, 410 North Second Street, Harrisburg, PA 17101. Telephone (717) 238-9883.  
o28-n11

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ESTATE OF MARTHA V. LENTZ, late of the Township of Upper Paxton, Dauphin County, Pennsylvania. Co-Executors: David A. Lentz, 142 Senator Road, Millersburg, PA 17061 and Daniel K. Lentz, 121 Lentz Road, Dalmatia, PA 17017. Attorney: William R. Swinehart, Esq., Wiest, Muolo, Noon & Swinehart, 240-246 Market Street, Sunbury, PA 17801.  
o28-n11

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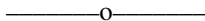
ESTATE OF JANE C. DeLUCE a/k/a JANE CASTELLI DeLUCE, late of Hershey, Dauphin County, Pennsylvania (died September 22, 2011). Executor: David W. DeLuce. Attorneys: Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043.  
o28-n11

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ESTATE OF RAY A. MARBURGER a/k/a RAY ALBERT MARBURGER, late of Conewago Township, Dauphin County, Pennsylvania (died September 13, 2011). Executor: Curtis R. Marburger, 5645 Ridge Road, Elizabethtown, PA 17022. Attorney: Peter R. Henninger, Jr., Esq., Jones & Henninger, P.C., 339 W. Governor Road, Suite 201, Hershey, PA 17033.  
o28-n11

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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.



### Commonwealth v. Dixon

#### Crimes and Criminal Procedure — Search and Seizure — Pat-Down Search — Plain Feel Doctrine — Inevitable Discovery.

Police officers stopped a vehicle which had been identified in their computer system as stolen. During the course of the stop, the police seized a bag of bullets from the defendant's person, but then discovered the vehicle was not stolen. Thereafter, they conducted a search of the vehicle and found a gun under the defendant's front passenger seat, which he admitted owning. The Court granted the defendant's motion to suppress all the evidence seized during this encounter.

1. Generally, evidence should not be excluded where there is a good faith reliance by police on information that later proves to be incorrect, where the mistake was the result of negligence as opposed to a systemic error or reckless disregard of constitutional requirements. *Commonwealth v. Roberts*, 969 A.2d 594, 600 n. 13 (Pa. Super. 2009).

2. All companions of an arrestee within the immediate vicinity, capable of accomplishing a harmful assault on the officer, are constitutionally subjected to the cursory "pat down" reasonably necessary to give assurance that they are unarmed. *Commonwealth v. Reed*, 19 A.3d 1163, 1169 (Pa. Super. 2011) (quoting *Commonwealth v. Jackson*, 907 A.2d 540, 544 (Pa. Super. 2006), *appeal denied*, 932 A.2d 75 (Pa. 2007)). Such a pat-down is warranted so long as police had a reasonable belief that the companion was armed and dangerous. *Id.* (citing *Jackson*).

3. The sole purpose of the pat-down is not to discover evidence, but to allow the officer to pursue his investigation without fear of violence. *Commonwealth v. Stevenson*, 744 A.2d 1261, 1265 (Pa. 2000). Under the plain feel exception, a police officer may only seize a weapon or non-threatening contraband detected during a pat-down if the officer is lawfully in a position to detect the object, the incriminating nature of the object is immediately apparent from its tactile impression, and the officer has a lawful right of access to the object. *Id.* At 1265-66 (citation omitted). An officer cannot satisfy the plain feel doctrine unless he can substantiate what it was about the tactile impression of the object that made it immediately apparent to him that he was feeling contraband. *Id.* at 1267.

4. The inevitable discovery doctrine, which provides an exception to the exclusionary rule, permits the introduction of evidence that would have been inevitably discovered through lawful means even though the search that actually led to the discovery of the evidence was unlawful. The inevitable discovery doctrine considers what would have happened in the absence of the initial search. *Commonwealth v. Williams*, 2 A.3d 611, 618 (Pa. Super. 2010), *appeal denied*, 19 A.3d 1051 (Pa. 2011). In order for this exception to

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apply, the evidence obtained must be sufficiently purged of the taint of the original illegality. *Commonwealth v. Wideman*, 385 A.2d 1334, 1336 (Pa. 1978).

Defendant's Motion to Suppress. C.P., Dau. Co., No. 22-CR-4957-2010. Motion granted.

*Joel R. Hogentogler*, for the Commonwealth

*Steven A. Mimm*, for Defendant

TURGEON, J., September 29, 2011. – Before the court is defendant Shawn Dixon's omnibus pretrial motion to suppress evidence. The issues raised are whether police legally seized bullets from defendant's person and a gun from under a front passenger seat of a vehicle. Police had initially stopped the vehicle with three occupants because it was identified as stolen in the police computer system. During the course of the stop, police learned the vehicle was not stolen. Before learning this, police took defendant into custody as part of their investigation and during a search of defendant's person, seized a bag of bullets in his pocket. After they learned the vehicle was not stolen, but prior to releasing defendant and the other two occupants, police conducted a protective *Terry*<sup>1</sup> search of the vehicle during which they found a gun under defendant's seat which defendant later admitted was his. For the reasons set forth below, this court grants defendant's suppression motion finding that the Commonwealth failed to meet its burden of proving that the seizure of the bullets was legal. Accordingly, all evidence seized thereafter, including the gun, must be suppressed as the fruit of the illegal search.

#### SUPPRESSION HEARING – FINDINGS OF FACT

The Commonwealth offered two witnesses at the May 3, 2011 suppression hearing: Susquehanna Township Police Officer Brooke Anthony and Harrisburg Police Officer Stephen Krum. The relevant credible evidence provided by these witnesses is as follows: Around 2:30 a.m. on September 8, 2010, Officer Anthony was working in full uniform in a marked unit in the area of South Progress and Walnut Street, Harrisburg. (N.T. 13-14) He observed a black Hyundai Elantra traveling slower than the posted speed limit and decided to run the tag through the National Criminal Information Center (NCIC) and the Commonwealth Law Enforcement Assistance Network (CLEAN) systems from a computer terminal inside his patrol car. (N.T. 14-15) The NCIC system is a database that allows law enforcement to access,

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1. *Terry v. Ohio*, 392 U.S. 1 (1968).

