

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

(USPS 810-200)

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

No. 5839, Vol. 124

November 4, 2011

No. 175

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

Colon v. Kmart

464

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](http://www.h-hpc.com)

E-mail: [hhpc@ptd.net](mailto:hhpc@ptd.net)

41 Years in Harrisburg

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

**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 MARIAN J. RENN, late of Elizabethville Borough, Dauphin County, Pennsylvania. Executor: Fredrick W. Renn, 38 E. Broad Street, Elizabethville, PA 17023. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. n4-n18

ESTATE OF RACHAEL NAOMI GARST a/k/a RACHAEL N. GARST, late of Hershey, Dauphin County, Pennsylvania (died July 28, 2011). Executrix: Jenna S. (Garst) Fureman, 221 W. Main Street, Palmyra, PA 17078. Attorney: A. Mark Winter, Esq., 310 W. Chocolate Avenue, Hershey, PA 17033. Telephone (717) 533-4868. n4-n18

---

ESTATE OF SHIRLEY F. THOMAS, late of Lower Paxton Township, Dauphin County, Pennsylvania (died October 9, 2011). Executor: Craig Thomas, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. Attorneys: Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. n4-n18

---

ESTATE OF ISRAEL SMELTZ, late of Harrisburg, Dauphin County, Pennsylvania (died October 1, 2011). Executor: Ronald L. Smeltz, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. Attorneys: Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. n4-n18

---

ESTATE OF GLORIA N. HEILIG, late of Middle Paxton Township, Dauphin County, Pennsylvania (died September 23, 2011). Executrix: Linda Heilig Gardner, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. Attorneys: Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. n4-n18

---

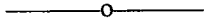
ESTATE OF MARIAN B. GREEN, late of City of Harrisburg, Dauphin County, Pennsylvania (died September 8, 2011). Executrix: Linda M. Green, 411 Emerald Street, Harrisburg, PA 17110. Attorney: Jill M. Wineka, Esq., Purcell, Krug & Haller, 1719 North Front Street, Harrisburg, PA 17102. n4-n18

Colon v. Kmart

Accordingly, I enter the following:

## ORDER

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

**Colon v. Kmart****Torts — False Imprisonment — False Arrest — Intentional Infliction of Emotional Distress — Defamation.**

Police were falsely informed by Defendant's employee that Plaintiffs were suspected of shoplifting. Plaintiffs subsequently filed an eight count Amended Complaint alleging false imprisonment, false arrest, intentional infliction of emotional distress, and defamation *per se*. The Defendant filed a Motion for Summary Judgment, which the Court denied as to six of the eight counts, and granted as to the two defamation counts.

1. A person can be held liable for false imprisonment if he has either knowingly provided false information to authorities or knowingly provided incomplete or misleading information to the authorities which results in the detention of another. *Doby v. DeCrescenzo*, 1996 U.S. Dist. Lexis 13175 (E.D. Pa. 1996).

2. In order for a plaintiff to prevail on a claim of intentional infliction of emotional distress, he or she must, at the least, demonstrate intentional outrageous or extreme conduct by the defendant, which causes severe emotional distress to the plaintiff. *Hoy v. Angelone*, 720 A.2d 745, 754 (Pa. 1998). A plaintiff must suffer some type of resulting physical harm due to the defendant's outrageous conduct. *Fewell v. Besner*, 664 A.2d 577, 582 (Pa. Super. 1995).

3. A master is liable for the acts of his servant which are committed during the course of and within the scope of the servant's employment. *Lunn v. Yellow Cab Company*, 169 A.2d 103 (Pa. 1961); *Potter Title and Trust Company v. Knox*, 113 A.2d 549 (Pa. 1955); Restatement (Second) of Agency § 219. This liability of the employer may extend even to intentional or criminal acts committed by the servant. *Pilipovich v. Pittsburgh Coal Company*, 172 A. 136 (Pa. 1934); *McMillen v. Steele*, 119 A. 721 (Pa. 1923); Restatement (Second) of Agency § 231. Whether a person acted within the scope of employment is ordinarily a question for the jury. *Orr v. William J. Burns International Detective Agency*, 12 A.2d 25 (Pa. 1940); *Straiton v. Rosinsky*, 133 A.2d 257 (Pa. Super. 1957).

4. An action in defamation is based upon a violation of a fundamental right of an individual to enjoy a reputation unimpaired by false and defamatory attacks. *Berg v. Consolidated Freightways, Inc.*, 421 A.2d 831, 833 (Pa. Super. 1980). Where slander *per se* is alleged, (e.g. where a plaintiff is wrongfully accused of a crime), the plaintiff need not prove special damages (actual monetary loss); however, a slander *per se* plaintiff is

## Colon v. Kmart

required to show general damages - proof of harm to reputation or personal humiliation. . . ." *Pilchesky v. Gatelli*, 12 A.3d 430, 444 (Pa. Super. 2011). The gravamen of a defamation action is injury to reputation. *Urban v. Dollar Bank*, 725 A.2d 815, 821 (Pa. Super. 1999).

Defendants' Motion for Summary Judgment. C.P., Dau. Co., No. 2008-CV-09968-CV. Denied in part and granted in part.

*Larry A. Weisberg*, for Plaintiffs

*Frank J. Lavery, Jr.*, for Defendants

TURGEON, J., October 3, 2011. – Before the Court is the Defendants' Summary Judgment Motion to the Plaintiffs' Amended Complaint. Plaintiffs assert that they were wrongfully confined and/or arrested by police in a Kmart when Kmart's Loss Prevention Manager Todd Vash falsely informed police that the adult Plaintiffs, Jonathan Colon and Keilla Santana, were suspected of shoplifting while shopping in the Kmart with their then seven-month-old son. The Amended Complaint includes claims for false imprisonment as to each Plaintiff (Counts I, II, and III), false arrest as to the adult Plaintiffs (Counts IV and V), intentional infliction of emotional distress as to Jonathan Colon (Count VI), and defamation *per se* of the adult Plaintiffs (Counts VII and VIII). For the reasons set forth below, this Court denies in part and grants in part Defendants' Motion.

