

THE
Dauphin County Reporter

(USPS 810-200)

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

No. 5789, Vol. 124 November 19, 2010 No. 125

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

TERMS: Advertisements must be received before 12 o'clock noon on Tuesday of each week at the office
of the Dauphin County Reporter, 213 North Front Street, Harrisburg, PA 17101. Telephone (717) 232-7536

Consoli v. Elias

281

Bar Association Page

Inside Back Cover

INTELLECTUAL PROPERTY LAW

- * Patents
- * Trademarks
- * Copyrights
- * Unfair Competition
- * Trade Secrets
- * Internet Matters

Hooker & Habib, P.C.

Jeffrey S. Habib
Charles A. Hooker
Thomas Hooker

100 Chestnut Street, Suite 304
Harrisburg, PA 17101-2518
Telephone: 717-232-8771
Facsimile: 717-232-8773

Website: www.h-hpc.com

E-mail: hhpc@ptd.net

39 Years in Harrisburg

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

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

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

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

TERMS

Advertisements must be received before 12 o'clock noon on Tuesday of each week at the office of the Dauphin County Reporter, 213 North Front Street, Harrisburg, PA 17101.

Telephone (717) 232-7536

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 EARL F. CAPRIOTTI, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Michele Snyder. Attorney: Michael L. Bangs, Esq., 429 South 18th Street, Camp Hill, PA 17011. n19-d3

ESTATE OF VIRGINIA M. DORSHEIMER, late of Lower Paxton Township, Dauphin County, Pennsylvania (died October 19, 2010). Personal Representative: Sylvia Nedurian, P.O. Box 275, Newtown Square, PA 19073-0275. Attorney: Vram Nedurian, Jr., Esq., P.O. Box 275, Newtown Square, PA 19073-0275.

n19-d3

ESTATE OF VIVIAN L. ENDERS, late of Susquehanna Township, Dauphin County, Pennsylvania (died June 25, 2010). Personal Representatives: David G. Enders, 56 Marie Drive, Halifax, PA 17032 and Janice E. Brunner, 1719 S. Miller Road, Lodi, NY 14860. Attorney: Robert G. Radebach, Esq., 912 North River Road, Halifax, PA 17032.

n19-d3

ESTATE OF JOHN P. SARIANO, SR., late of Susquehanna Township, Dauphin County, Pennsylvania (died October 14, 2010). Executor: John P. Sariano, Jr., 896 Country Lake Drive, Harrisburg, PA 17111. Attorney: Jan L. Brown, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109.

n19-d3

ESTATE OF ALICE DEMEY, late of the Borough of Middletown, Dauphin County, Pennsylvania. Executrix: Margaret A. Viehdorfer, 6350 Gallop Road, Harrisburg, PA 17111. Attorney: Elizabeth H. Feather, Esq., Caldwell & Kearns, P.C., 3631 North Front Street, Harrisburg, PA 17110. Telephone (717) 232-7661.

n19-d3

ESTATE OF EDWARD MONROE HARRISON BELL, late of Dauphin County, Pennsylvania (died September 25, 2010). Executrix: Susan E. Schlupp. Attorney: Robert A. Quigley, Esq., Quigley Law Office, P.C., 1553 Bridge Street, New Cumberland, PA 17070.

n19-d3

Consoli v. Elias**Torts — Negligence — Wrongful Death — Proximate Cause — Foreseeability — Duty of Care.**

Plaintiff Executor alleged that decedent's self-inflicted overdose of prescription medications was a reasonably foreseeable consequence of Defendant's negligence in causing an automobile accident over four months earlier. The Court, however, found that Defendant had no duty to protect the decedent from herself.

1. To set forth a valid claim for wrongful death, plaintiff must plead and prove that the defendant had a duty to protect or warn plaintiff, defendant breached that duty, defendant's breach was the factual and proximate cause of plaintiff's injury, and that plaintiff was actually injured.

2. Generally, suicide, or self-inflicted injury causing death, is not a legitimate basis for recovery in a wrongful death case. *McPeake v. William T. Cannon, Esquire, P.C.*, 553 A.2d 439 (Pa. Super. 1989).

Preliminary Objections. C.P., Dau. Co., No. 2008 CV 15365

Peter B. Foster, for Plaintiff

Kevin D. Rauch and Candace N. Edgar, for Defendant

CHERRY, J., November 3, 2010. – Presently before this Court are Defendant Jessica Ann Elias's (Defendant) Preliminary Objections to Plaintiff Raymond C. Consoli as executor of the estate of Lynn A. Petuch's (Plaintiff) Second Amended Complaint and Plaintiff's Motion to Amend the Second Amended Wrongful Death Complaint.

PROCEDURAL HISTORY

This case has a complicated and somewhat flawed procedural history. On November 12, 2008, Lynn Petuch filed a complaint in negligence following a traffic accident. On December 17, 2008, Defendant filed an answer with new matter. Lynn Petuch responded to the new matter on January 20, 2009. On January 28, 2009, Lynn Petuch died. Plaintiff, as executor of Lynn Petuch's estate, was subsequently substituted as a party in this action. On November 10, 2009, Plaintiff filed a motion to enlarge the complaint to include a wrongful death claim. This Court granted that motion on December 14, 2009. Subsequently, on December 28, 2009, Plaintiff filed a "Wrongful Death Complaint" containing a wrongful death claim and a survivor action.¹ Defendant filed preliminary objections to the wrongful death complaint on January 19, 2010. Plaintiff filed an "Amended Wrongful

1. Plaintiff refers to this complaint as "Wrongful Death Complaint." Defendant refers to it as "Amended Complaint."

Consoli v. Elias

Death Complaint” on February 8, 2010.² On March 1, 2010, Defendant filed the instant preliminary objections to the “Amended Wrongful Death Complaint.” Plaintiff filed a “Second Amended Wrongful Death Complaint” on March 23, 2010.³ Plaintiff filed a reply to Defendant’s preliminary objections on April 9, 2010. On May 3, 2010, Defendant responded to the Plaintiff’s reply, and filed a brief in support of her objections. Plaintiff filed his brief on May 24, 2010. This Court heard argument on the objections on October 4, 2010.

It is at this time that we note the language of Pa.R.C.P. 1028(c)(1):

A party may file an amended pleading as of course within twenty days after service of a copy of preliminary objections. If a party has filed an amended pleading as of course, the preliminary objections to the original pleading shall be deemed moot.

Pa.R.C.P. 1028(c)(1).

It would appear from the docket and subsequent filings by each party that both sides are ignoring the fact that Plaintiff filed his “Second Amended Wrongful Death Complaint” after the instant preliminary objections. Thus the “Amended Wrongful Death Complaint” is moot, since it was replaced by an amended pleading as a matter of course after Defendant filed preliminary objections. According, pursuant to Rule 1028(c)(1), the outstanding preliminary objections are also moot. It is unclear to this Court why the parties failed to address this particular issue. Nevertheless, we hold that both the “Amended Wrongful Death Complaint” and the instant preliminary objections are moot.

However, in the interests of justice, we will discuss the issues raised in the moot objections.

2. Plaintiff refers to this complaint as “Amended Wrongful Death Complaint.” Defendant refers to it as “Second Amended Complaint.” This Court will refer to this pleading as the Second Amended Complaint.

3. Defendant makes no reference to this amended pleading and in fact, denies its existence in her response to Plaintiff’s Motion to Amend the Second Amended Complaint. (Def.’s Reply ¶ 8). Meanwhile, in his motion to amend, Defendant appears to be under the impression that the preliminary objections were filed in response to his “Second Amended Wrongful Death Complaint” despite the timing of the pleadings.

Consoli v. Elias

FACTUAL BACKGROUND

This case stems from a car accident that occurred on September 5, 2008. (2nd Amd. Compl. ¶¶ 3-4). On that day, the decedent, Lynn A. Petuch, was driving east on Paxton Street in her 2001 Mitsubishi Eclipse. She stopped at a red light at the intersection of 28th and Paxton Streets. (2nd Amd. Compl. ¶ 3). Plaintiff alleges that Defendant, who was driving a 1995 Honda Civic east on Paxton Street, negligently struck the rear end of Lynn Petuch's vehicle. (2nd Amd. Compl. ¶ 4). Plaintiff avers that, as a result of Defendant's negligence in causing the collision, Lynn Petuch was violently thrown around the interior of her vehicle and suffered severe head and neck injuries. (2nd Amd. Compl. ¶ 5). Plaintiff claims that Defendant acted negligently and carelessly by:

- a. breaching her duty to stop for a red light without striking Lynn Petuch's vehicle;
- b. failing to have her vehicle under the proper control;
- c. failing to give proper and sufficient warning of the approach of her vehicle to Lynn Petuch's vehicle; and
- d. operating her vehicle without due regard for the rights, safety and position of Lynn Petuch at the time of the collision.

(2nd Amd. Compl. ¶ 6).

Plaintiff claims that, as a result of the Defendant's negligence, Lynn Petuch:

- a. suffered a concussion;
- b. incurred traumatic injury to her neck;
- c. suffered memory loss;
- d. suffered brain damage;
- e. suffered from headaches and neck pain;
- f. suffered from speech impediment;
- g. suffered from depression;
- h. suffered emotional distress;

Consoli v. Elias

- i. experienced pain and suffering from her injuries caused by said accident; and
- j. incurred medical expenses and income and future income loss.

(2nd Amd. Compl. ¶¶ 7-8).

Plaintiff claims that Lynn Petuch's doctors required her to take prescription medications for pain and suffering, headaches, memory loss, and depression that she suffered as a result of the accident. (2nd Amd. Compl. ¶¶ 9-10). Plaintiff states that the majority of those prescription medications were taken to relieve the extreme pain in Lynn Petuch's back and neck and that those prescription medications were the direct and proximate cause of her death. (2nd Amd. Compl. ¶¶ 11-12). Plaintiff contends that it was foreseeable (or should have been foreseeable) by Defendant that her negligence in causing the accident would produce injuries to Lynn Petuch that would cause enough pain to warrant prescription medications to alleviate that pain. (2nd Amd. Compl. ¶ 13). Plaintiff states that, on January 28, 2009, Lynn Petuch was suffering from such a high degree of pain that she took an overdose of prescription medications to relieve that pain in a combination which caused her death. (2nd Amd. Compl. ¶¶ 14-15). Therefore, Plaintiff concludes that Defendant is liable for the wrongful death of Lynn Petuch. (2nd Amd. Compl. ¶ 16).