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among other things, nationwide stolen vehicle reports. (N.T. 6) Both systems indicated the vehicle had been reported stolen. (N.T. 15) The police dispatcher was simultaneously notified and asked Officer Anthony to read back the tag number. The dispatcher confirmed the vehicle as stolen. (N.T. 17)

Officer Krum testified that three months earlier, on June 2, 2010, he entered the vehicle as stolen into the NCIC and Harrisburg Metro system back after its owner Mary Shope reported it stolen. (N.T. 4-5) Officer Krum completed a Stolen Vehicle Report which was entered into the Harrisburg Metro system. (N.T. 5) The Harrisburg Metro system is a Harrisburg City Police record management system to which Susquehanna Township Police had access. (N.T. 24, 31) On June 3, 2010, Officer Krum was informed that the vehicle was recovered and filed a Recovered Vehicle Report in the Metro system but failed to make this correction in the NCIC system. (N.T. 9-10) Officer Anthony did not initially use the Harrisburg Metro system on September 8, 2010 to further confirm the status of the vehicle as stolen. (N.T. 21, 24, 39)

Officer Anthony followed the Hyundai for a few blocks and determined there were three occupants. (N.T. 16) He requested additional units to effectuate a felony stop. (N.T. 18) When the vehicle began to pull over on its own, Officer Anthony activated his emergency lights and stopped the vehicle. (N.T. 18, 30) Officer Anthony exited his unit with his gun drawn and while standing behind his door, directed the driver Mathew Hoehne to shut off his vehicle and throw his keys out of the window. He also ordered all the occupants to stay in the vehicle. The occupants complied. (N.T. 19)

After three more officers arrived on the scene (Officer Schooley, Corporal Sine and Sergeant Lacey), Officer Anthony ordered the driver out of the vehicle to a kneeling position on the road. (N.T. 20) Corporal Sine took the driver into his custody and removed him from the immediate area. (N.T. 20) During this time, Officer Anthony saw the front seat passenger, later identified as defendant Shawn Dixon, "making some furtive movement like he was reaching down between his legs down to the floor board of the car." Officer Anthony ordered him to stop reaching down. (N.T. 20, 35-36) Defendant and the backseat occupant Matthew Yeckley were removed from the vehicle and taken into custody. (N.T. 20-21) Defendant was observed with a laptop computer on his lap when he was asked to exit the vehicle. (N.T. 35) Defendant was taken into custody by Sergeant Lacey. (N.T. 22) After the occupants were handcuffed and searched, they were taken behind Officer Anthony's patrol car and placed sitting in the street. (N.T. 22, 37)

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According to Officer Anthony, he and Officer Schooley approached the vehicle to confirm no one else was inside, during which Officer Anthony walked around the perimeter of the vehicle and observed from the front passenger side, a white plastic bag partially sticking out from underneath the front passenger seat. (N.T. 21-22) Officer Anthony could not tell what was inside the bag. (N.T. 22) At this time, Officer Anthony was informed by Sergeant Lacey that he had found a bag of bullets in defendant's pocket. (N.T. 22-23) Though Officer Anthony did not witness Sergeant Lacey's search of defendant, he assumed the bullets were recovered during a pat down of defendant's clothing, since it was standard procedure to conduct pat downs in those types of situations. (N.T. 36-37) He did not otherwise know whether defendant was searched a second time by Sergeant Lacey. (N.T. 36) It was Officer Anthony's understanding that the bullets discovered by Lacey were "live ammunition." (N.T. 41) When asked about the bullets, defendant's story was that he possessed them because he had fired his uncle's gun six months prior. (N.T. 41) According to Officer Anthony, police became suspicious about a gun due to the discovery of the bullets and asked all the occupants if there was a gun in the vehicle. No one would admit to it. (N.T. 41)

After the three occupants were secured, Officer Anthony approached the driver and told him the vehicle was listed as stolen in the NCIC. (N.T. 23) Upon hearing this, the driver told police his girlfriend Mary Shope had reported it stolen (a while ago) but that it had been recovered. He provided police with her phone number whom police called and left a voice message. (N.T. 23-24) Based upon this information, Officer Anthony ran the tag through the Harrisburg Metro database and discovered the Recovered Vehicle Report entered into the system by Officer Krum. (N.T. 24) The owner's girlfriend thereafter called Officer Anthony back and confirmed her vehicle was not stolen. (N.T. 25) According to Officer Anthony, he asked her to come to the scene and claim her vehicle because both the driver and the defendant had been discovered to have invalid driver's licenses and the back seat passenger was believed to have been drinking. (N.T. 25, 38)

Officer Anthony testified that even though police had just learned that the vehicle was not stolen, they were not yet prepared to release the three occupants because Officer Anthony believed there was a gun in the vehicle. (N.T. 28, 41) He believed this based upon defendant's furtive movements made just after the vehicle stop where he reached down between his legs under his seat (to where the white bag was later observed), defendant's possession of bullets in his pocket and because he offered a strange explanation as to why he possessed the bullets.

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(N.T. 28, 41) As such, Sergeant Lacey and Officer Anthony conducted a warrantless search of the vehicle during which he retrieved a gun in the white plastic bag under the passenger side seat. (N.T. 27) This search occurred around 3:15 a.m., while the occupants and driver were still in custody. (N.T. 29) After the gun was recovered, Officer Anthony spoke with defendant, who after being given his *Miranda* warnings, admitted to police the gun was his and that the other occupants knew nothing about it.<sup>2</sup>

## LEGAL DISCUSSION

The Commonwealth bears the burden of establishing that the challenged evidence was not obtained in violation of the defendant's rights. The Fourth Amendment to the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution protect citizens from unreasonable searches and seizures. *Commonwealth v. Strickler*, 757 A.2d 884, 888 (Pa. 2000); *Commonwealth v. Shiflet*, 670 A.2d 128, 129-130 (Pa. 1996). A search conducted without a warrant is deemed unreasonable and therefore constitutionally impermissible unless an established exception applies. *Id.* The Commonwealth is required to establish the admissibility of the challenged evidence by a preponderance of the evidence. *Commonwealth v. Strickland*, 707 A.2d 531, 533 (Pa. Super. 1998).

The defendant argues that both searches in this case – the search of his person by which police seized the bullets and the search of the vehicle by which police seized the gun – were illegal. (Omnibus Pretrial Motion, ¶ 8). The Commonwealth argues that the search of defendant's person was legal because it was supported by reasonable suspicion. It also argues that the search of the vehicle was legal because, even though police learned in the interim that the vehicle was not stolen, the officers had reasonable suspicion to suspect a gun was in the vehicle. Thus, before releasing defendant and his companions back to the vehicle, they were lawfully permitted to perform a protective search therein.<sup>3</sup>

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2. This evidence was not proffered at the suppression hearing; however, in a post hearing stipulation, defendant agreed to stipulate to the post-detention statements he made as reflected in the police report and the preliminary hearing transcript. The parties also stipulated to adding these items as exhibits to the suppression record. See Defendant's Brief, fn. 3; Exbts. A and B.