Summary judgment is appropriate where: (1) there exists no genuine issue of material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report and the moving party is entitled to judgment as a matter of law; or (2) where, after the completion of discovery, the non-moving party who bears the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues be submitted to a jury. Pa.R.C.P. 1035.2. The function of summary judgment proceedings is to avoid a useless trial; it is not to be used to provide for trial by affidavits or depositions. *Stimmeler v. Chestnut Hill Hospital*, 981 A.2d 145, 154 (Pa. 2009) (citation omitted). In considering such a motion, this court must thoroughly examine the whole record to determine whether there is a genuine issue as to any material fact, with all doubts as to the existence of a genuine issue resolved against the moving party. *Id.*

Defendant's Motion for Summary Judgment is DENIED with respect to Plaintiffs' claims for false imprisonment and false arrest arising from the Plaintiffs' confinement/arrest for alleged shoplifting at Kmart. A

## Colon v. Kmart

claim for false imprisonment arises if an actor (1) acted intentionally to confine an individual within fixed boundaries, (2) the intentional acts directly or indirectly confine the individual, and (3) the individual was conscious of the confinement or is harmed by it. *Gagliardi v. Lynn*, 285 A.2d 109 (Pa. 1971) (citing Restatement (Second) of Torts § 35). In the context of an arrest, an actor is liable for false imprisonment when he causes a false arrest. *Renk v. City of Pittsburgh*, 641 A.2d 289, 293, 295 n.2 (Pa. 1994). A person can be held liable for false imprisonment if he has either knowingly provided false information to authorities or knowingly provided incomplete or misleading information to the authorities which results in the detention of another. *See, Doby v. DeCrescenzo*, 1996 U.S. Dist. Lexis 13175 (E.D. Pa. 1996).

Defendants allege that Kmart Loss Prevention Manager Vash, who summoned police to Kmart, did not intentionally identify the adult Plaintiffs as being involved in shoplifting. Plaintiffs, however, have produced conflicting evidence which, if proven true, reveals a *prima facie* case that Defendant Vash knowingly caused Plaintiff's false imprisonment and/or false arrest by calling police to the scene and informing or otherwise pointing Plaintiffs out to police as shoplifters even though he had not seen them shoplifting.<sup>1</sup> As such, these disputed claims must be submitted to the fact finder. Pa.R.C.P. 1035.2(2).

The Motion for Summary Judgment is DENIED with respect to Plaintiff Jonathan Colon's claim for intentional infliction of emotional distress as against Defendant Vash. In order for a plaintiff to prevail on such a claim, he or she must, at the least, demonstrate intentional outrageous or extreme conduct by the defendant, which causes severe emotional distress to the plaintiff. *Hoy v. Angelone*, 720 A.2d 745, 754 (Pa. 1998).

---

1. See SJM Appendix, Exbt. H (Police Report at 4, 7) ("loss prevention manager, Todd Bash [sic] pointed out three [H]ispanics as they were attempting to leave [Kmart]. They were identified as Wilfredo Cruz, [plaintiff] Jonathan Colon and [plaintiff] Keilla Santana. ... Upon arrival Ofc. Miller made contact at the exterior of Kmart with the Manager who was witnessing the retail theft in progress. The Manager pointed out 2 H/M's [Hispanic males] and 1 H/F [Hispanic female] as they were exiting the cashier's line. The Manager stated that all 3 were involved and they had a box cutter knife that they were using to cut tags and containers"); *see also*, SJM Appendix, Exbt. C (Henning Dep. 45-46) (DCC Dispatcher stated that Vash told him over the phone that there were "three Hispanic males, possibly two" suspected of shoplifting); SJM Appendix, Exbt. G (Colon Dep. 44) (police told him "they received a call from dispatch that there was three Hispanics shoplifting at Kmart"); SJM Appendix, Exbt. A (Santana Dep. 45) (police told her "sorry, we were told it was three Hispanics" who had been shoplifting).

## Colon v. Kmart

[T]he conduct must be so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized society. Described another way, it has not been enough that the defendant has acted with intent which is tortious or even criminal, or that he has intended to inflict emotional distress, or even that his conduct has been characterized by malice, or a degree of aggravation that would entitle the plaintiff to punitive damages for another tort.

*Id.* (citations omitted). A plaintiff must suffer some type of resulting physical harm due to the defendant's outrageous conduct. *Fewell v. Besner*, 664 A.2d 577, 582 (Pa. Super. 1995).

Plaintiffs have produced evidence sufficient to present to the fact finder that Defendant Vash acted by extreme and outrageous conduct by intentionally or recklessly making a false report to police that Jonathan Colon had shoplifted and was carrying a weapon, causing police to arrest him at gunpoint, and that this report was allegedly based upon racial profiling.<sup>2</sup> Plaintiffs have further provided sufficient evidence he suffered requisite emotional distress as a result.<sup>3</sup> Pa.R.C.P. 1035.2(2).

Defendants' Motion is DENIED with respect to Plaintiff Jonathan Colon's claim for intentional infliction of emotional distress as against Defendant Kmart Corporation.

A master is liable for the acts of his servant which are committed during the course of and within the scope of the servant's employment. *Lunn v. Yellow Cab Company*, 169 A.2d 103 (Pa. 1961); *Potter Title and Trust Company v. Knox*, 113 A.2d 549 (Pa. 1955); Restatement (Second) of Agency § 219. This liability of the employer may extend even to intentional or criminal acts committed by the servant. *Pilipovich v. Pittsburgh Coal Company*, 172 A. 136 (Pa. 1934); *McMillen v. Steele*, 119 A. 721 (Pa. 1923); Restatement (Second) of Agency § 231. Whether a person acted within the scope of employment is ordinarily a question for the jury. *Orr v. William J. Burns International Detective Agency*, 12 A.2d 25 (Pa. 1940);

---

2. See previous footnote.

3. See SJM Appendix, Exbt. G (Colon Dep. 39-40, 44-45) (complaints of periodic insomnia and nightmares and re-experiences involving a gun being pointed at his face).

## Colon v. Kmart

*Straiton v. Rosinsky*, 133 A.2d 257 (Pa. Super. 1957). Where, however, the employee commits an act encompassing the use of force which is excessive and so dangerous as to be totally without responsibility or reason, the employer is not responsible as a matter of law. If an assault is committed for personal reasons or in an outrageous manner, it is not actuated by an intent of performing the business of the employer and is not done within the scope of employment. *Lunn v. Yellow Cab Company*, *supra*. See also: *Straiton v. Rosinsky*, *supra*.

*Fitzgerald v. McCutcheon*, 410 A.2d 1270, 1271-72 (Pa. Super. 1979) (parallel citations omitted).

An employee's conduct is considered within the scope of employment if: (1) it is of a kind and nature that the employee is employed to perform; (2) it occurs substantially within the authorized time and space limits; (3) it is actuated, at least in part, by a purpose to serve the employer; and (4) if force is intentionally used by the employee against another, the use of force is not unexpected by the employer. *Costa v. Roxborough Memorial Hospital*, 708 A.2d 490, 493 (Pa. Super. 1998). Plaintiffs have provided a factual record which, if true, adequately meets the threshold of showing *prima facie* case that Defendant Vash was acting within the scope of his employment while committing the tort of intentional infliction of emotional distress whereby he was serving his employer in his capacity as Loss Prevention Manager by investigating a suspected shoplifting incident in his place of employment during normal working hours. Pa.R.C.P. 1035.2.