Count I of Plaintiff's Second Amended Complaint is a wrongful death claim premised upon the Pennsylvania Wrongful Death Act, 42 Pa.C.S. § 8301. Plaintiff claims that as a result of the wrongful death of Lynn Petuch, Plaintiff is entitled to damage for pecuniary loss as well as reimbursement for medical bills, funeral and administration expenses. Plaintiff requests judgment in his favor for a sum in excess of the compulsory arbitration limits.

Count II sounds in loss of consortium claim on behalf of Lynn Petuch's mother.

DEFENDANT'S PRELIMINARY OBJECTIONS AND PLAINTIFF'S RESPONSE

Defendant first raises a preliminary objection in the nature of a demurrer pursuant to Pa.R.C.P. 1028(a)(4). Defendant argues that, as a matter of law, Defendant owed no duty to protect the Lynn Petuch from a self-inflicted overdose of prescription pain medication. (Prelim. Obj. ¶ 17). Defendant argues that, for negligence, a duty arises only when a

Consoli v. Elias

defendant engages in conduct which foreseeably creates an unreasonable risk of harm to others. (Prelim. Obj. ¶ 15). Relying on *Campo v. St. Luke's Hospital*, 755 A.2d 20 (Pa. Super. 2000), and *Howell v. Cylde*, 620 A.2d 1107 (Pa. 1993), Defendant claims that a plaintiff is precluded from recovering for self-inflicted injuries since an individual must answer for her own conduct. (Prelim. Obj. ¶ 16).

In the instant action, Defendant claims that she owed no duty of care to protect Lynn Petuch from a self-inflicted drug overdose since such harm was not reasonably foreseeable to Defendant. (Prelim. Obj. ¶ 17). Further, Defendant states that it is undisputed that Lynn Petuch voluntarily ingested an overdose of prescription medication, only some of which were prescribed for the treatment of the accident related injuries. As such, the self-inflicted overdose was not a reasonably foreseeable consequence of Defendant's actions and she had no duty to warn Lynn Petuch of the dangers of an overdose. (Prelim. Obj. ¶¶ 18-21). In fact, Defendant states that the imposition of such duty upon the Defendant, who has no control or authority over the Lynn Petuch's medication consumption, directly conflicts with Pennsylvania case law establishing personal responsibility for one's own conduct. (Prelim. Obj. ¶ 22). Defendant states that, because she owed no duty to protect the Lynn Petuch from a self-inflicted drug overdose, the Plaintiff's complaint must be dismissed for failure to plead a *prima facie* case of negligence. (Prelim. Obj. ¶ 23).

Defendant's second preliminary objection is in the nature of a demurrer premised upon the claim that Lynn Petuch's self-inflicted overdose is the proximate cause of her death, not the Defendant's negligence. (Prelim. Obj. ¶ 24). Defendant claims that the mere existence of an injury is not enough to sustain a *prima facie* case of negligence. Instead, a Plaintiff must prove by a preponderance of the evidence that there is a causal relationship between the tortfeasor's conduct and the injury. (Prelim. Obj. ¶ 25, citing, *Trude v. Martin*, 660 A.2d 626, 633) (Pa. Super. 1995). Defendant argues that, pursuant to *Riley v. Tiergarten, Inc.*, 633 A.2d 208, 210 (Pa. Super. 1993), a determination of proximate cause is a question of law for the Court to decide. (Prelim. Obj. ¶ 27). Defendant claims that, to be the proximate cause of Plaintiff's injuries, her conduct must be the factual and proximate cause of the injury; that is, a substantial factor in producing the Plaintiff's injury. (Prelim. Obj. ¶ 26). However, Defendant notes that a defendant's negligence is not the proximate cause of the injury if such negligence was so remote that, as a matter of law, the defendant cannot be held responsible for the subsequent harm. (Prelim. Obj. ¶ 28). Defendant states that Pennsylvania

Consoli v. Elias

courts have adopted Section 433 of the Second Restatement of Torts which sets forth the following factors in determining whether the defendant's conduct is a substantial factor in producing the harm:

- a. Number of other factors which contribute in producing the harm and the extent of the effect which they have in producing it;
- b. Whether the actor's conduct has created a force or series of forces which are in continuous and active operation up to the time of the harm, or has created a situation harmless unless acted upon by other forces for which the actor is not responsible;
- c. Lapse of time.

(Prelim. Obj. ¶ 29, citing Restatement (Second) Torts § 433 (1965)).

Defendant argues that, in the instant action, it was not the negligence of Defendant that cause Plaintiff's death; rather it was Lynn Petuch's own conduct that caused her demise. (Prelim. Obj. ¶ 30). Defendant contends that the sole factor which caused the death of Lynn Petuch was her own voluntary consumption of her prescription medications. (Prelim. Obj. ¶ 31). Second, Defendant claims that, while she might have contributed to the circumstances that existed at the time of Lynn Petuch's death, she in no way was the force which caused Lynn Petuch to overdose. (Prelim. Obj. ¶ 32). Third, Defendant argues that Lynn Petuch's overdose occurred over four months following the subject car accident. Thus, Defendant concludes that her negligence is too attenuated to be the proximate cause of Lynn Petuch's death. (Prelim. Obj. ¶ 33). Defendant asks that this Court dismiss the Second Amended Complaint.

Finally, Defendant raises a preliminary objection in the nature of a demurrer to Plaintiff's claim of loss of parental consortium. (Prelim. Obj. ¶ 35). Defendant argues that under Pennsylvania law, the only cause of action for loss of consortium is for spousal consortium. (Prelim. Obj. ¶ 35, citing, *Dept. of Public Welfare v. Schultz*, 855 A.2d 753 (Pa. 2004)). In fact, Defendant notes that Pennsylvania Courts have consistently precluded parents from recovering for loss of their children's consortium in wrongful death actions. (Prelim. Obj. ¶ 36, citing, *Estate of Matthews*, 45 Pa. D. & C. 4th 376 (Erie 2000)). Defendant notes that, in paragraph 22 of the Second Amended Complaint, Plaintiff avers that "as a result of the wrongful death of [Lynn Petuch], the survivors have been deprived of the guidance, love, tutelage, companionship, support, and

Consoli v. Elias

comfort which they would have received from her for the remainder of her natural life.” (Prelim. Obj. 37). Here, the alleged beneficiary of Lynn Petuch’s estate is her mother. Thus, she has no right to recover on a loss of consortium claim and Plaintiff’s claim should be dismissed with prejudice. (Prelim. Obj. ¶ 38).

Plaintiff contests Defendant’s first two objections. However, Plaintiff admits Defendant’s demurrer with respect to the loss of parental consortium claim, so there is no need to discuss that claim or objection here.

With respect to Defendant’s first objection, Plaintiff denies that a plaintiff should be precluded from recovering for self inflicted injuries when a negligent party causes injuries for which medication is prescribed and the injuries lead the victim to take an overdose of those medications, causing her death. (Reply ¶ 16). In fact, Plaintiff argues Defendant should have reasonably foreseen that, as a result of defendant’s negligence in causing the car accident and the medications prescribed for the resulting injuries, Lynn Petuch would take a drug overdose of those medications causing her death. (Reply ¶ 19). Plaintiff attached an Affidavit of William Manion, M.D., to bolster this argument. In that Affidavit, Dr. Manion basically states that, within a reasonable degree of medical certainty:

1. The car accident resulted in injuries and memory loss which were the most important and contributing factor in Lynn Petuch’s death of multiple drugs;
2. It was reasonably foreseeable that as a result of suffering from the injuries and memory loss caused by the car accident, Lynn Petuch would overdose on her prescribed medication and die.⁴

(Reply at Ex. A).

4. We note that preliminary objections in the nature of a demurrer require the Court to resolve the issues solely on the basis of the pleadings. *Cooper v. Church of St. Benedict*, 954 A.2d 1216 (Pa. Super. 2008) (holding that no testimony or other evidence outside of the complaint may be considered to dispose of the legal issues presented by the demurrer). Further, as noted later in this memo, the determination of proximate cause is a question of law, not a question of fact. It would appear that Plaintiff is attempting to rely solely on an expert opinion, which is *not* part of the original pleadings, to support the conclusion that the accident was the proximate cause of Lynn Petuch’s drug overdose and death. This is inappropriate, since it is the duty of the Court to determine whether or not proximate cause exists premised upon legal precedent, not based upon an expert report submitted by a party in the midst of answering preliminary objections to the complaint.

Consoli v. Elias

Plaintiff also claims that it was not apparent and obvious that taking an overdose of her medications was dangerous. (Reply ¶ 20). Further, Plaintiff argues that Defendant had a duty to protect Lynn Petuch from her own actions in taking an overdose of her prescribed medications. (Reply ¶¶ 22-23).

Specifically, Plaintiff states:

...it was foreseeable to Defendant that Lynn Petuch would take a drug overdose given said injuries and medications caused by Defendant's negligence. Since it was foreseeable to Defendant that Lynn Petuch would take a drug overdose, Defendant had a duty to warn her and protect her from such actions.

(Reply ¶ 22).

Further, Plaintiff states that, due to Lynn Petuch's memory loss suffered as a result of Defendant's negligence, she overdosed on her prescription medication. Therefore, Plaintiff concludes that the Defendant's negligence was the most significant contributing factor in Lynn Petuch's death four and a half months following the accident. (Reply ¶ 22).

With respect to Defendant's argument that the negligence was not the proximate cause of Lynn Petuch's death, Plaintiff states that Dr. Marion has demonstrated otherwise. By attaching an expert report to the reply, Plaintiff argues that he has sufficiently demonstrated that Defendant's negligence in causing the car accident was the proximate cause of Lynn Petuch's death. (Reply ¶¶ 24-30). Plaintiff finally denies that Lynn Petuch's death over four months after the accident is too remote in time to be the proximate cause of her death. (Reply ¶ 33).