3. The Commonwealth initially attempted to prove at the suppression hearing that Officer Anthony obtained the vehicle owner's consent to the search; however, following a sustained hearsay objection, the Commonwealth withdrew that line of questioning and pursued the theory that the vehicle search was valid as a protective *Terry* search. (N.T. 25-27)

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The initial stop of the vehicle was legal because the stop was based upon a credible stolen vehicle report in the police computer system. Generally, evidence should not be excluded where there is a good faith reliance by police on information that later proves to be incorrect, where the mistake was the result of negligence as opposed to a systemic error or reckless disregard of constitutional requirements. *See, Commonwealth v. Roberts*, 969 A.2d 594, 600 n. 13 (Pa. Super. 2009) (citing *Herring v. United States*, 555 U.S. 135, 144 (2009) (“the exclusionary rule serves to deter deliberate, reckless, or grossly negligent conduct, or in some circumstances recurring or systemic negligence”)). Here, the evidence revealed that the mistake which lead police to believe the vehicle was stolen was the result of mere negligence.

The next inquiry is whether police had the right to search defendant’s person while investigating the possible felony presented to them. This court finds they did. As noted above, Officer Anthony testified that after the driver was secured and while police still believed the vehicle was stolen, they took defendant into custody. According to Officer Anthony, Sergeant Lacey probably patted down the defendant at this point, which testimony this court found credible. This pat down was permissible under Pennsylvania case law which provides that “all companions of [an] arrestee within the immediate vicinity, capable of accomplishing a harmful assault on the officer, are constitutionally subjected to the cursory ‘pat-down’ reasonably necessary to give assurance that they are unarmed.” *Commonwealth v. Reed*, 19 A.3d 1163, 1169 (Pa. Super. 2011) (quoting *Commonwealth v. Jackson*, 907 A.2d 540, 544 (Pa. Super. 2006), *appeal denied*, 932 A.2d 75 (Pa. 2007)). Such a pat-down is warranted so long as police had a reasonable belief that the companion was armed and dangerous. *Id.* (citing *Jackson*). The threshold for a *Terry* pat down is as follows:

The officer need not be absolutely certain that the individual is armed; the issue is whether a reasonably prudent [person] in the circumstances would be warranted in the belief that his safety or the safety of others was in danger. The existence of reasonable suspicion to frisk an individual must be judged in light of the totality of the circumstances confronting the officer.

*Reed* at 1170 (quoting *Commonwealth v. Taylor*, 771 A.2d 1261, 1268-1269 (Pa. 2001)).

In this case, under the totality of the circumstances, a reasonably prudent person would have been concerned about his or her safety or the safety of others since defendant was found riding in what police reason-



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ably considered to be a stolen vehicle at 2:30 a.m. and where the defendant began moving furtively in the area on the floor under his seat. Accordingly, police legally performed a *Terry* risk on defendant's person.

The next issue is whether the bag of bullets was legally seized from defendant's person during the *Terry* pat down. I find that it was not. The sole purpose of the pat down is not to discover evidence, but to allow the officer to pursue his investigation without fear of violence. *Commonwealth v. Stevenson*, 744 A.2d 1261, 1265 (Pa. 2000). Under the plain feel exception, a police officer may only seize a weapon or non-threatening contraband detected during a pat down if the officer is lawfully in a position to detect the object, the incriminating nature of the object is immediately apparent from its tactile impression and the officer has a lawful right of access to the object. *Id.* at 1265-66 (citation omitted).

Although this court was unable to find a Pennsylvania appellate decision on point, courts which have addressed the issue have generally held that firearm ammunition is neither a weapon nor contraband.<sup>4</sup> Nevertheless, they have almost uniformly held that bullets or shells discovered during a *Terry* pat down are subject to seizure under the plain feel exception where the nature of the object is immediately apparent as ammunition.<sup>5</sup> This court believes that our appellate courts would hold

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4. See, *United States v. Lemons*, 153 F. Supp. 2d 948, 959-962 (E.D. Wis. 2001) (ammunition is not contraband); *United States v. Perez*, 2010 U.S. Dist. LEXIS 12890 (D. Kan. 2010) (bullets by themselves are not weapons); *United States v. Whitsett*, 2005 U.S. Dist. Lexis 34508 (N.D. Ind. 2005), *aff'd* on other grounds, 207 F. App'x 723 (7th Cir. 2006) (a bullet is not always contraband).

5. See, *United States v. Ward*, 23 F.3d 1303 (8th Cir. 1994) (officer justified in reaching into pocket to retrieve shells where he felt cylindrical objects during *Terry* frisk which he believed were shotgun shells); *United States v. Scott*, 72 F.3d 139 (full text format published at 1995 U.S. App. Lexis 35922, 1995 WL 749775 (10th Cir. Dec. 19, 1995) (officer who recognized by touch the items in defendant's pockets as bullets was justified in seizing them during a *Terry* pat down because of safety ramifications in allowing defendant to retain ammunition); *Lemons*, at 959-962 (E.D. Wis. 2001) (where the officer performing the pat down did not immediately perceive the items in defendant's pocket as bullets until he manipulated them, the search went beyond the scope of a *Terry* pat-down); *United States v. Teague*, 2010 U.S. Dist. Lexis 142717 (N.D. Ga. 2010) (officer was justified in seizing what he believed to be shotgun shells from defendant's pocket because the seizure fell within the scope of a *Terry* protective search where defendant was in position to potentially arm himself); *United States v. Perez* at \*14 (seizure of a bullet from defendant's pocket was illegal since the officer did not immediately recognize the item as a bullet without further manipulation); *United States v. Whitsett*, at \*21-22 (officer felt what was immediately apparent as a bullet which suggested the presence of a gun elsewhere and it was thus proper for officer to remove the bullet to ensure his own safety in the event the stop went awry and the suspect had access to the gun); *Scott v. State*, 877 P.2d 503, 509 (Nev. 1994) (during justified stop and frisk, officer conducting frisk felt shotgun shells in suspect's pocket; reasonable for officer, as precautionary measure, to retrieve and separate weapons or ammunition from suspect during course of *Terry* stop and frisk).

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similarly; that is, in addition to permitting police to seize weapons and non-threatening contraband under the plain feel exception, they would treat the discovery of firearm ammunition the same. Thus, this court's inquiry is whether the evidence presented sufficiently proved that the bag of bullets seized had been immediately apparent as such to the officer seizing them.

An officer cannot satisfy the plain feel doctrine unless he can "substantiate what it was about the tactile impression of the object that made it immediately apparent to him that he was feeling contraband." *Stevenson* at 1267 (citation omitted). "[T]he Commonwealth ... has the burden to produce evidence of what the officer conducting the pat down actually perceived during the frisk itself. Without any evidence that the object in [the searched party's] pocket felt like a weapon or was immediately recognizable as non-threatening contraband, the Commonwealth fail[s] to meet its burden." *Commonwealth v. Thompson*, 939 A.2d 371, 378 (Pa. Super. 2007) (citation omitted) (emphasis added). The warrantless seizure of firearm ammunition would also be subject to this same standard under this court's interpretation of the law, as discussed above.