Defendants concede that while an employer's liability "may extend even to intentional or criminal acts ... if the act is done for personal reason, or in an outrageous manner, it is not done within the scope of employment." (Defendants' Brief at 17, citing *Fitzgerald v. McCutcheon*). Defendants argue that because the gravamen of a claim for intentional infliction of emotional distress is outrageousness, the law thus precludes Defendant Kmart from being held vicariously liable for this intentional tort. Defendants' citation to *Fitzgerald* on the legal standard does not support its argument. As set forth above, the superior court in *Fitzgerald* limited its discussion of outrageousness to cases in which the underlying intentional tort committed by the employer's agent or employee is a physical assault. *Id.* at 1272 ("If an assault is committed for personal reasons or in an outrageous manner, it is not actuated by an intent of performing the business of the employer and is not done

## Colon v. Kmart

within the scope of employment”); *see also*, *R.A. ex rel. N.A. v. First Church of Christ*, 748 A.2d 692, 700 (Pa. Super. 2000) and *Costa v. Roxborough Mem’l Hosp. supra* (both stating “our courts have held that an assault committed by an employee upon another for personal reasons or in an outrageous manner is not actuated by an intent to perform the business of the employer and, as such, is not within the scope of employment”).<sup>4</sup>

Defendants’ Motion for Summary Judgment is GRANTED with respect to Plaintiffs’ claims for defamation *per se* as against each adult Plaintiff. An action in defamation “is based on a violation of the fundamental right of an individual to enjoy a reputation unimpaired by false and defamatory attacks.” *Berg v. Consolidated Freightways, Inc.*, 421 A.2d 831, 833 (Pa. Super. 1980). A plaintiff has the burden of proving: (1) the defamatory character of the communication; (2) its publication by defendant; (3) its application to plaintiff; (4) the understanding by the recipient of its defamatory meaning; (5) the understanding by the recipient of it as intended to be applied to the plaintiff; (6) special harm resulting to the plaintiff from its publication; and (7) abuse of a conditionally privileged occasion. 42 Pa.C.S.A. § 8343(a). The term “special damages” is defined as “actual economic harm” or “pecuniary loss.” *Brinich v. Jencka*, 757 A.2d 388, 397 (Pa. Super. 2000). Where slander *per se* is alleged (e.g. where a plaintiff is wrongfully accused of a crime), the plaintiff need not prove special damages (actual monetary loss); however, “a slander *per se* plaintiff is required to show ‘general damages’ — proof of harm to reputation or personal humiliation. . . .” *Pilchesky v. Gatelli*, 12 A.3d 430, 444 (Pa. Super. 2011). The gravamen of a defamation action is injury to reputation. *Urban v. Dollar Bank*, 725 A.2d 815, 821 (Pa. Super. 1999) (citation omitted).

Defendants argue that the undisputed evidence is that that Plaintiffs have failed to indicate any harm suffered. This court agrees. A review of the record reveals that Plaintiffs failed to produce facts essential to proving that either adult Plaintiff suffered harm to his or her reputation

---

4. Were Defendants’ argument accurate, no intentional infliction of emotional distress claim could ever be stated against an employer based upon the actions of its employee on a theory of vicarious liability. This court has found no case so stating. *Compare, Chuy v. Philadelphia Eagles Football Club*, 1978 U.S. App. Lexis 12132 \*27 (3d Cir. 1978) (upholding verdict against employer as vicariously responsible for the employee’s commission of intentional infliction of emotional distress).

Colon v. Kmart

or for personal humiliation (general damages) or of any actual economic harm (special damages) as a result of the alleged defamation.<sup>5</sup> Pa.R.C.P. 1035.2(2)<sup>5</sup>.

Accordingly, this court enters the following:

ORDER

AND NOW, this 3rd day of October, 2011, this Court hereby DENIES summary judgment as to Counts I through VI and GRANTS summary judgment as to Count VII and VIII.

— o —

---

5. See SJM Appendix, Exbt. G (Colon Dep. at 37, 45) (Colon admitted he does not feel the event has caused him to suffer a loss of standing in the community or harmed his reputation since nobody knows about the incident and no one has talked to him about it; he has also suffered no loss of income or otherwise); SJM Appendix, Exbt. A (Santana Dep. at 11, 48-49) (Santana admitted she does not feel the event has caused any person to think less of her, has not affected her reputation or standing in the community, is unaware of any person who learned of the incident and could think of no way she had been otherwise harmed by the event including any loss of income or benefits).

---

---

**FIRST PUBLICATION**

---

**Estate Notices**

---

ESTATE OF ESTELLE PARKER a/k/a STELLA PARKER, late of Susquehanna Township, Dauphin County, Pennsylvania (died February 16, 2011). Administrator: Wells Fargo Bank, N.A., Attn: Patricia A. Jackson, VP & Sr. Estate Settlement Officer, 100 North Queen Street, 2nd Floor, P.O. Box 3959, Lancaster, PA 17604-3550; Telephone (717) 291-3616. Attorney: Neil E. Hendershot, Esq., Serratelli, Schiffman & Brown, P.C., 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110-9670. Telephone (717) 540-9170. n4-n18

---

ESTATE OF ROBERT E. GARBER, late of Derry Township, Dauphin County, Pennsylvania (died June 24, 2011). Executrix: Kathryn Garber Barb, 1605 N. Union Street, Middletown, PA 17057. Attorney: Francis A. Zulli, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. n4-n18

---

ESTATE OF LARRY E. MAY, late of Swatara Township, Dauphin County, Pennsylvania (died October 1, 2011). Administratrix: Dora D. Will, 1242 Huckleberry Highway, Central City, PA 15926. Attorney: Francis A. Zulli, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. n4-n18

---

---

---

**SECOND PUBLICATION**

---

ESTATE OF G. McHAZEL a/k/a GENEVIEVE McHAZEL, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executrix: Jan M. Arkon, 2015 Briggs Street, Harrisburg, PA 17103. Attorney: Keith D. Wagner, Esq. o28-n11

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

---

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

---

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

---

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

---

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

---

---

**SECOND PUBLICATION**

---

**Estate Notices**

---

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

---

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

---

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

---

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

---

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

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

---

---

---

**THIRD PUBLICATION**

---

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

---

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

---

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

---

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

---

---

THIRD PUBLICATION

---

Estate Notices

---

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

---

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

o21-n4

---

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

o21-n4

---

---

---

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 on \_\_\_\_\_ under the Domestic Business Corporation Law, for **Ideal Construction, Inc.**, and the name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County. n4

---

NOTICE IS HEREBY GIVEN that **Celadon Trucking Services, Inc.**, a foreign business corporation incorporated under the laws of the State of New Jersey, with its principal office located at 9503 E. 33rd Street, Indianapolis, IN 46235, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at National Corporate Research, Lt., 600 North 2nd Street, Harrisburg, PA 17101.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. n4