DISCUSSION

Pa.R.C.P. 1028(a)(4) provides the general rule regarding defendant's preliminary objections:

Preliminary objections may be filed by any party to any pleading and are limited to the following grounds: ... (4) legal insufficiency of a pleading (demurrer)...

Pa.R.C.P. 1028(a)(4).

A preliminary objection in the nature of a demurrer is properly granted where the contested pleading is legally insufficient. *Cardenas v. Schober*, 783 A.2d 317, 321 (Pa. Super. 2001) (citing, Pa.R.C.P. 1028(a)(4)). "Preliminary objections in the nature of a demurrer require

Consoli v. Elias

the court to resolve the issues solely on the basis of the pleadings; no testimony or other evidence outside of the complaint may be considered to dispose of the legal issues presented by the demurrer.” *Id.* at 321-22. (internal citations omitted). All material facts set forth in the pleading and all inferences reasonably deducible therefrom must be admitted as true. *Id.* at 321; *see also, Cooper v. Frankford Health Care System*, 960 A.2d 134, 143 (Pa. Super. 2008).

To set forth a valid claim for wrongful death, plaintiff must plead and prove that the defendant had a duty to protect or warn plaintiff, defendant breached that duty, defendant’s breach was the factual and proximate cause of plaintiff’s injury and that plaintiff was actually injured.

In this matter, Defendant claims Plaintiff has failed to set out a valid claim for wrongful death because (1) Defendant had no duty to protect Lynn Petuch from a self-inflicted drug overdose and (2) Lynn Petuch’s self-induced drug overdose was the proximate cause of her death, not Defendant’s alleged negligence in causing a car accident over four months earlier.

We will first address whether Defendant had a duty to protect Lynn Petuch from the self-inflicted drug overdose that caused her death. Generally, suicide, or self-inflicted injury causing death, is not a legitimate basis for recovery in a wrongful death case. *McPeake v. William T. Cannon, Esquire, P.C.*, 553 A.2d 439 (Pa. Super. 1989).⁵ However, our Superior Court discussed a number of exceptions to this general rule:

This is so because suicide constitutes an independent intervening act so extraordinary as not to have been reasonably foreseeable by the original tortfeasor. There are, however, limited exceptions to this rule. For example, Pennsylvania has recognized suicide as a legitimate basis for wrongful death claims involving hospitals, mental health institutions and mental health professionals, where there is a custodial relationship and the defendant has a recognized duty of care towards the decedent. In other

5. In *McPeake*, defendant hospital confronted an anesthesiologist about using narcotics and forced him to submit to a drug test. The anesthesiologist subsequently committed suicide. The crux of the estate’s negligence claims arose out of the allegedly improper or negligent confrontation with the decedent anesthesiologist concerning his drug abuse/relapse and the subsequent continuing neglect in failing to take steps to protect him from thereafter harming himself as a result of their inappropriate conduct. *Id.* The Superior Court analyzed the facts of *McPeake* and determined that the anesthesiologist’s suicide did not fit into an exception to the general rule.

Consoli v. Elias

cases, where the defendant was not associated with a hospital or mental health institutions, courts have required both a clear showing of a duty to prevent the decedent's suicide and a direct causal connection between the alleged negligence and the suicide. A third line of cases which have recognized suicide as a basis for recovery involve suits brought under the worker's compensation statute. Under this statute, compensation will be granted if a suicide was caused by pain, depression or despair resulting from a work-related injury so severe as to override rational judgment.

Id. at 440-41 (internal citations omitted).

Unlike the suicide in *McPeake*, Lynn Petuch's death was ruled an accidental overdose by the Dauphin County Coroner. This falls more along the lines of the circumstances in *Campo v. St. Luke's Hosp.*, 755 A.2d 20, 23-24 (Pa. Super. 2000). In *Campo*, an anesthesiologist died from a fatal combination of Prozac and Demerol, the latter of which is a narcotic that he diverted unlawfully from the hospital. His estate sued the hospital for negligence, arguing that the hospital owed a duty to prevent the anesthesiologist from taking a fatal drug overdose. The estate argued that the hospital's duty was based on its statutory obligation to maintain records of dispensed controlled substances. The Court rejected that basis for finding a duty, concluding that "the legislation at issue did not create a duty for the benefit of the individual anesthesiologist but was, rather, promulgated to protect the health and safety of the public." *Campo*, 755 A.2d at 26. Further, the Court stated that under the estate's theory, imposing liability on the hospital for the anesthesiologist's self-inflicted drug overdose would "essentially reward [] drug abuse among medical practitioners." *Id.* The estate in *Campo* also argued that, because defendant hospital was obligated to implement and monitor a drug dispensing system and was aware that drug abuse occurred with frequency among anesthesiologists, it had a duty to protect its doctors from accidental or intentional drug overdoses resulting in death. *Id.* However, the Superior Court rejected the argument, stating:

[The hospital], however, does not contend that it was unaware of the potential for drug abuse among doctors, nor does it contest that it was obligated to implement a drug distribution system consistent with the Act. Rather, it claims, and we agree, that any duty owed in this instance does not extend to the protection of Dr. Campo

Consoli v. Elias

from his own addiction and resulting death. It is, after all, a question of fairness. Placing a duty on the part of the hospital to monitor its controlled substances simply does not translate into an award of monetary relief for the injury suffered herein. As we previously noted, “duty is only a word with which we state . . . that there is or is not to be liability.

Id. (internal citations omitted).

The court noted that the inquiry into whether or not a duty should be recognized “involves a weighing of the relationship of the parties, the nature of the risk, and the public interest in the solution.” *Id.* at 24 (internal citation omitted). “Our duty analysis depends on many factors and is ‘necessarily rooted in public policy considerations, *i.e.*, our ideas of history, morals, justice, and society in general in determining where the loss should fall.’ ” *Id.* (citations omitted). Additionally, the Court defined duty as “a flexible notion. In determining the existence of a duty of care, it must be remembered that the concept of duty amounts to no more than ‘the sum total of those considerations of policy which led the law to say that the particular plaintiff is entitled to protection’ from the harm suffered.” *Id.* (internal citations omitted).

Further, the Court in *Campo* noted that “allowing recovery for the unfortunate but self-inflicted harm suffered by Dr. Campo is inconsistent with Pennsylvania authority encouraging personal responsibility for one’s own transgressions.” *Id.*

In the instant case, there is nothing to indicate that any of the limited exceptions that the Court discussed in *McPeake* apply. Further, with respect to *Campo*, Defendant was not a hospital with a statutory obligation to monitor prescription drugs. Nor does it appear that Defendant had any knowledge of what prescription medications Lynn Petuch had been taking either for her injuries or for unrelated reasons. Further, even if Plaintiff argues that Defendant should have been aware that there was a danger and likelihood of Lynn Petuch overdosing, that danger would have been also obvious to Lynn Petuch. Either way, it is a patently unfair and dangerous precedent to impose liability on a Defendant for a Plaintiff’s self-inflicted drug overdose and subsequent death.

Therefore, in accordance with the public policy that, in most cases, prohibits imposing liability against one party for another party’s self-inflicted death, we find that Defendant had no duty to protect Lynn Pestuch from a self-inflicted drug overdose.

Consoli v. Elias

In this instance, Defendant and Lynn Petuch were merely two individuals involved in an auto accident. To impose a duty on Defendant to monitor Lynn Petuch's medications and warn her of any dangers of overdose would be a very dangerous precedent to set. Defendant had no way of knowing what medications Plaintiff would be prescribed following the action, what course of treatment Lynn Petuch's doctors would take or whether or not Plaintiff would following the medication instructions which were presumably prescribed to her by her doctors.

In conclusion, both the "Amended Wrongful Death Complaint" and the preliminary objections filed by Defendant on March 1, 2010 are moot. However, we note that had the preliminary objections not been made moot by Plaintiff when he filed his "Second Amended Wrongful Death Complaint," we would have sustained the objections and dismissed Plaintiff's complaint.

PLAINTIFF'S MOTION TO AMEND
THE SECOND AMENDED COMPLAINT

On September 14, 2010, Plaintiff filed a Motion to Amend the Second Amended Complaint, requesting to add a count containing a personal injury action to encompass the four and a half month period following the accident during which Lynn Petuch was alive. (Pl.'s Mot. ¶ 11). Plaintiff states that he filed his Second Amended Wrongful Death Complaint on March 23, 2010.⁶ (Mot. Amd. ¶ 8). Plaintiff contends that he should be allowed to amend since he has already set out the necessary averments for personal injury and negligence against the Defendant and he would only be adding to or amplifying the original complaint that already states a cause of action showing that Plaintiff has a legal right to recover. (Mot. Amd. ¶¶ 12-13).

Plaintiff wishes to add the following language under "Count III" of his complaint:

...

34. Lynn Petuch was in no way contributory [sic] negligent in the occurrence of said accident.

35. Due to Defendant's negligence, as aforesaid, in causing said injuries to Lynn Petuch, Lynn Petuch could not perform her everyday duties and activities and could not enjoy life's pleasures during the 4-1/2 months that she was alive following said accident, to her great detriment and loss.

6. According to the docket entries in this matter, that is true.

Consoli v. Elias

36. Due to Defendant's negligence, as aforesaid, in causing said injuries to Lynn Petuch, Lynn Petuch suffered the loss and companionship and affection of her fiancée, Jim Stine, during the 4-1/2 month period that she was alive following said accident, to her great detriment and loss.

WHEREFORE, for all the foregoing reasons, Raymond C. Consoli, Executor of the Estate of Lynn A. Petuch, Deceased, respectfully requests this Honorable Court to enter judgment in his favor and against Jessica Ann Elias, in an amount in excess of the compulsory arbitration limits.

(Mot. Amd. Ex. A).