Here, there was no evidence presented to "substantiate what it was about the tactile impression of the object that made it immediately apparent" to Sergeant Lacey as bullets. Sergeant Lacey did not testify. In addition, neither the bag nor the bullets were offered into evidence and it would be pure conjecture for this court to make a determination that the bag of bullets was immediately apparent to Sergeant Lacey as ammunition. No other exceptions to the warrant requirement were presented or proven permitting the seizure of the bullets.<sup>6</sup> Therefore, because the Commonwealth failed to present evidence substantiating the legality of the warrantless seizure of the bullets, the bag of bullets and all evidence discovered thereafter, including defendant's suspicious explanation for why he possessed the bullets and the gun found underneath his car seat, is subject to suppression under the exclusionary rule. *See, Commonwealth v. Guillespie*, 745 A.2d 654, 657-8 (Pa. Super. 2000).

Nevertheless, this does not end this court's inquiry into whether the evidence must be excluded. The inevitable discovery doctrine, which

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6. For example, there was evidence suggesting that defendant might have been placed under arrest such that a fuller search incident thereto could have been conducted during which the bag of bullets in defendant's pocket would certainly have been lawfully discovered. Officer Anthony testified, however, that he did not know whether he would have placed the non-driver occupants, including defendant, under arrest for charges related to the vehicle being stolen. (N.T. 38)

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provides an exception to the exclusionary rule, permits the introduction of evidence that would have been inevitably discovered through lawful means even though the search that actually led to the discovery of the evidence was unlawful. The inevitable discovery doctrine considers what would have happened in the absence of the initial search.<sup>7</sup> *Commonwealth v. Williams*, 2 A.3d 611, 618 (Pa. Super. 2010), *appeal denied*, 19 A.3d 1051 (Pa. 2011) (en banc, three judges dissenting) (citation omitted). In order for this exception to apply, the evidence obtained must be sufficiently purged of the taint of the original illegality. *Commonwealth v. Wideman*, 385 A.2d 1334, 1336 (Pa. 1978). Implicit in this doctrine is the fact that the evidence would have been discovered despite the initial illegality. *Commonwealth v. Gonzalez*, 979 A.2d 879, 890 (Pa. Super. 2009). That the evidence would have been inevitably discovered must be proven by the Commonwealth by a preponderance of the evidence. *Id.* The purpose of the inevitable discovery rule is to prevent the setting aside of convictions that would have been obtained but for the illegality. *Id.*

The Commonwealth argued at the suppression hearing that it legally obtained the gun from underneath defendant's car seat, even after they learned the car was not stolen, under law which permits protective vehicle searches as an extension of *Terry*. Our superior court recently examined the law with regard to such searches, noting that they are constitutionally permissible. *Commonwealth v. Micking*, 17 A.3d 924, 927 (Pa. Super. 2011) (citing *Michigan v. Long*, 463 U.S. 1032 (1983) and *Commonwealth v. Morris*, 644 A.2d 721 (Pa. 1994)). "The search of the passenger compartment of an automobile, limited to those areas in which a weapon may be placed or hidden, is permissible if the police officer possesses a reasonable belief based on 'specific and articulable

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7. The other exception to the exclusionary rule is the independent source doctrine. Under this doctrine, evidence that was in fact discovered lawfully, and not as a direct or indirect result of illegal activity, is admissible. *Commonwealth v. Williams* at 618 (citation omitted). The independent source doctrine focuses on what actually happened unlike the inevitable discovery doctrine which considers what would have happened in the absence of the initial search. *Id.* at 618-19. For example, where drug enforcement officers made an invalid warrantless entry into the defendant's apartment and then secured the apartment in order to preserve the *status quo* while a search warrant was procured, seizure of evidence obtained during the subsequent warranted search was held derived from an independent source because the government did not use any information it found due to the initial illegal entry to support issuance of the warrant. *Id.* at 620 (citing *Segura v. United States*, 468 U.S. 796 (1984)).

The independent source doctrine is not implicated here since there was no evidence offered at the suppression hearing indicating that the gun would have been legally discovered as the result of an independent source.

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facts which, taken together with the rational inferences from those facts, reasonably warrant' the officers in believing that the suspect is dangerous and the suspect may gain immediate control of weapons." *Id.* at 928 (quoting *Michigan v. Long* and *Terry*). "The issue is whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger." *Id.* (quoting *Long*). The right of police to conduct such searches extends even where the defendant is not in police custody nor under arrest, or where the defendant will be released and permitted to reenter his vehicle since in those situations the defendant maintains the ability to access a weapon. *Id.*

Officer Anthony testified at the suppression hearing that the reason he searched the vehicle, even after it was confirmed that the vehicle was not stolen, was because he believed there was a gun inside. He articulated that his belief was based upon defendant's furtive movements, his possession of the bullets and that defendant offered a dubious explanation for his possession of the bullets. In addition, although Officer Anthony did not cite this as a basis for believing a gun was in the car, he had testified to knowledge that there was a bag under the seat in the area where defendant had moved about furtively just prior to being taken into custody.

This court agrees that, when including the suppressed evidence into the equation, the specific and articulable facts would have reasonably warranted the officers here in believing defendant and his companions might be armed and dangerous, particularly where they were going to be released from police custody and would have access to the car. Thus, under the totality of these circumstances, they would have had a reasonable basis to conduct a protective vehicle search. *Commonwealth v. Micking, supra*. However, Officer Anthony clearly came to his reasonable belief in significant part because of his knowledge that defendant possessed bullets and had offered up a dubious explanation as to why he possessed them. As such, his decision to conduct a protective search was tainted by the illegally seized evidence.

This court's inquiry in this case, under the inevitable discovery rule, is whether, assuming Officer Anthony was unaware of the tainted evidence (the bullets and statement about them), he would have inevitably made the decision to conduct a protective *Terry* search of the vehicle, during which the gun would most certainly have been

## Commonwealth v. Dixon

discovered.<sup>8</sup> I find that the evidence presented does not meet the necessary threshold of showing, by a preponderance of the evidence, that the decision to search the car was sufficiently purged of the illegality. The Commonwealth offered no evidence that Officer Anthony would have hypothetically decided to conduct the protective car search absent his knowledge of the bullets and defendant's dubious explanation about them.<sup>9</sup> The discovery of the bullets was clearly the most significant piece of information raising that suspicion. For instance, according to Officer Anthony, after having been apprised by Sergeant Lacey that defendant possessed bullets, police immediately asked the occupants if there was a gun in the car (which they denied). In addition, other than the furtive movements made by defendant under his seat in the area where a bag was observed, the bag of bullets was the only other piece of information obtained by police suggesting that any of the occupants were dangerous. Furthermore, the evidence presented was that defendant was discovered with a computer on his lap such that it is possible police, absent the bullet evidence, would have connected defendant's movements to the computer.