---

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Business Corporation Law of 1988, **Whirlpool Financial Corporation**, a corporation incorporated under the laws of the State of Delaware with its principal office located at Whirlpool Corp., Office of General Counsel, 2000 N. M-63, MD 2200, Benton Harbor, MI 49022 and a registered office in PA at c/o: Corporation Service Co., Dauphin County, which on 11/13/1957, was granted a Certificate of Authority to transact business in the Commonwealth of PA, intends to file an Application for Termination of Authority with the Dept. of State. n4

---

---

FIRST PUBLICATION

---

Corporate Notices

---

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Business Corporation Law of 1988, **RRI Energy Power Generation, Inc.**, a corporation incorporated under the laws of the State of Delaware with its principal office located at General Counsel, c/o GenOn Energy, Inc., 1000 Main Street, Houston, TX 77002 and a registered office in PA at c/o: Corporation Service Co., Dauphin County, which on 11/10/2004, was granted a Certificate of Authority to transact business in the Commonwealth of PA, intends to file an Application for Termination of Authority with the Dept. of State. n4

---

NOTICE IS HEREBY GIVEN that **Congregation of Holy Cross, United States Province, Inc.**, a foreign corporation incorporated under the laws of the State of Indiana, with its principal office located at 54515 State Road, 933 North (P.O. Box 774), Notre Dame, IN 46556, has applied for a Certificate of Authority in Pennsylvania under the PA Bus. Corp. Law of 1988.

The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. n4

---

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of The Commonwealth of Pennsylvania for **The Ark Institute, Inc.** under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended. n4

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for **Vista Outpatient Services, Inc.** on October 19, 2011. The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

McNEES WALLACE & NURICK LLC  
100 Pine Street  
n4 Harrisburg, PA 17101

---

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 19, 2011, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Professional Breathing Associates, Inc.**, c/o National Registered Agents, Inc.

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

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 712 Abbot Road, East Lansing, MI 48823.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. n4

---

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 10/24/2011 under the Domestic Business Corporation Law, for **LSJ Management, Inc.**, and the name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County. n4

---

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 17, 2011, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Whitsons Food Corp.**, c/o Incorporating Services, Ltd.

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

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 1800 Motor Parkway, Islandia, NY 11749.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. n4

---

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 17, 2011, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **HEQ Insurance Services, Inc.**, c/o Registered Agent Solutions, Inc.

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

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 15 W. Scenic Pointe Drive, Suite 400, Draper, UT 84020.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. n4

---

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Nonprofit Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **ICING SMILES, INC.** The address of its principal office under the laws of its jurisdiction is 259 Kastlekove Drive, Lewis Center, OH 43035. The name of this corporations commercial registered office provider is National Registered Agents Inc. in the county of Dauphin.

The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 6124(b). n4

---

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on July 11, 2011, for **D. S. Marketing, Inc.** of 350 Wiconisco Street, Millersburg, PA 17061.

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

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

n4

---

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on October 5, 2011 by **Remedial Engineering, P.C.**, a foreign corporation formed under the laws of the State of New York where its principal office is located at 209 Shafter Street, Islandia, NY 11749 for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

The commercial registered office provider in Pennsylvania is c/o: National Corporate Research, Ltd. and shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. n4

---

---

FIRST PUBLICATION

---

Corporate Notices

---

NOTICE IS HEREBY GIVEN that **IMA, Inc.**, a foreign business corporation incorporated under the laws of the State of Kansas, where its principal office is located at 8200 E. 32nd Street North, Wichita, Kansas 67226, has applied for a Certificate of Authority in Pennsylvania, where its registered office is in care of National Registered Agents, Inc., Dauphin County, Pennsylvania.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. n4

---

NOTICE IS HEREBY GIVEN that **Xeohealth Corporation**, a foreign business corporation incorporated under the laws of the State of Delaware, where its principal office is located at 241 E. Fourth Street, Unit 202, Frederick, MD 21701, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at c/o CSC, 2595 Interstate Drive, #103, Harrisburg, PA 17110.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. n4

---

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Business Corporation Law of 1988, **HAMATECH USA, INC.**, a corporation incorporated under the laws of the State of Delaware with its principal office located at 429 D Hayden Station Road, Windsor, CT 06095 and a registered office in PA at c/o: Corporation Service Co., Dauphin County, which on 02/11/2008, was granted a Certificate of Authority to transact business in the Commonwealth of PA, intends to file an Application for Termination of Authority with the Department of State. n4

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on June 9, 2011. The name of the corporation is: **RACE TRACK CHAPLAINCY OF AMERICA, CENTRAL PENN DIVISION.**

The purpose for which the said corporation is to be organized is: To meet the spiritual, religious, physical, emotional and social needs of the workers and members of the horse racing industry in Central Pennsylvania, and other non-profitable purposes.

THOMAS N. COOPER, Esq.  
Steiner, Sandoe & Cooper  
36 W. Main Avenue  
Myerstown, PA 17067

n4

---

NOTICE IS HEREBY GIVEN that **MaruEnergy Services, Inc.**, a foreign business corporation incorporated under the laws of the State of Delaware, with its principal office located at 1165 Northchase Parkway, Suite 400, Marietta, GA 30067, has applied for a Certificate of Authority in Pennsylvania under the PA Bus. Corp. Law of 1988.

The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. n4

---

NOTICE IS HEREBY GIVEN that **Robert Gatto Associates, Ltd.** a foreign business corporation under the laws of the State of New York, where its principal office is located at 15 Toilsome Lane, East Hampton, NY 11937, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at c/o Incorp Services, Inc. Dauphin County.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. n4

---

---

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 on 10/26/2011 under the Domestic Business Corporation Law, for **LEBANON PAIN RELIEF CENTER, P.C.**, and the name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County. n4

---

NOTICE IS HEREBY GIVEN that a Certificate of Authority was filed in the Department of State of the Commonwealth of Pennsylvania for **WILD Flavors, Inc.** The address of its principal office under the laws of its jurisdiction is c/o Corporation Trust Center, 1209 Orange Street, Wilmington DE 19801. The Commercial Registered Agent Provider is CT Corporation System in Dauphin County.