Defendant first denies that Plaintiff filed his "Second Amended Complaint" on March 23, 2010. Instead, Defendant states that the complaint Plaintiff is wishing to amend was filed on February 8, 2010. Accordingly, Defendant claims it is procedurally improper for Plaintiff to seek leave to amend while the preliminary objections are still pending before this Court. (Def.'s Resp. ¶ 8). Further, Defendant argues that Plaintiff is precluded from raising a personal injury action in a separate count since, pursuant to *Willinger v. Mercy Catholic Medical Center*, 393 A.2d 1188 (Pa. 1978), when a personal injury action is continued after the injured party's death by his or her personal representative, recovery can be made for the injured party's pain and suffering up until the time of his or her death, under the survival statute only. (Def.'s Mot. ¶ 11, *citing*, *Willinger*, 393 A.2d 1188 and 20 Pa.C.S. § 3371 (2010)). Defendant claims that because Plaintiff has already requested those types of damages under Count II, Paragraph 26, or the "Amended Wrongful Death Complaint", an amendment to add a separate count for recovery of the same damages is duplicative and not legally cognizable under Pennsylvania law. Defendant requests that this Court deny Plaintiff's motion to amend.

In *Willinger*, a nurse negligently administered Plaintiff's five year old son anesthesia. As a result, Plaintiff's son suffered serious brain damage, from which he later died. *Willinger*, 393 A.2d at 1189-90. Plaintiff brought a wrongful death and survival action against the hospital, to recover for the death of his son. *Id.* at 1189. A jury awarded the estate \$455,199.75 against the hospital. *Id.* Our Superior Court affirmed the order of the lower court on liability, but remanded the case for a new trial on the issue of damages. Both parties appealed the decision to the

Consoli v. Elias

Supreme Court. The estate argued that the trial court did not err by instructing the jury that, under the Survivor Act, it could separately consider an award compensating the estate for decedent's loss of life's pleasures. *Id.* at 1190. However, our Supreme Court, in affirming the Superior Court's determination that the trial court committed reversible error when it gave the instruction to the jury, held that:

The rule is well established in Pennsylvania, however, that compensation for the loss of life's amenities is recoverable only if the victim survives the accident giving rise to the cause of action. Any other rule would be contrary to the compensatory objective of awarding damages to tort victims.

Id.

However, the Supreme Court also noted their holding in *Incollingo v. Ewing*, 282 A.2d 206 (Pa. 1971), in which the Court determined that a decedent's estate could recover damages for pain and suffering and loss of gross earning power from the date of the injury until death. *Id.* The Court stated:

We discern little or no distinction between seeking to calculate the value of "life itself" and the value of experiencing life's pleasures. Were we to permit compensation for loss of "life itself", undoubtedly this intangible item would have to be measured in terms of the loss of those very opportunities to enjoy family, work, and recreation the trial court directed the jury to consider in measuring the loss of life's pleasures. Thus, to permit a jury to award damages to the estate for the decedent's loss of life's pleasures in effect authorizes a type of recovery expressly repudiated in *Incollinigo*.

Even where the victim survives a compensable injury, this Court has never held that loss of life's pleasures could be compensated other than as a component of pain and suffering. Indeed, the two types of loss are interrelated. As this Court stated in *Corcoran v. McNeal*, 400 Pa. 14, 23, 161 A.2d 367, 372-73 (1960): "The loss of well-being is as much a loss as an amputation. The inability to enjoy what one has heretofore keenly appreciated is a pain which can be equated with the infliction of a positive hurt. The conscious loss of a benefit to which one is entitled hurts as much as a festering wound." Thus, to a

Consoli v. Elias

large extent it has been the plaintiff's consciousness of his or her inability to enjoy life that we have compensated under the rubric of "loss of life's pleasures". Unlike one who is permanently injured, one who dies as a result of injuries is not condemned to watch life's amenities pass by. Unless we are to equate loss of life's pleasures with loss of life itself, we must view it as something that is compensable only for a living plaintiff who has suffered from that loss. It follows that, under *Incollingo*, damages for the pain and suffering that may flow from the loss of life's pleasures should only be recovered for the period of time between the accident and the decedent's death.

Id. at 1191.

Here, a review of the language Plaintiff wishes to include in an amended pleading suggests that Plaintiff wishes to recover for Lynn Petuch's loss of life's pleasures only during the four and a half month period she was alive following the accident. It would appear that, so long as Plaintiff sets out a valid cause of action and frames the request for such damages as a part recovery for pain and suffering, the amendment should be allowed.

Accordingly, we enter the following:

ORDER

AND NOW, this 3rd day of November, 2010, upon consideration of (1) Defendant's Preliminary Objections to Plaintiff's Amended Wrongful Death Complaint and supporting memorandum of law, (2) Plaintiff's Response to the Preliminary Objections and memorandum of law, (3) Plaintiff's Second Amended Wrongful Death Complaint filed on March 23, 2010, (4) Plaintiff's Motion to Amend, and (5) Defendant's response thereto, IT IS HEREBY ORDERED THAT:

1. Defendant's Preliminary Objections are DISMISSED as MOOT;
2. Plaintiff's Amended Wrongful Death Complaint filed February 8, 2010 is DISMISSED as MOOT;
3. Plaintiff's Motion to Amend is GRANTED.

Plaintiff shall file a amended pleading in accordance with the attached Memorandum Opinion within 20 days of the date of this Order.

FIRST PUBLICATION

Estate Notices

ESTATE OF JEAN S. DANOWITZ, late of the Township of Susquehanna, Dauphin County, Pennsylvania. Executor: Mark S. Danowitz, 2415 Lincoln Street, Camp Hill, PA 17011. Attorney: Jeffrey R. Boswell, Esq., Boswell, Tintner & Piccola, 315 North Front Street, Harrisburg, PA 17101. n19-d3

ESTATE OF PHILIP C. GREM, late of Dauphin County, Pennsylvania (died July 5, 2010). Executrix: Judy Grem, 241 Peace Lane, Harrisburg, PA 17112. Attorney: Elizabeth J. Goldstein, Esq., Dilworth Paxson LLP, Suite 800, 112 Market Street, Harrisburg, PA 17101. n19-d3

ESTATE OF CHARLES FLEMING a/k/a CHARLES FLEMING, SR., late of Susquehanna Township, Dauphin County, Pennsylvania (died February 15, 2010). Executor: Charles Fleming, Jr., 530-707 Harlan Boulevard, Wilmington, DE 19801. Attorney: James D. Cameron, Esq., 1325 North Front Street, Harrisburg, PA 17102. n19-d3

SECOND PUBLICATION

ESTATE OF JOSEPH D. ZULLO, late of Harrisburg, Dauphin County, Pennsylvania (died April 14, 2009). Administratrix: Denise Zullo, 4801 Sweetbrier Drive, Harrisburg, PA 17111. Attorney: Donald G. Karpowich, Esq., 85 Drasher Road, Drums, PA 18222. n12-n26

ESTATE OF WILLIAM J. VOGEL, late of Swatara Township, Dauphin County, Pennsylvania (died August 12, 2010). Executor: Beverly L. Zerby, 212 North Third Street, Harrisburg, PA 17101. Attorneys: Beckley & Madden, 212 North Third Street, Post Office Box 11998, Harrisburg, PA 17108-1998. Telephone (717) 233-7691. n12-n26

ESTATE OF ERMA I. LENKER, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executrix: Donna L. Stone, 502 Center Street (L), Millersburg, PA 17061. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. n12-n26

ESTATE OF DONALD R. ZIMMERMAN, SR., late of Wayne Township, Dauphin County, Pennsylvania (died October 15, 2010). Personal Representative: Donald R. Zimmerman, Jr., 419 Herman Avenue, Lemoyne, PA 17043. n12-n26

ESTATE OF FRANK H. SCHMIDT, late of Williams Township, Dauphin County, Pennsylvania (died October 5, 2010). Executrix: Janet L. Arts, 120 East 6th Street, Williamstown, PA 17098. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 State Route 209, Elizabethtown, PA 17023. n12-n26

ESTATE OF DOROTHY E. E. HORVAT, late of Swatara Township, Dauphin County, Pennsylvania. Executrix: Yvonne M. James, 635 Bosler Avenue, Lemoyne, PA 17043. Attorney: Michael Sedor, Esq., Beinhaus & Curcillo, 3964 Lexington Street, Harrisburg, PA 17109. Telephone (717) 651-9100. n12-n26

ESTATE OF BARBARA A. FINK, late of Elizabethtown, Dauphin County, Pennsylvania. Executrix: Cindy L. Boldosser. Attorney: Randall K. Miller, Esq., 1255 South Market Street, Suite 102, Elizabethtown, PA 17022. n12-n26

ESTATE OF LOUISE E. HOFFMAN, late of Harrisburg, Dauphin County, Pennsylvania. Executrix: Susan Elisabeth Eareckson, 1403 Indiana Avenue, Lansing Michigan 48906. Attorney: Stuart S. Sacks, Esq., Smigel, Anderson & Sacks, LLP, 4431 North Front Street, Third Floor, Harrisburg, PA 17110. n12-n26

SECOND PUBLICATION

Estate Notices

ESTATE OF WILLIAM F. FINKBONE, SR., late of Lower Swatara Township, Dauphin County, Pennsylvania (died October 15, 2010). Co-Executors: William F. Finkbone, Jr., 933 Oberlin Road, Middletown, PA 17057 and Kathy M. Kruleski (Weiser), 5618 Stradford Drive, Harrisburg, PA 17112. Attorney: Ann E. Rhoads, Esq., Cleckner and Fearen, 119 Locust Street, P.O. Box 11847, Harrisburg, PA 17108-1847. n12-n26

ESTATE OF PATRICIA M. MIDKIFF, late of Derry Township, Dauphin County, Pennsylvania. Executrix: Patricia Millner. Attorney: Anthony J. Nestico, Esq., Nestico, Druby & Hildabrand, P.C., 840 East Chocolate Avenue, Hershey, PA 17033. n12-n26

THIRD PUBLICATION

ESTATE OF JOSEPH JACENKO, late of Lower Paxton Township, Dauphin County, Pennsylvania (died July 29, 2010). Executrix: Kathryn Bainbridge, 6330 Blue Stone Avenue, Harrisburg, PA 17112. Attorney: Jeffrey M. Mottern, Esq., 28 East Main Street, Hummelstown, PA 17036. n5-n19

ESTATE OF EUGENE F. SMITH, late of Harrisburg, Dauphin County, Pennsylvania (died September 14, 2010). Executor: Steve Gregorits, III, 4929 Colorado Avenue, Harrisburg, PA 17109-3006. Attorney: Richard S. Friedman, Esq., Richard S. Friedman, P.C., 300 N. Second Street, Suite 402, Harrisburg, PA 17101. n5-n19

ESTATE OF DANIEL YAZAWICH, JR., late of the Township of Swatara, Dauphin County, Pennsylvania. Executrix: Jeanne M. Yazawich. Attorney: Lisa Marie Coyne, Esq., Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227. n5-n19

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on November 12, 2010 for the purpose of obtaining a Certificate of Incorporation of a nonprofit corporation organized under the Nonprofit Corporation Law of the Commonwealth of Pennsylvania, approved December 21, 1988, Act 177. The name of the corporation is **Corbett Transition Team**.