While it is possible Officer Anthony would have proceeded with the protective car search absent the illegally obtained evidence, the evidence presented to this court was not sufficient to prove that that decision and the subsequent discovery of the gun was inevitable. Since Officer Anthony's decision to conduct a protective car search was not sufficiently purged of the original illegality, the gun must be suppressed.

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8. I note that, hypothetically, had Officer Anthony not been aware of the tainted evidence, and assuming he offered testimony that he based his protective car search solely upon defendant's furtive movements, the bag under the seat, the early morning hour and that the occupants would be released back to the car, that in this court's estimation, Officer Anthony would meet the threshold for legally conducting a warrantless search; that is, he would have a reasonable belief defendant was dangerous and that he may gain immediate control of a weapon. *See, In the Interest of O.J.*, 958 A.2d 561 (Pa. Super. 2008), *appeal denied*, 989 A.2d 918 (Pa. 2010) (police officer had a reasonable belief that a weapon may have been secreted in the console of a car and legally performed a protective search of the car console area, where, among other things, the motor vehicle stop occurred in the early morning hours, one car occupant made furtive movements in the console area of the car during the stop, and where the occupants were to be released back to the vehicle).

9. Understandably, the Commonwealth did not anticipate a need to present evidence via Officer Anthony as to whether he felt that he would have proceeded with a vehicle search had he not learned of the bullets or of defendant's statement about them because they were arguably obtained illegally because it anticipated basing the legality of the search on consent of the vehicle's owner. See footnote 3.

Commonwealth v. Dixon

Accordingly, I enter the following:

ORDER

AND NOW, this 29th day of September, 2011, Defendant's Motion to Suppress is hereby GRANTED.

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**FIRST PUBLICATION**

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**Estate Notices**

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ESTATE OF WALTER J. BRUDER a/k/a WALTER M. BRUDER, late of Dauphin County, Pennsylvania (died August 28, 2011). Personal Representatives: Walter J. Bruder, Jr. and Jamie F. Bruder, 117 Scenic Drive, Marysville, PA 17053. Attorney: Jennifer A. Galloway, Esq., 2675 Eastern Boulevard, York, PA 17402. o28-n11

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ESTATE OF ELIZABETH NASH, late of the City of Steelton, Dauphin County, Pennsylvania. Executor: Joseph T. Stanisic, Jr., 1073 High Street, Oberlin/Steelton, PA 17113. Attorney: John R. Zonarich, Esq., Skarlatos Zonarich LLC, 17 South Second Street, 6th Floor, Harrisburg, PA 17101. o28-n11

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ESTATE OF GLORIA O. BEERS, late of Elizabethville Borough, Dauphin County, Pennsylvania. Executrix: Carol Fulkroad, 832 Center Street, Millerburg, PA 17061. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. o28-n11

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ESTATE OF GLORIA M. ZEIGLER, late of Washington Township, Dauphin County, Pennsylvania. Co-Executors: Craig A. Zeigler, 789 Paxton Drive, Dalmatia, PA 17017 and Renee E. Troutman, 48 Tee Circle, Reading, PA 19067. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. o28-n11

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ESTATE OF LOUANN K. HARKINS, late of the Township of Swatara, Dauphin County, Pennsylvania. Executrix: Rebekah A. Gorman, 1085 Monroe Street, Oberlin, PA 17113. Attorney: Theresa L. Shade Wix, Esq., Wix, Wenger & Weidner, 4705 Duke Street, Harrisburg, PA 17109-3041. o28-n11

ESTATE OF GEORGIA H. ANDERSON, late of Susquehanna Township, Dauphin County, Pennsylvania (died August 30, 2011). Administrator: The Bryn Mawr Trust Company, c/o George W. George, Vice President, One West Chocolate Avenue, Hershey, PA 17033. Attorney: Kendra A. Mohr, Esq., Pannebaker & Mohr, P.C., 4000 Vine Street, Middletown, PA 17057. Telephone (717) 944-1333. o28-n11

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**SECOND PUBLICATION**

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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

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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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**SECOND PUBLICATION**

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**Estate Notices**

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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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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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**THIRD 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

ESTATE OF MARY E. ENGLE, late of Elizabethville, Dauphin County, Pennsylvania (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 Representative: 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

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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, Pennsylvania. 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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THIRD PUBLICATION

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Estate Notices

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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, Elizabethtown, 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

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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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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 12, 2011, by **ShopTech Industrial Software Corp.**, a foreign corporation formed under the laws of the State of Rhode Island, where its principal office is located at 10 Weybosset St., Providence, RI 02093, 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. o28

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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 **V Square InfoTech Inc.**, a foreign corporation formed under the laws of the State of New Jersey, where its principal office is located at 555 US Highway 1 South, Iselin, NJ 08830, 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. o28

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NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Nonprofit Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **Housing Visions Unlimited, Inc.** The address of its principal office under the laws of its jurisdiction is 1201 East Fayette St., Syracuse, NY 13210. The Commercial Registered Office Provider is National Corporate Research, Ltd. in Dauphin County.

This is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 6124(b). o28

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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **BVA Systems (Texas) Inc.**, a corporation of the State of Texas, with principal office located at 737 Tapscott Rd., Scarborough, Ontario, Canada, M1X 1A2, and having a Commercial Registered office Provider and county of venue as follows: CT Corporation System, Dauphin County, which on June 21, 2010, 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. o28

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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 **Discover Home Loans, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 2500 Lake Cook Road, Riverwoods, IL 60015, 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. o28

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NOTICE IS HEREBY GIVEN that **XOJET, Inc.**, a foreign business corporation incorporated under the laws of the State of Delaware, with its principal office located at c/o CSC 2711 Centerville Rd., Ste. 400, Wilmington, DE 19808, 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. o28

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 18, 2011, by **Pharmacy Hearing Centers, 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. o28

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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 14, 2011, by **W.M. Enterprises, Inc.**, doing business in the Commonwealth of Pennsylvania under the fictitious name of **Micoley & Company**, a foreign corporation formed under the laws of the State of Wisconsin, where its principal office is located at 2360 Dousman St., Green Bay, WI 54303, 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. o28

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NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania on 10/14/2011 under the Domestic Business Corporation Law, for **Jensen Expansion Capital, Inc.**, and the name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County. o28

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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 21, 2011, by **CRU North America, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 2000 Corporate Dr., Suite 410, Wexford, PA 15090, 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. o28

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NOTICE IS HEREBY GIVEN that **One Source Security & Sound, Inc.** a foreign business corporation under the laws of the State of Texas, where its principal office is located at 2925 FM 1960 East, Humble, TX 77338, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at c/o Incomp 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. o28

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for **Leap Research, Inc.** on October 18, 2011. The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

McNEES WALLACE & NURICK LLC  
100 Pine Street  
o28 Harrisburg, PA 17101

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 **Vincent Dixon Photography, Inc.** The address of its principal office under the laws of its jurisdiction is 31 W. 27th Street #10B, New York, NY 10001. The Commercial Registered Office Provider for this Corporation is Penncorp Service Group 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). o28

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Commonwealth of Pennsylvania on October 4, 2011. The name of the corporation is **CHOCOLATECOVERS LTD, Inc.** The corporation has been incorporated under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania Act of December 22, 1988.