The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b). n4

---

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 25, 2011, by **J. W. Stenger Trucking, Inc.**, a foreign corporation formed under the laws of the State of Ohio, where its principal office is located at 61485 Professional Drive, Barnesville, Ohio 43713, 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 (Suite 101), 1007 Mumma Road, Lemoyne, Pennsylvania 17043, Cumberland County, Pennsylvania. n4

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 19, 2011, by **Unitrin Services Company**, a foreign corporation formed under the laws of the State of Illinois, where its principal office is located at I E. Wacker Drive, Suite. #900, Chicago, IL 60601, 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. n4

---

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 27, 2011, by **Dex One Digital, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 1001 Winstead Drive, Cary, NC 27513, 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. n4

---

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 25, 2011, by **Kingmak GP Corp.**, 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. n4

---

FIRST PUBLICATION

---

Corporate Notices

---

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 27, 2011, **UTC Power Corporation**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 195 Governor's Hwy., South Windsor, CT 06074, 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. n4

---

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **Stecroft Holdings, Inc.**, a corporation of the State of Nevada, with principal office located at 601 Riverside Ave., Jacksonville, FL 32204, and having a Commercial Registered office Provider and county of venue as follows: CT Corporation System, Dauphin County, which on June 23, 2005, 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. n4

---

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **FOSTER WHEELER PYROPOWER, INC.**, a corporation of the State of New York, with principal office located at 53 Frontage Road, Hampton, NJ 08827-9000, and having a Commercial Registered office Provider and county of venue as follows: CT Corporation System, Dauphin County, which on February 24, 1986, 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. n4

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 18, 2011, by **LPS Field Services, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 601 Riverside Avenue, Jacksonville, FL 32204, 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. n4

---

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 13, 2011, by **IFLOWSOFT SOLUTIONS INC**, a foreign corporation formed under the laws of the State of New Jersey, where its principal office is located at 200 Middlesex Essex Tpk., Ste. 203A, Iselin, NJ 08830, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o Business Filings Incorporated, Dauphin County, Pennsylvania. n4

---

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 14, 2011, by **Bluecat Networks (USA) Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 4101 Yonge Street, Suite 502, Toronto, Ontario, Canada M2P 1N6, 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. n4

---

---

FIRST PUBLICATION

---

Corporate Notices

---

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **MedPennsylvania, Inc.**, a corporation of the State of Delaware, with principal office located at 909 Hidden Ridge, Suite 300, Irving, TX 75038, and having a Commercial Registered office Provider and county of venue as follows: National Registered Agents, Inc., Dauphin County, which on July 21, 1998, 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. n4

---

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, for the purpose of obtaining a charter of a Nonprofit Corporation organized under the Nonprofit Corporation Law of 1988 of the Commonwealth of Pennsylvania. The name of the corporation is: **The TrueNorth Health Foundation**.

The corporation is organized and operated exclusively for charitable, educational and scientific purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, (the "Code").

COZEN O'CONNOR P.C., Solicitors  
1900 Market St.  
Phila., PA 19103

n4

---

---

FIRST PUBLICATION

---

Fictitious Notices

---

NOTICE IS HEREBY GIVEN that an Application for Registration of the fictitious name, **Island Roofing**, for conduct of business in the Commonwealth of Pennsylvania, with its principal place of business at 3650 State Route 25, Elizabethville, PA 17023 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, PA on October 13, 2011 pursuant to the Fictitious Names Act of December 16, 1982, Act 295.

The name and address of the individual owning or interested in said business is Jared Kessler, 3650 State Route 25, Elizabethville, PA 17023.

CONNIE L. COHEN  
Affordable Business Svcs.  
830 Rising Sun Lane  
Millersburg, PA 17061

n4

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Commonwealth of Pennsylvania on August 26, 2011 for **Amy's Groom Room** located at 137 Fear Not Road Lykens, PA 17048. The name and address of each individual interested in the business is Amy B. Graff, 137 Fear Not Road, Lykens, PA 17048.

This was filed in accordance with 54 Pa. C.S. 311. n4

---

---

FIRST PUBLICATION

---

Fictitious Notices

---

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Commonwealth of Pennsylvania on August 10, 2011 for **JVSM Investments** located at 65 Brownstone Drive, Hershey, PA 17033.

The name and address of each individual interested in the business is Venkat Ramachandran, 16 Madison Way, Downingtown, PA 19335; Mohammedi Padaria, 17 Long Leaf Lane, Palmyra, VA 22963; Sanjay Rao, 29/30 Himali Society, Erandwane, Pune 411004 India and Juzer Rangoonwala, 65 Brownstone Drive, Hershey, PA 17033.

This was filed in accordance with 54 Pa. C.S. 311. n4

---

NOTICE IS HEREBY GIVEN that an Application for Registration of a fictitious name, **SuccessWorks Accounting & Tax Services**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 1808 Wexford Road, Palmyra, PA 17078, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 26th day of October, 2011, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person owning or interested in the said business is: Darlene M. Kauffman, 1808 Wexford Road, Palmyra, PA 17078. n4

NOTICE IS HEREBY GIVEN that an Application for Registration of the name: **Cumberland Windows** was filed in the Department of State of the Commonwealth of Pennsylvania under the Fictitious Names Act, 54 Pa.C.S. §301 et seq. The address of the principal office or place of business of the business to be carried on under or through the fictitious name is: 263 East Second Street, Hummelstown, Pennsylvania 17036.

The name and address of the entity which is party to the registration is: JohnGalt, LLC, 263 East Second Street, Hummelstown, Pennsylvania 17036.

RICHARD C. SENECA, Esq.

SenecaLaw

564 Old York Road

Etters, PA 17319

n4

---

---

FIRST PUBLICATION

---

Miscellaneous Notices

---

IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA

CIVIL ACTION – QUIET TITLE

No. 2011-CV-9443-QT

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

vs.

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

**TO: WJA, INC.**

---

---

FIRST PUBLICATION

---

Miscellaneous Notices

---

NOTICE

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

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILE YOUR DEFENSES OR OBJECTIONS IN WRITING WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PLAINTIFF YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

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

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

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

n4

---

IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA

CIVIL ACTION – LAW

CIVIL DIVISION

No. 2011-CV-6296-MF

NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE

NATIONSTAR MORTGAGE, LLC,  
Plaintiff

vs.

AVERIL B. WILLIAMS, Defendant

NOTICE

TO: Averil B. Williams

YOU ARE HEREBY NOTIFIED that on June 23, 2011, Plaintiff, Nationstar Mortgage, LLC, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County Pennsylvania, docketed to No. 2011-CV-6296-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 2331 North 3rd Street, Harrisburg, PA 17110, whereupon your property would be sold by the Sheriff of DAUPHIN County.