The purposes for which it was organized and shall at all times be operated are exclusively to promote social welfare of the general public by engaging in charitable and civic activities within the meaning of Section 501(c)(4) of the Internal Revenue Code of 1986, as amended.

n19

NOTICE IS HEREBY GIVEN in compliance with the Nonprofit Corporation requirements of the Business Corporation Law of 1988, that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, on November 1, 2010, for the purpose of obtaining a Certificate of Incorporation of a business corporation to be organized under the Business Corporation Law of 1988, as amended and supplemented. The name of the proposed professional corporation is: **LOAVES AND FISHES FARMS, INC.**

The purpose for which the corporation was organized is: To engage in and do any lawful act concerning any and all lawful business for which corporations may be incorporated under the Business Corporation Law of the Commonwealth of Pennsylvania.

NEELY E. MEALS, Esq.
Reager & Adler, PC
2331 Market Street
Camp Hill, PA 17011
(717) 763-1383

n19

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about October 28, 2010, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Trinity Transport of Bluemont, Inc.**, c/o AAAgent Services, LLC.

This corporation is incorporated under the laws of the Commonwealth of Virginia.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 37061 Snickersville Turnpike, Purcellville, VA 20132.

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

n19

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 **St. Pauly Textile, Inc.** The address of its principal office under the laws of its jurisdiction is 1065 Gateway Drive, Farmington, NY 14425. The 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).

n19

NOTICE IS HEREBY GIVEN that a Certificate of Authority was filed in the Department of State of the Commonwealth of Pennsylvania for **Drill Tech Drilling & Shoring, Inc.** The address of its principal office under the laws of its jurisdiction is 2200 Wymore Way, Antioch, CA 94509. The Commercial Registered Agent is listed as National Registered Agents, Inc. in Dauphin County.

The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b).

n19

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 October 25, 2010, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Environmental Maintenance Solutions, Inc.**, c/o National Registered Agents, Inc.

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 199 Thompkins Avenue, Pleasantville, NY 10570.

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

n19

NOTICE IS HEREBY GIVEN of the filing of Articles of Incorporation as follows:

1. The name of the corporation is **Sampeco of Pennsylvania, Inc.**
2. The location of the registered office of the corporation is 7208 Red Top Road, Hummelstown, PA 17036.
3. The Articles of Incorporation were filed under the provisions of the Business Corporation Law of 1988.
4. The corporation shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Business Corporation Law.
5. The Articles of Incorporation are to be filed with the Department of State of the Commonwealth of Pennsylvania.

n19

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 **Aguila Exploration Management, Inc.** The address of its principal office under the laws of its jurisdiction is 910 Sixteenth Street, Suite 516, Denver, CO 80202. The Commercial Registered Office Provider is Capitol 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).

n19

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Pennsylvania Business Corporation Law, Act of December 21, 1988 (P.L. 1444, No. 177) as amended, by the following Corporation:

The name of the corporation is: **The Clouser Group, Inc.**

TALLMAN, HUDDERS & SORRENTINO
The Paragon Centre
1611 Pond Road, Suite 300
n19 Allentown, PA 18104-2258

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 November 3, 2010, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Altex Chartered Inc.**, c/o Incorporating Services, Ltd.

This corporation is incorporated under the laws of Panama.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is Samuel Lewis Avenue & Gerardo, Ortega Street, Banco Central Building, 5th Floor, Panama.

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

n19

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of the Commonwealth of Pennsylvania for **EnStaff, Inc.** under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

n19

NOTICE IS HEREBY GIVEN that Articles of

Incorporation—For Profit of **K. Craig, Inc.**, have been filed with the Pennsylvania Department of State on September 1, 2010. This organization has been incorporated as a domestic Business—stock corporation under the provisions of the Business Corporation Law of 1988.

SCOTT M. DINNER, Esq.
3117 Chestnut Street
Camp Hill, PA 17011
(717) 761-5800

n19

NOTICE IS HEREBY GIVEN that **Interstate Hotels Corporation**, a foreign business corporation incorporated under the laws of the State of Maryland, received a Certificate of Authority in Pennsylvania on 12/03/1998 and surrenders its Certificate of Authority to do business in Pennsylvania.

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

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

The post office address, including street and number, if any, to which process may be sent in an action or proceeding upon any liability incurred before any liability incurred before the filing of the Application for Termination of Authority is 4501 North Fairfax Drive, Suite 500, Arlington, VA 22203.

n19

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on November 9, 2010, by **Clear2Pay Americas, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 25 Braintree Hill Office Park, Suite 307, Braintree, MA 02184, 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.

n19

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on November 3, 2010, by **Laney Directional Drilling Co.**, a foreign corporation formed under the laws of the State of Texas, where its principal office is located at 2031 Humble Place Drive, Humble, TX 77338, 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. n19

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 28, 2010, by **UDR Eastern Residential, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 1209 Orange Street, 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. n19

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 6, 2010, by **Conair Corporation**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 1209 Orange Street, 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. n19

NOTICE IS HEREBY GIVEN that **Wausau Signature Agency, Inc.**, a foreign business corporation incorporated under the laws of the State of Wisconsin, received a Certificate of Authority in Pennsylvania on June 14, 1993 and surrenders its Certificate of Authority to do business in Pennsylvania.

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

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

The post office address, including street and number, if any, to which process may be sent in an action or proceeding upon any liability incurred before any liability incurred before the filing of the application for termination of authority is 175 Berkeley Street, Boston, MA 02116. n19

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 **Risk Management and Reinsurance Services, Inc.** on 10/29/10. The address of its principal office under the laws of the jurisdiction in which it is incorporated is 601 Montgomery Street, Suite 315, San Francisco, CA 94111.

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. n19

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **Unisite, Inc.**, a corporation of the State of Delaware, with principal office at c/o American Tower Corporation, 116 Huntington Avenue, Boston, MA 02116, and having a Commercial Registered Office Provider and county of Avenue as follows: Corporation Service Company, Dauphin County, which on October 30, 1997, 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. n19

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on November 10, 2010, by **American Associated Pharmacies d/b/a American Associated Pharmacies, Inc.**, a foreign corporation formed under the laws of the State of Minnesota, where its principal office is located at 211 Lonnie E. Crawford Boulevard, Scottsboro, AL 35769, 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 Corporation Service Company, Dauphin County, Pennsylvania. n19

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 4, 2010, by **Studios Architecture D.C., P.C.**, a foreign corporation formed under the laws of the State of the District of Columbia, where its principal office is located at 1625 M. Street, NW, Washington, DC 20036, 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 Corporation Service Company, Dauphin County, Pennsylvania. n19

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 28, 2010, by **CXA-11 Corporation**, a foreign corporation formed under the laws of the State of Texas, where its principal office is located at 6000 Legacy Drive, Plano, TX 75024, 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. n19

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on November 4, 2010, by **Kaliburn, Inc.**, a foreign corporation formed under the laws of the State of South Carolina, where its principal office is located at 4130 Carolina Commerce Parkway, Ladson, SC 29456-6707, 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. n19

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on November 8, 2010, by **TelaDoc Physicians, P.C.**, a foreign corporation formed under the laws of the State of Texas, where its principal office is located at 7330 San Pedro, Suite 425, San Antonio, TX 78216, 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. n19

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on November 1, 2010, by **Ergotron, Inc.**, a foreign corporation formed under the laws of the State of Minnesota, where its principal office is located at 1181 Trapp Road, St. Paul, MN 55121, 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 Corporation Service Company, Dauphin County, Pennsylvania. n19

FIRST PUBLICATION

Fictitious Notices

NOTICE IS HEREBY GIVEN that pursuant to the provisions of the Act of Assembly No. 1982-295 approved December 16, 1982, effective March 15, 1983, 54 Pa. C.S.A. 101, a Fictitious Name Registration, under the assumed or fictitious name, style, or designation of **CARTS BY DEAN**, with its principal place of business at 69 Hill Top Road, Halifax, Dauphin County, Pennsylvania, was filed in the Office for the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on October 29, 2010.

The name and address of the entity owning or interested in said business is: ROMBERGER & ASSOCIATES AUCTION, INC., of 69 Hill Road, Halifax, Dauphin County, Pennsylvania.

JOSEPH C. MICHETTI, JR., Esq.
Dluge & Michetti
921 Market Street
n19 Trevorton, PA 17881

FIRST PUBLICATION

Miscellaneous Notices

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

CIVIL ACTION – LAW

No. 2010-CV-4666-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR THE
REGISTERED HOLDERS OF THE
SOUNDVIEW HOME LOAN TRUST
2006-EQ1, ASSET-BACKED
CERTIFICATES, SERIES 2006-EQ1,
Plaintiff**

vs.

**RAY MALBROUGH
a/k/a RAY T. MALBROUGH, Defendant**

**NOTICE OF SALE
OF REAL PROPERTY**

**TO: Ray Malbrough
a/k/a Ray T. Malbrough, Defendant
2447 Reel Street
Harrisburg, PA 17110**

YOU ARE HEREBY NOTIFIED that your house (real estate) at 2447 Reel Street, Harrisburg, PA 17110, is scheduled to be sold at the Sheriff's Sale on January 13, 2011 at 10:00 a.m. in the Dauphin County Administration Building, 4th Floor, Second and Market Streets, Commissioners Hearing Room, Harrisburg, PA, to enforce the court judgment of \$60,310.13, obtained by Plaintiff above (the mortgagee) against you. If the sale is postponed, the property will be relisted for the Next Available Sale.