ANTHONY J. NESTICO, Esq.  
840 East Chocolate Avenue  
Hershey, PA 17033  
o28 (717) 533-5406

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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 **CIS Brokerage, Inc.** on 09/06/11. The address of its principal office under the laws of the jurisdiction in which it is incorporated is 790 11th Avenue, New York, NY 10019. 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. o28

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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Nonprofit Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **Housing Visions Construction Co., Inc.** The address of its principal office under the laws of its jurisdiction is 1201 East Fayette St., Syracuse, NY 13210. The Commercial Registered Office Provider is National Corporate Research, Ltd. in Dauphin County.

This is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 6124(b). o28

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NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Nonprofit Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **Housing Visions Consultants, Inc.** The address of its principal office under the laws of its jurisdiction is 1201 East Fayette St., Syracuse, NY 13210. The Commercial Registered Office Provider is National Corporate Research, Ltd. in Dauphin County.

This is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 6124(b). o28

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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 **Quirky, Inc.** The address of its principal office under the laws of its jurisdiction is 628 Broadway, Suite 300, New York, NY 10012. The name of this corporations commercial registered office provider is United Corporate Services, 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). o28

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 **ROTHMAN HEALTHCARE CORPORATION.** The address of its principal office under the laws of its jurisdiction is 5019 Kestral Park Dr., Sarasota, FL 34231. 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). o28

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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 Name Act, 54 Pa. C.S. § 301, et seq., and its amendments and supplements, of filing with the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on the 13th day of October, 2011, an application for conducting business under the assumed or fictitious name of **S K Engine Service** with its principal place of business located at 333 Luxemburg Road, Lykens, Dauphin County, Pennsylvania 17048.

The name and address of the entity owning or interested in said business is: John S. Stoltzfus, 333 Luxemburg Road, Lykens, PA 17048 and Benuel King, 375 Luxemburg Road, Lykens, PA 17048.

GREGORY M. KERWIN, Esq.  
Kerwin & Kerwin, LLP  
4245 State Route 209  
Elizabethville, PA 17023  
(717) 362-3215

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**FIRST PUBLICATION**

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**Fictitious Notices**

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NOTICE IS HEREBY GIVEN that an Application for Registration of the following fictitious name: **pvmaAssure**, for conduct of business in the Commonwealth of Pennsylvania, with its principal place of business at 8574 Paxton Street, Hummelstown, Pennsylvania 17036, was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about October 21, 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: **pvmaAssure Insurance Agency, Inc.**, 8574 Paxton Street, Hummelstown, Pennsylvania 17036.

STUART J. MAGDULE, Esq.  
Smigel, Anderson & Sacks, LLP  
4431 North Front Street, 3rd Floor  
o28 Harrisburg, PA 17110

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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. 2011-CV-7563-MF**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**PNC BANK, NATIONAL ASSOCIATION,  
Plaintiff**

**vs.**

**DONDI RESSLER, Defendant**

**TO: Dondi Ressler, Defendant,  
whose last known addresses are  
135 Dogwood Drive  
Dalmatia, PA 17017**

**and**

**561 South 2nd Street  
Lykens, PA 17048**

**COMPLAINT IN  
MORTGAGE FORECLOSURE**

YOU ARE HEREBY NOTIFIED that Plaintiff, PNC Bank, National Association, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2011-CV-7563-MF, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 561 South 2nd Street, Lykens, PA 17048, 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.

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

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FIRST PUBLICATION

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Miscellaneous Notices

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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

MARK J. UDREN, Esq.  
STUART WINNEG, Esq.  
LORRAINE DOYLE, Esq.  
ALAN M. MINATO, Esq.  
SHERRI J. BRAUNSTEIN, Esq.  
MARGUERITE L. THOMAS, Esq.  
DANIEL S. SIEDMAN, Esq.  
HEATHER RILOFF, Esq.  
SHERNESE V. WOODBINE, Esq.  
Udren Law Offices, P.C.  
111 Woodcrest Rd., Ste. 200  
Cherry Hill, NJ 08003  
(856) 669-5400

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IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA

CIVIL ACTION – LAW

No. 2011 CV 7619 MF

NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE

US BANK TRUST NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
LSF7 NPL VI TRUST, Plaintiff

vs.

MYKIA S. AHANONU and  
BENJAMIN E. AHANONU, Defendants

TO: MYKIA S. AHANONU  
AND BENJAMIN E. AHANONU

PREMISES SUBJECT  
TO FORECLOSURE:  
499 WENRICH STREET  
HARRISBURG, PENNSYLVANIA 17112

NOTICE

IF YOU WISH TO DEFEND, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

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

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

TERRENCE J. McCABE, Esq.  
MARC S. WEISBERG, Esq.  
EDWARD D. CONWAY, Esq.  
MARGARET GAIRO, Esq.  
McCabe, Weisberg and Conway, P.C.  
123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109

o28

(215) 790-1010

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**FIRST PUBLICATION**

**Miscellaneous Notices**

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**NOTICE OF TRANSFER  
OF ATTORNEYS  
TO INACTIVE STATUS**

NOTICE IS HEREBY GIVEN that the following **Dauphin County** attorneys have been *Administratively Suspended* by Order of the Supreme Court of Pennsylvania dated September 20, 2011, pursuant to Rule 219, Pa. R.D.E. which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$200.00. The Order became effective October 20, 2011.