---

---

FIRST PUBLICATION

---

Miscellaneous Notices

---

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

n4

**NOTICE**

NOTICE IS HEREBY GIVEN by the Board of School Directors of the Lower Dauphin School District, Dauphin County, Pennsylvania, of its intent to adopt a Resolution levying and imposing a tax upon the earned income and net profits of its residents. This Notice is given pursuant to the Local Tax Enabling Act. The Resolution will impose a tax for general revenue purposes at a rate 1.0% on the earned income and net profits of residents. The tax imposed by the Resolution will become effective on January 1, 2012, and continues the tax on earned income and net profits of residents. The Board of School Directors believe the adoption of the Resolution is necessary to comply with the requirements of Act 32 of 2008, which is an amendment and restatement of the Local Tax Enabling Act, 53 P.S. §6924.101 et seq. The nature of the tax will be the same as the current tax on earned income and net profits currently in effect subject to changes required by Act 32. The revenue estimated from the proposed tax for the School District is \$3,000,000. THE TAX IMPOSED BY THIS RESOLUTION IS NOT A NEW TAX, BUT, RATHER, A CONTINUATION OF THE EARNED INCOME TAX AND NET PROFITS TAX PREVIOUSLY IMPOSED.

FURTHER, the caption and summary of the Resolution is as follows: "A RESOLUTION OF THE LOWER DAUPHIN SCHOOL DISTRICT, DAUPHIN COUNTY, PENNSYLVANIA ESTABLISHING, MODIFYING AND REENACTING THE LEVY OF EARNED INCOME TAX FOR THE RESIDENTS OF THE SCHOOL DISTRICT; CONTINUING AN EXEMPTION FOR MINORS UNDER THE AGE OF 16; PROVIDING FOR THE ADMINISTRATION AND COLLECTION OF SUCH TAX; AND RELATED PROVISIONS."

---

---

**FIRST PUBLICATION**

---

**Miscellaneous Notices**

---

THE BOARD OF SCHOOL DIRECTORS intends to consider this Resolution at its public meeting at 7:00 p.m. on November 21, 2011 at the Board Room at the District Administration Center, 291 East Main Street, Hummelstown, Pennsylvania 17306. Copies of the full Resolution may be examined at the District Administration Center at the above address by contacting the Business Manager at (717) 566-5300.

MICHELLE SHULER  
n4-n18 Secretary

---

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

**CIVIL ACTION - LAW**

No. 2011-CV-1141-MF

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR  
IXIS REAL ESTATE CAPITAL  
TRUST 2007-HE1 MORTGAGE PASS  
THROUGH CERTIFICATES, SERIES  
2007-HE-1, Plaintiff**

vs.

**ELIZABETH S. EDGERTON, Defendant**

**NOTICE OF SALE  
OF REAL PROPERTY**

**TO: Elizabeth S. Edgerton, Defendant  
2625 George Street  
Harrisburg, PA 17109**

**and**

**130 Ringneck Drive  
Harrisburg, PA 17112**

NOTICE IS HEREBY GIVEN that your house (real estate) at 2625 George Street, (Susquehanna Township) Harrisburg, PA 17109 is scheduled to be sold at the Sheriff's Sale on January 12, 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 \$163,579.75, 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 land situate in Susquehanna Township, Dauphin County, Pennsylvania being Lot Number 125, on the general plan of Glenwood, as recorded in the Office for the Recording of Deeds for Dauphin County, Pennsylvania, in Plan Book D, Page 15, said lot being bound and described as follows, to wit:

BEGINNING at a point on the southwest corner of George Street and a 15 foot alley way; thence along said 15 foot alley way in a southwardly direction 150 feet to a 15 foot alley way; thence said 15 foot alley way in a westwardly direction 30 feet to the corner of lot number 126; thence along said lot number 126 in a northwardly direction 150 feet to George Street; thence along said George Street in an eastwardly direction 30 feet to a 15 foot alley way, the place of BEGINNING.

HAVING THEREON ERECTED a dwelling house known and numbered as 2625 George Street.

ALL THOSE CERTAIN two lots of ground situate in Susquehanna Township, Dauphin County, Pennsylvania, being Lots Nos. 126 and 127 in the General Plan of Glenwood as recorded in the office for the recording of Deeds for Dauphin County, Pennsylvania in Plan Book "D" Page 15 said lots being bounded and described as follows, to wit:

BEGINNING at a point on the south side George Street, at the corner of Lot No. 125; thence along said Lot No. 125 in a southwardly direction one hundred fifty (150) feet to a fifteen (15) feet alley; thence along said fifteen (15) feet alley in westwardly direction

---

---

FIRST PUBLICATION

---

**Miscellaneous Notices**

---

sixty (60) feet to a Lot No. 128; thence along Lot No. 128 in a northwardly direction one hundred fifty (150) feet to George Street; thence along said George Street in an eastwardly direction sixty (60) feet to the corner of Lot No. 125, the place of BEGINNING.

BEING THE SAME PREMISES WHICH Ronald A. Warfel and Julia L. Warfel, his wife by deed dated 6/28/99 recorded 7/14/99 in Dauphin County in book 3454 page 27 then granted and conveyed to James C. Edgerton and Elizabeth S. Edgerton, his wife, in fee.

BEING KNOWN AS: 2625 George Street, Harrisburg, PA 17109.

PROPERTY ID NO. 62-029-111.

TITLE TO SAID PREMISES IS VESTED IN JAMES C. EDGERTON AND ELIZABETH S. EDGERTON, HIS WIFE BY DEED FROM RONALD A. WARFEL AND JULIA L. WARFEL, HIS WIFE DATED 6/28/1999 RECORDED 7/14/1999 IN DEED BOOK 3454 PAGE 027.

HAVING THEREON ERECTED A DWELLING HOUSE.

UDREN LAW OFFICES, P.C.  
111 Woodcrest Rd., Ste. 200  
Cherry Hill, NJ 08003  
(856) 482-6900

n4

IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA

No. 2011-CV-8517-NC

PETITION FOR  
CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on October 25, 2011, the Petition of **Ha Vo** on behalf of **Patrick Malcolm Duong** was filed in the above named court, requesting a decree to change his/her name from **Patrick Malcolm Duong** to **Patrick Malcolm Vo**.

The Court has fixed November 23rd, 2011 in Courtroom No. 9, at 9:00 a.m., Dauphin County Courthouse, Front and Market Streets, Harrisburg, PA as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted. n4

---

---

SECOND PUBLICATION

---

**Miscellaneous Notices**

---

MIDDLETOWN AREA  
SCHOOL DISTRICT

EARNED INCOME AND  
NET PROFITS TAX NOTICE

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

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

---

---

SECOND PUBLICATION

---

Miscellaneous Notices

---

The Board of School Directors of Middletown Area School District intends to adopt this Resolution at a meeting to be held on or before November 30, 2011. It will impose a tax for general revenue purposes at a rate of **1.25%** on earned income and net profits of individual residents. This tax is in addition to any tax on earned income and net profits imposed by any municipality within the school district. The Resolution will be effective January 1, 2012, and continues the tax previously imposed at the same rate. Changes have been made in the terms of the currently effective tax levy primarily to conform to requirements of Act 32 of 2008, which is a restatement of the Local Tax Enabling Act, 53 P.S. § 6924.101, et seq. The nature of the tax will be substantially the same as the earned income and net profits tax currently levied, subject to changes required by Act 32. The Resolution states that all provisions of the Local Tax Enabling Act that relate to a tax on earned income or net profits are incorporated into the Resolution. The Resolution provides an exemption from tax for individuals under age 16. The tax will be collected by a collector appointed under Act 32. The reason for the new tax levy is to continue the same tax as previously imposed in order to provide revenue for the purposes stated above, and also to conform to Act 32 requirements. The estimated revenue to be derived from the tax during 2012 is \$3,850,000.