PROPERTY DESCRIPTION

ALL THAT CERTAIN tract of ground situate in the 10th Ward of the City of Harrisburg, County of Dauphin, state of Pennsylvania, more particularly bounded and described according to a survey of Gerrit J. Betz, Registered Surveyor, dated January 20, 1976, as follows, to wit:

BEGINNING at a point on the Eastern line of Reel Street said point being by same measured in a southeasterly direction a distance of 206.0 feet from the southeastern corner of Reel Street and Schuylkill Street; THENCE North 77 degrees East along the south line of lands now or late of William K. Kingsboro, et ux. and being along and through the center line of a partition wall and beyond a distance of 110.0 feet to a PK nail on the western line of Turner Street; THENCE South 13 degrees East along said western line of Turner Street a distance of 15.0 feet to a PK nail; THENCE South 77 degrees 0 minutes West along the northern line of lands now or late of Edward L. Orsinger, et ux. and being along and through the center line of a partition wall and beyond a distance of 110.0 feet to a point on the eastern line of Reel Street; THENCE North 13 degrees 0 minutes West along said eastern line of Reel Street a distance of 15.0 feet to a drill hole; the point and place of BEGINNING.

HAVING THEREON ERECTED, a three story brick dwelling known and numbered as 2447 Reel Street.

BEING Parcel No. 10-023-039.

BEING KNOWN AS: 2447 Reel Street, Harrisburg, PA 17110.

PROPERTY ID No. 10-023-039.

FIRST PUBLICATION

Miscellaneous Notices

TITLE TO SAID PREMISES IS VESTED IN RAY T. MALBROUGH BY DEED FROM W. DEAN WILLIAMS DATED 6/30/2006 RECORDED 7/14/2006 INSTRUMENT No. 20060028296.

MARK J. UDREN, Esq.
STUART WINNEG, Esq.
LORRAINE DOYLE, Esq.
ALAN M. MINATO, Esq.
CHANDRA M. ARKEMA, Esq.
LOUIS A. SIMONI, Esq.
ADAM L. KAYES, Esq.
MARGUERITE L. THOMAS, Esq.
Udren Law Offices, P.C.
Woodcrest Corporate Center
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003
n19 (856) 482-6900

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

CIVIL ACTION – LAW

CIVIL DIVISION

No. 2010-CV-09306-EJ

**NOTICE OF
ACTION IN EJECTMENT**

**QUADRANT RESIDENTIAL
CAPITAL, II, LLC., Plaintiff**

vs.

**DENNIS A. FORTNEY, JR.
or occupants, Defendant(s)**

NOTICE

**TO: Dennis A. Fortney, Jr.
or occupants:**

YOU ARE HEREBY NOTIFIED that on July 15, 2010, Plaintiff Quadrant Residential Capital, II, LLC. filed an Ejectment Complaint endorsed

with Notice to Defend, against you in the Court of Common Pleas of Dauphin County Pennsylvania, docketed at 2010-CV-09306-EJ. Wherein Plaintiff seeks to Evict all occupants at the property 820 North 16th Street, Harrisburg, PA 17103, whereupon your property was sold by the Sheriff of Dauphin County.

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

**This firm is a debt collector attempting to collect a debt and any information obtained will be used for that purpose. If you have previously received a discharge in bankruptcy and this debt was not reaffirmed, this correspondence is not and should not be construed to be an attempt to collect a debt, but only enforcement of a lien against property.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following, 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 and other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help. 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

n19

FIRST PUBLICATION

Miscellaneous Notices

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL ACTION - DIVORCE

No. 2009-CV-15499-DV

DAVID C. MOON, Plaintiff

vs.

BRENDA R. MOON, Defendant

NOTICE

YOU ARE HEREBY NOTIFIED that 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.

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

1. The parties to this action separated over fifteen years ago 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.

Date: 11/11/09 /s/ David C. Moon

HARRISBURG CIVIL LAW CLINIC
3605 Vartan Way
Harrisburg, PA 17110
Tel. (717) 541-0320

n19 lawclinichb@mail.widener.edu

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

ORPHANS' COURT DIVISION

NOTICE OF TERMINATION
OF PARENTAL RIGHTS

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights Hearing was filed with the Dauphin County Court of Common Pleas on September 29, 2010. A hearing was held before the Court on November 3, 2010, in Courtroom Number One, Dauphin County Courthouse, Front and Market Streets, Harrisburg, Pennsylvania.

TO: Unknown father of child born to J.T.
In Re: Male child - N.M.T.
born January 28, 2010.

NOTICE IS HEREBY GIVEN that a Petition has been filed asking the Court to put an end to all rights you have to your child. The Court has conducted a hearing to consider ending your rights to your child. That hearing was held in the Dauphin County Courthouse, Front and Market Streets, Harrisburg, Pennsylvania, in Courtroom One, on November 3, 2010. You did not attend the hearing, and therefore, if you do not respond or otherwise file an objection with the Orphans' Court of the Dauphin County Court of Common Pleas within thirty (30) days of the date of this notice, then your rights to your child will be terminated by the Court. You are warned that should you fail to respond in writing or in person to the Orphans' Court, then your rights will be terminated and you will have no further rights regarding the subject minor child. You have a right to be represented by a lawyer. You should take this notice to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below to find out where you can get legal help. You are also warned that if you fail to file an objection or written response, or fail to have an attorney appear on your behalf, then your rights will be permanently terminated under 23 Pa. C.S.A. Section 2503(d) or Section 2504(c) of the Adoption Act.

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

n19

FIRST PUBLICATION

Miscellaneous Notices

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

CIVIL ACTION – LAW

CIVIL DIVISION

No. 2010-CV-09018-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

WELLS FARGO BANK, N.A., Plaintiff

vs.

JASON DUNN, Defendant

NOTICE

TO: JASON DUNN

YOU ARE HEREBY NOTIFIED that on July 8, 2010, Plaintiff, WELLS FARGO BANK, N.A., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County Pennsylvania, docketed to No. 2010-CV-09018-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 3272 FULLING MILL ROAD, MIDDLE-TOWN, PA 17057-3173, whereupon your property would be sold by the Sheriff of DAUPHIN County.

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

NOTICE

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

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

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

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

n19

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

CIVIL ACTION – LAW

No. 2010-CV-11755-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**AMERICAN MORTGAGE FUND LP,
Plaintiff**

vs.

**DARLENE A. MCKENNAS and
ALFREDO MURILLO, Mortgagors
and Real Owners, Defendants**

**TO: DARLENE A. MCKENNAS and
ALFREDO MURILLO,
MORTGAGORS AND REAL
OWNERS, DEFENDANTS,
whose last known address is
401 South 19th Street
Harrisburg, PA 17104**

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

FIRST PUBLICATION

Miscellaneous Notices

YOU ARE HEREBY NOTIFIED that Plaintiff, AMERICAN MORTGAGE FUND LP, has filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2010-CV-11755-MF, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 401 South 19th Street, Harrisburg, PA 17104 whereupon your property will be sold by the Sheriff of Dauphin County.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claim 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER, IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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

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

MICHAEL T. MCKEEVER, Esq.
Goldbeck, McCafferty & McKeever, P.C.
Suite 5000, Mellon Independence Center
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

n19

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

No. 2010-CV-5992-MF

**WENDOVER FINANCIAL
SERVICES CORP., Plaintiff**

vs.

HAGAR THORNTON, Defendant

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

**TO: Hagar Thornton
914 N. 18th Street
Harrisburg, Pennsylvania 17103**

NOTICE

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

DATE: January 13, 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. (SEE FOLLOWING DESCRIPTION)

FIRST PUBLICATION

Miscellaneous Notices

THE LOCATION of your property to be sold is 914 North 18th 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 2010-CV-5992-MF.

THE NAME OF THE OWNER OR REPUTED OWNER of this property is Hagar Thornton.

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 AGAINST YOU.**

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

YOU MAY HAVE LEGAL RIGHTS to prevent your property from being taken away. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, YOU MUST ACT PROMPTLY.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. 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 REDUCTED FEE OR NO FEE.

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

**THE LEGAL RIGHTS
YOU MAY HAVE ARE:**

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.

SHERIFF'S OFFICE

LEGAL DESCRIPTION

ALL THAT CERTAIN parcel of land situate in the Seventh Ward of the City of Harrisburg, Dauphin County, Pennsylvania, more fully bounded and described in accordance with a survey made by Gerrit J. Betz Associates, dated March 5, 1979, as follows, to wit:

FIRST PUBLICATION

Miscellaneous Notices

BEGINNING at a point on the west side of North 18th Street, said point being 19 feet north of the northwest corner of York and North 18th Streets; thence along No. 912 North 18th Street and partially through the center line of a partition wall, South 83 degrees 00 minutes West, 100.00 feet to a point; thence along a 3 foot wide private alley, North 07 degrees 00 minutes West, 18.0 feet to a point; thence along No. 916 North 18th Street, North 83 degrees 00 minutes East, 100.00 East, 100.00 feet to the west side of North 18th Street; thence along the west side of North 18th Street, South 07 degrees 00 minutes East, 18.0 feet to a point, the place of BEGINNING.

HAVING thereon erected a 2-1/2 story brick dwelling being known and numbered as 914 North 18th Street.

TAX PARCEL No. 07-098-018.

BEING the same premises which James Lay, widower and Hagar Thornton, widow by Deed dated January 31, 1992 and recorded January 31, 1992 in Deed Book 1690, Page 391, in the Dauphin County Recorder's Office, granted and conveyed unto Hagar Thornton.

SEIZED, taken in execution and to be sold as the property of which, Hagar Thornton, Mortgagor(s) herein, under Judgment Number 2010-CV-5992-MF.

NOTICE is further given to all parties in interest and claimants. A proposed schedule of distribution of the proceeds in the sale will be filed by the Sheriff of Dauphin County, Pennsylvania on a date specified by the Sheriff not later than thirty (30) days after sale and distribution of said proceeds will be made in accordance with said proposed schedule of distribution unless exceptions are filed thereto within ten (10) days thereafter.