Henry, Deryck  
Pringle, Nathan C., Jr.  
Shanaman, Susan M.  
Sloan, Doreena Lynn

SUZANNE E. PRICE  
Attorney Registrar  
The Disciplinary Board of the  
o28 Supreme Court of Pennsylvania

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**IN THE COURT OF  
UNITED STATES DISTRICT  
FOR THE MIDDLE DISTRICT OF  
PENNSYLVANIA**

**CIVIL ACTION**

**No. 1:11-CV-545**

**INSURANCE COMPANY OF GREATER  
NEW YORK a/s/o QUAIL RUN REAL  
ESTATE L.P. d/b/a QUAIL RUN  
APARTMENTS, Plaintiff**

**vs.**

**TINA JEFFERSON, ANDRE DRAYTON,  
SYMONE SCOTT and UNITED WATER  
COMPANY, Defendants**

**JURY TRIAL DEMANDED**

**NOTICE**

The above-captioned negligence and breach of contract action involves a fire which originated on June 11, 2010, in Unit 4065 of the Quail Run Apartments located in Quail Run Apartments Lower Paxton, Pennsylvania. You have been sued in Court. If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

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

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

**AVISO**

LE HANDEMANDADO A USTED EN LA CORTE. Si usted quiere defenderse de estats demandas expuestas en las paginas siguientes, usted tiene veinte dias de plazo al partir de la fecha de la demanda y la notificacion. Have falta ascantar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defenses o sus objeciones a law demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte

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**Miscellaneous Notices**

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puede decidir a favor del demandante y require que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

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

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s/MATTHEW D. MATKOV, Esq.  
1171 Lancaster Avenue, Suite 101  
028 Berwyn, PA 19312 (484) 318-7225

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

**CIVIL ACTION – DIVORCE**

**No. 2011 CV 9158 DV**

**SAIDI J. HERSI, Plaintiff**

**vs.**

**FOWSIYA, FARRAH, Defendant**

**NOTICE TO DEFEND  
AND CLAIM RIGHTS**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claim set forth in the following, you must take prompt action. You are warned that if you fail to do so, the

case may proceed without you and a Decree of Divorce or Annulment may be entered against you by the Court. A judgment may also be entered against you for any other claim or relief requested in these papers by the Plaintiff. You may lose money or property 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 Office of the Prothonotary at the following address:

DAUPHIN COUNTY PROTHONOTARY  
101 Market Street  
Room 101  
Harrisburg, PA 17101

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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP. 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 PERSONS AT A REDUCED FEE OR NO FEE.

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**AMERICANS WITH  
DISABILITIES ACT OF 1990**

The Court of Common Pleas of Montgomery County is required by law to comply with the Americans with Disabilities Act of 1990.



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**Miscellaneous Notices**

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For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

**PLAINTIFF'S ACKNOWLEDGMENT  
AND NOTICE TO THE DEFENDANT  
OF THE AVAILABILITY  
OF COUNSELING**

Plaintiff hereby acknowledges and defendant is hereby notified that counseling is available to Plaintiff or Defendant if request is made for same either by letter to the Prothonotary or through your lawyer. If requested, the Court will require up to a maximum of three (3) counseling sessions. A list of qualified professionals who provide such counseling services, may be obtained either from the Domestic Relations Office or the Prothonotary. Plaintiff hereby acknowledges that:

I have been advised of the availability of marriage counseling and understand that I may request that the court require that my spouse and I participate in counseling.

I understand that the court maintains a list of marriage counselors in the Domestic Relations Office, which list is available to me upon request.

Being so advised, I do not request that the Court require that my spouse and I participate in counseling prior to a divorce decree being handed down by the court.

Dated: 9/12/2011 /s/ Saidi J. Hersi, Plaintiff

**COMPLAINT IN DIVORCE**

1. The Plaintiff is Saidi J. Hersi, an adult individual residing at 2395 Sun Drive, Harrisburg, Dauphin County, Pennsylvania 17109.
2. The Defendant is Fowsiya Farrah, an adult individual residing at an unknown address.
3. The Plaintiff has been a bona fide resident of the Commonwealth of Pennsylvania for at least six (6) months immediately previous to the commencement of this action.
4. The Plaintiff and the Defendant were married on August 20, 1993 in Mumbasa, Kenya,
5. There have been no prior actions of divorce or for annulment between the parties except that the last time the Plaintiff had contact with the Defendant in February 2004 he gave her an Islamic divorce by indicating to her on the phone three times that they were thereafter divorced in accordance with Islamic law.
6. The marriage is irretrievably broken.
7. The Plaintiff has been advised of the availability of counseling and that the Plaintiff may have the right to request that the court require the parties to participate in counseling.
8. The Plaintiff nor Defendant is not in the military service of the United States or its allies as defined by the Soldiers' and Sailors' Civil Relief Act of 1940 and its amendments.

**COUNT I  
DIVORCE**

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

9. Plaintiff hereby incorporates by reference the averments contained in Paragraphs 1 through 8 as if the same were set forth at length.
10. The marriage of the parties is irretrievably broken.
11. The parties have been living separate and apart within the meaning of the Divorce Code since February 9, 2004.

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**Miscellaneous Notices**

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12. Plaintiff has submitted an affidavit verifying that the parties have been living separate and apart in excess of two years.

WHEREFORE, Plaintiff requests that this Honorable Court issue a final decree in divorce between the parties and incorporate but not merge any marital agreement reached by the parties into the Divorce Decree.

**VERIFICATION**

I, Saidi J. Hersi, verify that the statements made in the attached Complaint in Divorce and Plaintiff's 3301(d) Affidavit of Notice to Defendant are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

Dated: 9/12/2011 /s/ Saidi J. Hersi, Plaintiff

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

**NOTICE TO THE DEFENDANT**

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 on you or the statements will be admitted.

1. The parties to this action separated February 9, 2004 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. §4904 relating to unsworn falsification to authorities.

Dated: 9/12/2011 /s/ Saidi J. Hersi, Plaintiff

**DEFENDANT'S COUNTER-AFFIDAVIT  
UNDER SECTION 3301 (d)  
OF DIVORCE CODE**

1. Check either (a) or (b)
  - (a) I do not oppose the entry of a divorce decree.
  - (b) I oppose the entry of a divorce decree because: (check (i), (ii) or both).
    - (i) The parties to this action have not lived separate and apart for a period of at least two years.
    - (ii) The marriage is not irretrievably broken.
2. Check either (A) or (B)
  - (A) I do not wish to make any claims for economic relief. 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.
  - (B) I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

I understand that in addition to checking (b) above, I must also file all of my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth in the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further delay.

I verify that the statements made in this counter-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.

NOTICE: If you do not wish to oppose the entry of a divorce decree and you do not wish to make any claim for economic relief, you should not file this counter-affidavit.

/s/ MARCIA BINDER IBRAHIM, Esq.  
222 South Broad Street  
Lansdale, PA 19446  
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o28

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MIDDLETOWN AREA  
SCHOOL DISTRICT

EARNED INCOME AND  
NET PROFITS TAX NOTICE

NOTICE IS GIVEN PURSUANT to the Local Tax Enabling Act that the Board of School Directors of Middletown Area School District intends to adopt an **Earned Income Tax Resolution**, the caption and summary of which is as follows:

RESOLUTION LEVYING A TAX ON EARNED INCOME AND NET PROFITS; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX; AND RELATED PROVISIONS.