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

Board of School Directors  
for Middletown Area School District

o28-n11

UPPER DAUPHIN AREA  
SCHOOL DISTRICT

EARNED INCOME AND  
NET PROFITS TAX NOTICE

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

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

The Board of School Directors of Upper Dauphin Area School District intends to adopt this Resolution at a meeting to be held on or before November 30, 2011. It will impose a tax for general revenue purposes at a rate of **0.5%** on earned income and net profits of individual residents. This tax is in addition to any tax on earned income and net profits imposed by any municipality within the school district. The Resolution will be effective January 1, 2012, and continues the tax previously imposed at the same rate. Changes have been made in the terms of the currently effective tax levy primarily to conform to requirements of Act 32 of 2008, which is a restatement of the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq. The nature of the tax will be substantially the same as the earned income and net profits tax currently levied, subject to changes required by Act 32. The Resolution states that all provisions of the Local Tax Enabling Act that relate to a tax on earned income or net profits are incorporated into the Resolution. The tax will be collected by a collector appointed under Act 32. The reason for the new tax levy is to continue the same tax as previously imposed in order to provide revenue for the purposes stated above, and also to conform to Act 32 requirements. The estimated revenue to be derived from the tax during 2012 is \$725,000.

---

---

**SECOND PUBLICATION**

---

**Miscellaneous Notices**

---

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

Board of School Directors for Upper  
Dauphin Area School District

o28-n11

# 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](http://WWW.MBURRKEIM.COM)

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](http://www.naicir.com)

717 761 5070



Call Sean for a non-binding quote!

## DAUPHIN COUNTY ATTORNEYS:

### LAWYERS PROFESSIONAL LIABILITY INSURANCE

*from a broker you can trust!*

C&R offers PA Firms:

- Competitive rates from an A rated carrier
- Shortest application in industry
- 24-48 hour quote turnaround

C  R

(800) 505-7206 • FAX (888) 330-5510

[www.insuringlawyers.com](http://www.insuringlawyers.com)

C & R INSURANCE SERVICES, INC. 987 OLD EAGLE SCHOOL RD, STE 715, WAYNE, PA 19087

## Open 7 Days

## Next-Day Availability

## Local Loans by Local Lenders

## Cash Management

# METRO BANK

[mymetrobank.com](http://mymetrobank.com) • 888.937.0004

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



## ECONOMIC ANALYSIS AND TESTIMONY

### THE CENTER FOR FORENSIC ECONOMIC STUDIES



Staller



Lentz



Markham



Rosen

CHAD L. STALLER, J.D., M.B.A., M.A.C. ■ STEPHEN ROSEN, Enrolled Actuary

JAMES MARKHAM, Ph.D., J.D., CPCU ■ BERNARD F. LENTZ, Ph.D.

215-546-5600

[www.cfes.com](http://www.cfes.com)

## CUMULATIVE TABLE OF CASES

Adams, Commonwealth v. ....	296
Atlantic Credit & Finance Inc. v. Wylie .....	163
Borough of Middletown v. Teamsters Local Union 776 .....	390
Bowser v. Crossville BNRV Sales, LLC .....	424
Britton, Commonwealth v. ....	344
Cameron Real Estate, LP, et al., Pennsy Supply, Inc. v. ....	99
Carns, Enders v. ....	355
Carroll, Commonwealth v. ....	102
Centric Bank, Schmitt v. ....	1
Colon v. Kmart .....	464
Commonwealth v. Adams .....	296
Commonwealth v. Britton .....	344
Commonwealth v. Carroll .....	102
Commonwealth v. Dixon .....	453
Commonwealth v. Fernsler .....	64
Commonwealth v. Gross .....	334
Commonwealth v. Hosby .....	32
Commonwealth v. Jones .....	194
Commonwealth v. McCreary .....	314
Commonwealth v. Montelione .....	10
Commonwealth v. Perretta-Rosepink	
Commonwealth v. Veon .....	262
Commonwealth v. Wingus .....	82
Commonwealth v. Veon	
Commonwealth v. Perretta-Rosepink .....	262
Commonwealth (PennDOT), Wagner v. ....	300
Consoli v. Elias .....	281
Cox, Wilson, et al. v. ....	57
Crossville BNRV Sales, LLC, Bowser v. ....	424

## Cumulative Table of Cases

Daniels, et al., v. Norfolk Southern Corporation, et al., Wallett's Flooring Services, Inc. v. ....	94
DeHart, Fletcher v. ....	134
Dixon, Commonwealth v. ....	453
Dock v. Harrisburg Hospital, et al. ....	106
East Hanover Township Board of Supervisors	
v. RVG Land, LLC, Mundy, et al. v. ....	116
Elias, Consoli v. ....	281
Enders v. Carns ....	355
Estrada v. Olt, et al. ....	42
Estright v. Harrisburg Hospital, et al. ....	153
Fenstermacher, Mihelich v. ....	158
Fenstermacher, Mihelich v. ....	368
Fernsler, Commonwealth v. ....	64
Fletcher v. DeHart ....	134
Gebhardt v. Woods ....	385
Gross, Commonwealth v. ....	334
Harrisburg Hospital, et al., Dock v. ....	106
Harrisburg Hospital, et al., Estright v. ....	153
Hartman, et al. v. Hershey Medical Center, et al. ....	243
Herd Chiropractic v. State Farm ....	180
Hershey Medical Center, et al., Hartman, et al. v. ....	243
Hershey Medical Center, et al., Lopresti v. ....	48
Hosby, Commonwealth v. ....	32
In re: Appeal of City of Harrisburg ....	200
In re: Condemnation of Sheesley Estate ....	223
In re: Estate of Benjamin F. Herr ....	171