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, PA 19109
(215) 790-1010

n19

SECOND PUBLICATION

Miscellaneous Notices

NOTICE OF AUDIT

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

NOTICE IS HEREBY GIVEN that the following accounts have been filed by the respective accountants in the Office of the Register of Wills or with the Clerk of the Orphans' Court Division of the Common Pleas of Dauphin County, as the case may be, and that the same shall be duly presented to the said Orphans' Court Division at the Office of the Court Administrator for Audit, Confirmation and Distribution of the said ascertained balances to and among those legally entitled there to *on Tuesday, December 21, 2010*. 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, December 14, 2010*.

1. ALLEN, PORTER, Deceased, Third and Final Account of Manufactures and Traders Trust Company, Successor Surviving Co-Trustee, (Trust under the Will F/B/O Ellen Allen Martin).
2. BEARD, WILLIAM S., Deceased, First and Final Account of Tracey A. Howard, Executrix.
3. HEATON, RICHARD B., Deceased, First and Final Account of Nancy L. Heaton, Executrix.
4. PRY, Rum E., Deceased, First and Final Account of Kevin B. Pry and Kimberly A. Pry, Executors.
5. SINON, DOROTHY J., Deceased, First and Final Account of William R. Powell, Agent, (Under a Power of Attorney dated February 28, 2008).

Dated: November 5, 2010

/s/ SANDRA C. SNYDER
Register of Wills and
n12-n19 Clerk of the Orphans' Court Division

Solutions
for Real Estate
Challenges

- Office
- Industrial
- Retail
- Land

Central PA's #1 ranked
commercial real estate firm
Ranked by transaction volume
CPBJ February 2008/2009

NAICIR

Commercial Real Estate Services, Worldwide.

www.naicir.com
717 761 5070

INCORPORATION AND LIMITED LIABILITY COMPANY FORMATION

CONVENIENT, COURTEOUS SAME DAY SERVICE

PREPARATION AND FILING SERVICES IN ALL STATES

**CORPORATION OUTFITS AND
LIMITED LIABILITY COMPANY OUTFITS**

SAME DAY SHIPMENT OF YOUR ORDER

**CORPORATION, LIMITED LIABILITY COMPANY
AND UCC FORMS**

**CORPORATE AND UCC, LIEN AND
JUDGMENT SERVICES**

M. BURRKEIM COMPANY

SERVING THE LEGAL PROFESSIONAL SINCE 1931

PHONE: (800) 533-8113 FAX: (888) 977-9386

2021 ARCH STREET, PHILADELPHIA, PA 19103

WWW.MBURRKEIM.COM

**METRO
BANK**

**we ♥ our
customers**

mymetrobank.com
888.937.0004

Convenient Locations in Berks, Cumberland, Dauphin,
Lancaster, Lebanon and York Counties

Open 7 Days

Next-Day Availability

**Local Loans
by Local Lenders**

Cash Management

Member FDIC

IONNI ABSTRACT COMPANY

Est. 1968

Providing 60 Years and Present Owner
Titles Searches on
Commercial & Residential Properties
in Dauphin, Cumberland,
Perry & York
Counties.

For Information or Fee Schedule
Contact us at:

104 Walnut Street
Harrisburg, PA 17101

or

P: 717-232-6739

F: 717-232-0124

Agent for Stewart Title Guaranty Company since 1973

CUMULATIVE TABLE OF CASES

Atlantic Credit & Finance Inc. v. Wylie	163
Cameron Real Estate, LP, et al., Pennsy Supply, Inc. v.	99
Carroll, Commonwealth v.	102
Centric Bank, Schmitt v.	1
Commonwealth v. Carroll	102
Commonwealth v. Fernsler	64
Commonwealth v. Hosby	32
Commonwealth v. Jones	194
Commonwealth v. Montelione	10
Commonwealth v. Perretta-Rosepink	
Commonwealth v. Veon	262
Commonwealth v. Wingus	82
Commonwealth v. Veon	
Commonwealth v. Perretta-Rosepink	262
Consoli v. Elias	281
Cox, Wilson, et al. v.	57
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
Estrada v. Olt, et al.	42
Estright v. Harrisburg Hospital, et al.	153
Fenstermacher, Mihelich v.	158
Fernsler, Commonwealth v.	64

Cumulative Table of Cases

Fletcher v. DeHart	134
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
Jones, Commonwealth v.	194
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
McGarrie v. Short	90
McNany, Walter v.	147
Mihelich v. Fenstermacher	158
Montelione, Commonwealth v.	10

Cumulative Table of Cases

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

Papadoplos v. Schmidt, Ronca & Kramer, P.C. 205
 Pennswood Apartments L.P. v. Keystone Service Systems, Inc. . . . 27
 Pennsy Supply, Inc. v. Cameron Real Estate, LP, et al. 99
 Perretta-Rosepink, Commonwealth v.
 Commonwealth v. Veon 262
 Peters v. Zoning Hearing Board of Londonderry Township 166

Quantum Imaging and Therapeutic Associates, Inc.,
 McAfee v. 70

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., Papadoplos v. 205
 Short, McGarrie v. 90
 State Farm, Herd Chiropractic v. 180
 State Farm, Tomasetti v. 186

Tagouma v. Investigative Consultant
 Services, Inc., et al. 121
 Tomasetti v. State Farm 186

Veon, Commonwealth v.
 Commonwealth v. Perretta-Rosepink 262

Cumulative Table of Cases

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

Wilson, et al. v. Cox 57

Wingus, Commonwealth v. 82

Wylie, Atlantic Credit & Finance Inc. v. 163

Zoning Hearing Board of Londonderry Township, Peters v. 166

ATTORNEY DISCIPLINARY/ETHICS MATTERS

Representation, consultation and expert testimony in disciplinary matters and matters involving ethical issues, bar admissions and the Rules of Professional Conduct

James C. Schwartzman, Esq.

Former Chairman, Disciplinary Board of the Supreme Court of Pennsylvania
 Former Federal Prosecutor • Pennsylvania Interest on Lawyers Trust Account Board
 Former Chairman, Continuing Legal Education Board of the Supreme Court of Pennsylvania

Dana Pirone Carosella, Esq.

Representing attorneys in disciplinary/ethics matters for 15 years • Author/Speaker on ethics matters

17 North Second Street, 16th Floor • Harrisburg, PA 17101
 (717) 255-7388

TRIAL AHEAD?

CONSIDER AN
ALTERNATE ROUTE:

DAUPHIN COUNTY BAR ASSOCIATION

***Civil Dispute
Resolution Program***

**CALL
(717) 232-7536**

Alcohol or Other Drugs a Problem?
Help is Only a Phone Call Away

**LAWYERS CONFIDENTIAL
HELP-LINE 1-888-999-1941**

24 Hours Confidential

A Service Provided by

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

Board of Directors

James P. DeAngelo <i>President</i>	Elizabeth “Liesl” Beckley <i>President-Elect</i>
Brett M. Woodburn <i>Vice President</i>	John D. Sheridan <i>Treasurer</i>
Jonathan W. Kunkel <i>Secretary</i>	Renee Mattei Myers <i>Past President</i>
Courtney Kishel Powell <i>Young Lawyers’ Chair</i>	Carrie E. Smyth <i>Young Lawyers’ Vice Chair</i>
William L. Adler	Tracy L. Boak
C. Grainger Bowman	Judson B. Perry
Robert E. Chernicoff	Gerald S. Robinson
Brooks R. Foland	Richard A. Sadlock
S. Barton Gephart	J. Michael Sheldon
Stephen M. Greecher, Jr.	Robert F. Teplitz
Darren J. Holst	Claudia M. Williams
James J. McCarthy	

Directors

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

NOVEMBER 2010
DECEMBER 2010

Judge Lawrence F. CLARK, JR.
Judge John F. CHERRY

Opinions Not Yet Reported

November 5, 2010 – Turgeon, J., **Commonwealth v. Adams**, No. CP 22 CR 4696-2005

BAR ASSOCIATION PAGE – Continued

MISCELLANEOUS SECTION

NEWLY RENOVATED DOWNTOWN OFFICE in excellent location, approximately 5 minutes from courthouse. Very nice private office with shared use of conference room and other common areas. Month to Month lease available immediately. \$500 per month. Email Ben@midstatelaw.com with questions.

o29-n19

SEEKING TRANSACTIONAL ATTORNEY — Full service, mid size law firm in Lemoyne, PA is seeking a transactional attorney. Practice areas will include health care and hospital law, corporation and business law, commercial real estate, zoning and municipal compliance and licensing matters.

Candidate must possess 3+ years of relevant legal experience along with significant contract preparation and negotiation, ability to independently draft, review and negotiate a wide spectrum of legal documents. Please forward resume with salary requirements to Laura L. Dobbins, Law Firm Administrator, Johnson, Duffie, Stewart & Weidner, P.C., 301 Market Street, Lemoyne, PA 17043 or lld@jdsww.com.

n5-n19

DAUPHIN COUNTY COURT OF COMMON PLEAS

As a service to members of the *Dauphin County Bar Association*, a brief synopsis of verdicts from each civil trial term will be printed.

Summary of Verdicts from the October 2010 Civil Jury Term

The Judges have completed the October 2010 civil jury term. Eight civil cases reached verdict, two criminal cases reached verdict and there was one guilty plea. The summary is as follows:

EILEEN L. JACOBS, PARENT AND NATURAL GUARDIAN OF JUSTIN M. CRUMMEL, A MINOR AND EILEEN L. JACOBS IN HER OWN RIGHT v. JONES, DALY & COULDREN ASSOCIATES, P.C. (2002 CV 4597)

Plaintiff gave birth to Justin Crummel on March 29, 2001. Plaintiff claimed that she was not tested to determine whether she was a carrier of Group B Streptococcus and that it was unknown whether Justin was a carrier. Plaintiff and Justin were discharged from the hospital on March 31, 2001. During the first week following discharge, Plaintiff complained about Justin's irritability and lack of bowel movements. When his symptoms continued, Plaintiff took Justin to the emergency room. Defendant was notified and Plaintiff was told to take Justin to their office for an evaluation. They were subsequently sent home with a diagnosis of constipation. Justin did not improve and was then admitted to Harrisburg Hospital. It was determined that he suffered from Group B Streptococcal Meningitis. While at Harrisburg Hospital, he suffered seizures and

BAR ASSOCIATION PAGE – Continued

MISCELLANEOUS SECTION

was transferred to Hershey Medical Center. He was discharged from Hershey on April 19, 2001. Thereafter, he developed hydrocephalus and was placed under the care of the Pediatric Neurosurgery Department at Hershey Medical Center. He required an implantation of a shunt to drain cerebrospinal fluid, developed lack of control in his right eye, has undergone several eye surgeries, and has developed cognitive problems. Plaintiff claimed that Defendant was negligent in failing to timely diagnose and treat Justin's Group B Streptococcus.