The Board of School Directors of Middletown Area School District intends to adopt this Resolution at a meeting to be held on or before November 30, 2011. It will impose a tax for general revenue purposes at a rate of **1.25%** on earned income and net profits of individual residents. This tax is in addition to any tax on earned income and net profits imposed by any municipality within the school district. The Resolution will be effective January 1, 2012, and continues the tax previously imposed at the same rate. Changes have been made in the terms of the currently effective tax levy primarily to conform to requirements of Act 32 of 2008, which is a restatement of the Local Tax Enabling Act, 53 P.S. § 6924.101, et seq. The nature of the tax will be substantially the same as the earned income and net profits tax currently levied, subject to changes required by Act 32. The Resolution states that all provisions of the Local Tax Enabling Act that relate to a tax on earned income or net profits are incorporated into the Resolution. The Resolution provides an exemption from tax for individuals under age 16. The tax will be collected by a collector appointed under Act 32. The reason for the

new tax levy is to continue the same tax as previously imposed in order to provide revenue for the purposes stated above, and also to conform to Act 32 requirements. The estimated revenue to be derived from the tax during 2012 is \$3,850,000.

A copy of the full text of the proposed Resolution may be obtained by any citizen at the Business Office of the Middletown Area School District located at 55 West Water Street, Middletown, PA 17057, during regular business hours.

Board of School Directors  
for Middletown Area School District  
o28-n11

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UPPER DAUPHIN AREA  
SCHOOL DISTRICT

EARNED INCOME AND  
NET PROFITS TAX NOTICE

NOTICE IS GIVEN PURSUANT to the Local Tax Enabling Act that the Board of School Directors of Upper Dauphin Area School District intends to adopt an **Earned Income Tax Resolution**, the caption and summary of which is as follows:

RESOLUTION LEVYING A TAX ON EARNED INCOME AND NET PROFITS; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX; AND RELATED PROVISIONS.

The Board of School Directors of Upper Dauphin Area School District intends to adopt this Resolution at a meeting to be held on or before November 30, 2011. It will impose a tax for general revenue purposes at a rate of **0.5%** on earned income and net profits of individual residents. This tax is in addition to any tax on earned income and net profits imposed by any municipality within the school district. The Resolution will be effective January 1, 2012, and continues the tax previously imposed at the same rate. Changes have been made in the terms of the currently effective tax levy primarily to conform to requirements of Act 32 of 2008, which

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Miscellaneous Notices

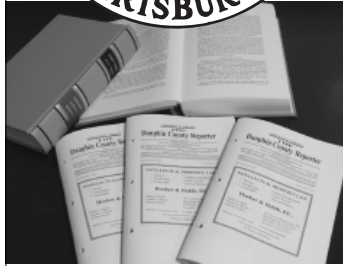
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is a restatement of the Local Tax Enabling Act, 53 P. S. § 6924.101 et seq. The nature of the tax will be substantially the same as the earned income and net profits tax currently levied, subject to changes required by Act 32. The Resolution states that all provisions of the Local Tax Enabling Act that relate to a tax on earned income or net profits are incorporated into the Resolution. The tax will be collected by a collector appointed under Act 32. The reason for the new tax levy is to continue the same tax as previously imposed in order to provide revenue for the purposes stated above, and also to conform to Act 32 requirements. The estimated revenue to be derived from the tax during 2012 is \$725,000.

A copy of the full text of the proposed Resolution may be obtained by any citizen at the Business Office of the Upper Dauphin Area School District located at 5668 State Route 209, Lykens, PA 17048, during regular business hours.

Board of School Directors for Upper  
Dauphin Area School District

o28-n11



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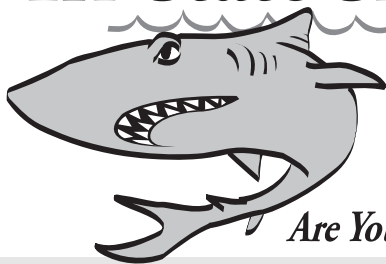
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The Board of Directors of the Bar Association meets on the third Thursday of the month at the Bar Association headquarters. Anyone wishing to attend or have matters brought before the Board should contact the Bar Association office in advance.

**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 2011

Judge Bernard L. COATES, JR.

NOVEMBER 2011

Judge Deborah Essis CURCILLO

*Opinions Not Yet Reported*

October 3, 2011 – Turgeon, J., **Colon v. Kmart**, No. 2008-CV-09968-CV

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Widener University School of Law – Harrisburg Campus seeks a part-time staff attorney for its Environmental Law Clinic. Applicants must have experience in Environmental Law and be an attorney in good standing in Pennsylvania. The Staff Attorney will work with the Environmental Law Clinic Director and students enrolled in the clinic on the monitoring of an environmental consumer helpline and overseeing student representation of clients. Salary from \$15-20,000 annually, depending on availability and experience.

Submit resume as soon as possible/no later than October 28, 2011 via email to [law\\_vice\\_dean@mail.widener.edu](mailto:law_vice_dean@mail.widener.edu) o21-o28

**SEEKING ATTORNEY** — Lancaster full-service business law firm seeks an established Labor and Employment (management side) and/or General Commercial Litigation attorney with a minimum of 3 years experience for growing practice area. The successful candidate must have excellent research skills, analytical skills, writing skills, and interpersonal skills. Experience in all areas of employment law and/or general commercial litigation is a plus. Talent, enthusiasm, and team orientation are vital. Please contact Hiring Partner, Kegel, Kelin, Almy & Grimm, LLP, 24 North Lime Street, Lancaster, PA 17602. o28-n11

**LEGAL SECRETARY** — Law firm seeks legal secretary with 4+ years experience with a focus on insurance defense litigation. We are looking for an individual with superior skills. Compensation commensurate with experience. Excellent benefit package. Please submit your resume to Laura L. Dobbin, Firm Administrator, Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043-0109 or email to [lld@jdsdsw.com](mailto:lld@jdsdsw.com) o28-n11

**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

**BAR ASSOCIATION PAGE – Continued**

**MISCELLANEOUS SECTION**

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PA Council on Independent Living, 717-920-0530, office@pcil.net o28-n4

**CONTRACT ATTORNEY** — Pittsburgh based transportation litigation firm with office in Camp Hill seeks a part-time Contract Attorney for up to 15 hours per week. Qualified candidate will have excellent academic record as well as strong research, writing and communication skills. Litigation background preferred. interested candidates should send letter of interest, resume, transcripts and writing sample to Managing Partner, 355 North 21st Street, Suite 102, Camp Hill, PA 17011.

o28-n11

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