## Cumulative Table of Cases

Investigative Consultant Services, Inc., et al., Tagouma v. ....	121
Jones, Commonwealth v. ....	194
K.S.R. v. Reinhardt .....	323
Kelly v. Kelly .....	110
Kelly, Kelly v. ....	110
Kelly Systems, Inc. v. Koda .....	21
Keystone Service Systems, Inc., Pennswood Apartments L.P. v. ....	27
Kmart, Colon v. ....	464
Koda, Kelly Systems, Inc. v. ....	21
Lopresti v. Hershey Medical Center, et al. ....	48
McAfee v. Quantum Imaging and Therapeutic Associates, Inc. ....	70
McCreary, Commonwealth v. ....	314
McGarrie v. Short .....	90
McNany, Walter v. ....	147
Mihelich v. Fenstermacher .....	158
Mihelich v. Fenstermacher .....	368
Montelione, Commonwealth v. ....	10
Mundy, et al. v. East Hanover Township Board of Supervisors v. RVG Land, LLC .....	116
Norfolk Southern Corporation, et al. v. Wallett's Flooring Services, Inc. v. Daniels, et al. ....	94
Olt, et al., Estrada v. ....	42

## Cumulative Table of Cases

Papadopoulos v. Schmidt, Ronca & Kramer, P.C. . . . .	205
PennDOT, Smith v. . . . .	376
Pennswood Apartments L.P. v. Keystone Service Systems, Inc. . .	27
Pennsy Supply, Inc. v. Cameron Real Estate, LP, et al. . . . .	99
Perretta-Rosepink, Commonwealth v. Commonwealth v. Veon . . . . .	262
Peters v. Zoning Hearing Board of Londonderry Township . . . . .	166
Pierce, VQC Designs, LLC v. . . . .	413
Quantum Imaging and Therapeutic Associates, Inc., McAfee v. . . . .	70
Reinhardt, K.S.R. v. . . . .	323
RVG Land, LLC, Mundy, et al. v. East Hanover Township Board of Supervisors v. . . . .	116
Schmitt v. Centric Bank . . . . .	1
Schmidt, Ronca & Kramer, P.C., Papadopoulos v. . . . .	205
Short, McGarrie v. . . . .	90
Schutjer Bogar, LLC v. The Pennsylvania Chamber of Business and Industry . . . . .	444
Smith v. PennDOT . . . . .	376
Smith v. State Farm . . . . .	435
State Farm, Herd Chiropractic v. . . . .	180
State Farm, Smith v. . . . .	435
State Farm, Tomasetti v. . . . .	186
Tagouma v. Investigative Consultant Services, Inc., et al. . . . .	121
Teamsters Local Union 776, Borough of Middletown v. . . . .	390
The Pennsylvania Chamber of Business and Industry, Schutjer Bogar, LLC v. . . . .	444
Tomasetti v. State Farm . . . . .	186

Cumulative Table of Cases

Veon, Commonwealth v.  
    Commonwealth v. Perretta-Rosepink ..... 262  
VQC Designs, LLC v. Pierce ..... 413

Wagner v. Commonwealth (PennDOT) ..... 300  
Wallett’s Flooring Services, Inc. v. Daniels, et al.,  
    v. Norfolk Southern Corporation, et al. .... 94  
Walter v. McNany ..... 147  
Warner, Wege v. .... 219  
Wege v. Warner ..... 219  
Weiss, Zalonis v. .... 387  
Wilson, et al. v. Cox ..... 57  
Wingus, Commonwealth v. .... 82  
Woods, Gebhardt v. .... 385  
Wylie, Atlantic Credit & Finance Inc. v. .... 163

Zalonis v. Weiss ..... 387  
Zoning Hearing Board of Londonderry Township, Peters v. .... 166

## 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 PA Interest on Lawyers Trust Account Board • Former Chairman, Continuing Legal Education Board of the Supreme Court of PA • Selected by his peers as one of the top 100 Super Lawyers in PA • Named by his peers to Best Lawyers in America in the areas of legal malpractice and professional responsibility

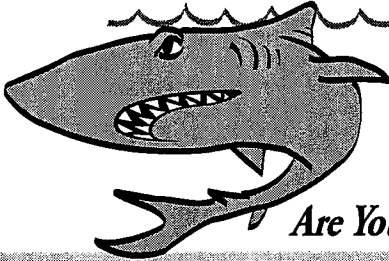
### **Dana Pirone Carosella, Esq.**

Representing attorneys in disciplinary/ethics matters for 16 years • Author/Speaker on ethics matters

17 North Second Street, 16th Floor • Harrisburg, PA 17101

(717) 255-7388

## *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](http://www.tristateshredding.com)

**BAR ASSOCIATION PAGE**  
**Dauphin County Bar Association**

213 North Front Street • Harrisburg, PA 17101-1493  
Phone: 232-7536 • Fax: 234-4582

---

*Board of Directors*

**Elizabeth S. Beckley**  
*President*

**Jonathan W. Kunkel**  
*Vice-President*

**John D. Sheridan**  
*Secretary*

**Carrie E. Smyth**  
*Young Lawyers' Chair*

**William L. Adler**  
**Harry M. Baturin**  
**C. Grainger Bowman**  
**Robert E. Chernicoff**  
**Brooks R. Foland**  
**S. Barton Gephart**  
**Kandice J. Giurintano**  
**Leah M. Lewis**

**Brett M. Woodburn**  
*President-Elect*

**James M. McCarthy**  
*Treasurer*

**James P. DeAngelo**  
*Past President*

**Kimberly A. Selemba**  
*Young Lawyers' Chair-Elect*

**Lindsay Gingrich Maclay**  
**Dianne I. Nichols**  
**Gerald S. Robinson**  
**Adam M. Shienvold**  
**Robert F. Teplitz**  
**Claudia M. Williams**  
**Michael W. Winfield**

---

*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 2011  
DECEMBER 2011

Judge Deborah Essis CURCILLO  
Judge Andrew H. DOWLING

*Opinions Not Yet Reported*

October 21, 2011 – Clark, J., **Commonwealth v. Garner**, No. 3867 CR 2010, 1355 MDA  
2011

## **BAR ASSOCIATION PAGE – Continued**

### **MISCELLANEOUS SECTION**

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

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

**FURNISHED OFFICE** — Great incubator space for attorney starting off on their own. Furnished office downtown Harrisburg, \$400/month, includes use of conference room. Additional services available for fee.

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

**CONTRACT ATTORNEY** — Pittsburgh based transportation litigation firm with office in Camp Hill seeks a part-time Contract Attorney for up to 15 hours per week. Qualified candidate will have excellent academic record as well as strong research, writing and communication skills. Litigation background preferred. interested candidates should send letter of interest, resume, transcripts and writing sample to Managing Partner, 355 North 21st Street, Suite 102, Camp Hill, PA 17011. o28-n11

## **TRIAL AHEAD?**

### **CONSIDER AN ALTERNATE ROUTE:**

Dauphin County Bar Association

*Civil Dispute Resolution Program*

Call (717) 232-7536 for details



*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 Lawyers Concerned for Lawyers of Pennsylvania, Inc.