Counsel for Plaintiff: Charles Marsar
Counsel for Defendant: Peter Curry
Judge: Scott Arthur Evans
Verdict: Defendant

ELIZABETH P. CHISHOLM v. HERMAN C. STEEBER (2003 CV 2129)

On June 1, 2001, Defendant Herman Steeber struck Plaintiff's vehicle in the rear while Plaintiff was stopped at an intersection on East Chocolate Avenue in Hershey. Complicating the causation issue was that Plaintiff had been involved in three additional motor vehicle accidents since this accident (January 11, 2002, December 22, 2004 and January 15, 2005). The plaintiff claimed no injuries from the 2002 and 2005 accidents. Plaintiff's primary complaints following the 2001 accident involved right-sided cervical pain, cervical facet syndrome and aggravation of cervical spondylosis. She also suffers from related depressive symptoms related to chronic pain. Defendant admitted negligence but disputed causation and damages.

Counsel for Plaintiff: Howard B. Krug
Counsel for Defendant: Kevin D. Gillespie
Judge: Todd A. Hoover
Verdict: Plaintiff \$400.00

DENNY SPICHER AND CELIA SPICHER v. ALAN JOSH MCCULLEY AND MCCULLEY INSURANCE AGENCY (2005 CV 5399)

Plaintiff acquired property insurance from Defendant for replacement cost. The property was destroyed by fire. At issue was whether Defendants were aware of significant improvements made by Plaintiffs to the property and the timing of any request for additional insurance. The difference between Plaintiffs' and Defendants' argued coverage was \$193,000.00.

Counsel for Plaintiff: Bruce J. Warshawsky
Counsel for Defendant: Richard J. Landry
Judge: Andrew H. Dowling
Verdict: Defendant

KATHARINE PELLEGRINO v. PENN NATIONAL GAMING, INC. INDIVIDUALLY AND TRADING AS PENN NATIONAL RACE COURSE AND MOUNTAINVIEW RACING ASSOCIATION, INDIVIDUALLY AND TRADING AS PENN NATIONAL RACE COURSE (2006 CV 4986)

Plaintiff was a jockey at Penn National. She was walking her horse to line up for a race and the man who was supposed to take control of the horse did not do so.

BAR ASSOCIATION PAGE – Continued

MISCELLANEOUS SECTION

The horse became agitated and she was thrown. She broke her ankle and cannot ride again.

Counsel for Plaintiff: Spero Lappas
Counsel for Defendant: Michael Boomsma
Judge: Deborah Essis Curcillo
Verdict: Defendants

BARRY MCCARR v. RUSSELL SMITH (2007 CV 7033)

This vehicular mishap took place in the Walmart parking lot on September 2, 2005. Plaintiff was a Walmart employee and backed his 1976 GMC pickup truck out of a parking space and was proceeding down the parking aisle when his car was contacted by Defendant's vehicle which had been placed in reverse to permit a third party enough room to back out its space. Plaintiff claimed damage to his vehicle and personal injuries.

Counsel for Plaintiff: Adam G. Reedy
Counsel for Defendant: Jefferson Shipman
Judge: Deborah Essis Curcillo
Verdict: Defendant

DONNA CARRANO AND JOHN CARRANO v. HERSHEY ENTERTAINMENT AND RESORTS COMPANY (2008 CV 889)

This is a personal injury action arising out of Donna Carrano's visit to Hershey Park on July 25, 2006. She alleged that she suffered injuries when boarding the Canyon River Rapids ride. Plaintiffs asserted that Defendant negligently maintained the ride in various respects including that there were not enough attendants working on this date and as a result, Plaintiff was permitted to board the ride without being properly restrained. Defendant asserted that Plaintiff was seated in the boat but then stood up again as the ride was launched in order to throw a bag onto the rotating platform.

Counsel for Plaintiff: Ronald Wolf
Counsel for Defendant: Carol Steinour Young
Judge: Bernard L. Coates, Jr.
Verdict: Defendant

SHIRLEY G. MARDIS AND JAMES T. MARDIS, JR., HUSBAND AND WIFE v. DONALD E. BANKS (2008 CV 16273)

This motor vehicle accident occurred near the intersection of North Second Street and Liberty Street in the City of Harrisburg. Plaintiff was a passenger in a van operated by her husband. Defendant Banks' car had been double parked on Second Street and when he pulled out, he collided with Plaintiffs' vehicle. Plaintiff wife argued that she sustained cervical strain and related headaches which required her to undergo physical therapy.

Counsel for Plaintiff: Stephen M. Greecher, Jr.
Counsel for Defendant: Erick V. Violago
Judge: Deborah Essis Curcillo
Verdict: Plaintiff — \$400.00

BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

KYLIE BOUGHTER v. MARIA MENTZER (2009 CV 13948)

Plaintiff was a passenger in Defendant's vehicle. Defendant swerved into opposing traffic and Plaintiff's face was injured resulting in scarring. Defendant admitted liability.

Counsel for Plaintiff: David Lutz
Counsel for Defendant: Seth Black
Judge: Andrew H. Dowling
Verdict: Plaintiff — \$180.00 for lost wages
.00 for noneconomic damages

Motion for New Trial was granted and Defendant filed an appeal with the Superior Court.

**COMMONWEALTH OF PENNSYLVANIA v. ROBERT DICKEY, JR.
(1042 CR 2010)**

Defendant was charged with criminal attempt to commit criminal homicide, aggravated assault and recklessly endangering another person. Defendant entered a guilty plea pursuant to a negotiated plea agreement that defendant would receive a sentence of 12-24 years in a state correctional institution and the judge would have the discretion to impose a consecutive period of probation. These charges originated from an incident that took place on December 5, 2009 in Susquehanna Township. Defendant was at a residence with his fiancé and four children. The defendant and the victim had discussions about separating from their live-in dating situation. During the course of that discussion, defendant became irate with the victim and stabbed her multiple times, during the course of an assault that started in their bedroom and led to the kitchen and outside. While outside, the defendant stabbed the victim in the eye which resulted in her permanent loss of her eye. The four children were present at the time and one child attempted to intervene. This child suffered a laceration and ended up needing stitches.

Prosecutor: Jennifer Gettle
Counsel for Defendant: Deanna Muller
Judge: Jeannine Turgeon

COMMONWEALTH OF PENNSYLVANIA v. KEVIN NEELY (1329 CR 2010)

The charges stemmed from an incident that occurred at the Derry Street Café, 2312 Derry Street, Harrisburg, on December 18, 2009 at approximately 1:45 a.m. Brian Coleman, a bouncer at the bar, was shot in the abdomen by the defendant, Kevin Neely, a patron involved in an altercation at the Café that had been broken up by the victim and another bouncer. Neely was identified by several witnesses as the shooter, however, he stated that he was at the bar but did not shoot Coleman. Defendant was found guilty of criminal attempt (murder), aggravated assault, persons not to possess a firearm and carrying a firearm without a license.

Prosecutor: John Baer
Counsel for Defendant: Kelly Stewart
Judge: Richard A. Lewis

BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION





COMMONWEALTH OF PENNSYLVANIA v. LEMUEL MARRERO-JUARBE
(3530 CR 2009, 5002 CR 2009)

Following a fist fight involving several individuals who beat up one of his sons, Defendant and his two sons got into a vehicle to try to find the assailants. As they crossed the bridge near 13th and Paxton Streets, they saw one of them and the Defendant's son got out of the car and shot the victim several times. The defendant then drove his sons and the friend to New York City where the sons fled. The defendant returned to Harrisburg and gave a confession to the Harrisburg police. The defendant was charged with first and third degree murder, conspiracy to commit first degree murder, conspiracy to commit aggravated assault and hindering apprehension. The jury found the defendant guilty of third degree murder, conspiracy to commit aggravated assault and hindering apprehension and not guilty on the remaining charges.

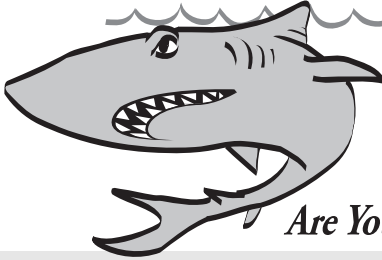
Prosecutor: Stephen Zawisky
Counsel for Defendant: Paul Muller
Lawrence Bartel
Judge: Jeannine Turgeon

n19

Expert Economic Analysis and Testimony

 Staller	<p>THE CENTER FOR FORENSIC ECONOMIC STUDIES</p> <p>CHAD L. STALLER, J.D., M.B.A., M.A.C. PIA DI GIROLAMO, Ph.D. JAMES MARKHAM, Ph.D., J.D., CPCU BERNARD F. LENTZ, Ph.D. ALAN B. WINIKUR, C.P.A.</p>	 DiGirolamo
 Lentz		 Markham
cfes@cfes.com 800-966-6099 www.cfes.com		

Tri-State Shredding



“Your
Document
Shredding
Specialist”

Are You HIPAA Compliant??

**On-Site and Off-Site
Document Shredding**

Bonded Personnel with 10 years experience
“DON'T THROW YOUR BUSINESS OUT
WITH YOUR TRASH”

CALL 717-233-5606 TODAY
www.tristateshredding.com

KURZENKNABE PRESS

Printing The Dauphin County Reporter every week for nearly 100 years

Graphic Design • Invitations • Announcements • Legal Briefs
Legal Backers • Business Cards • Business Forms • Envelopes
Multi Color Printing • Bindery & more....

Quality Printing Since 1893



1424 HERR STREET

HARRISBURG, PA 17103

TOLL FREE 1-888-883-2598

PHONE: 232-0541 • FAX: 232-7458

EMAIL: KURZENKNABEPRESS@COMCAST.NET