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Bar Association Page

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The
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Estate Notices

DECEDENTS ESTATES

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

FIRST PUBLICATION

Estate Notices

ESTATE OF LINDA M. LAUVER, (died: March 28, 2015), late of Millersburg Borough, Dauphin County, Pennsylvania. Executrix: Kim Louise Bower, 503 Berrysburg Road, Millersburg, PA 17061. Attorney: Gregory M. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. a17-m1

ESTATE OF DONNA M. ZIADEH, AKA DONNA MARIE ZIADEH, late of the Township of Lower Paxton, County of Dauphin and Commonwealth of Pennsylvania. Executor: Rashid A. Ziadeh, 1601 Colonial Road, Harrisburg, PA 17112 or to Attorney: James H. Turner, Esquire, TURNER AND O'CONNELL, 4701 North Front Street, Harrisburg, PA 17110. a17-m1

ESTATE OF RAY E. KUNTZ A/K/A RAY E. KUNTZ, SR., (died: March 13, 2015), late of West Hanover Township, Dauphin County, Pennsylvania. Executor: Ray E. Kuntz, Jr., c/o Pannebaker & Mohr, P.C., 4000 Vine Street, Suite 101, Middletown, P A 17057 or to Attorney: Kendra A. Mohr, Esq., Pamlebaker & Mohr, P.C., 4000 Vine Street, Suite 101, Middletown, PA 17057, (717) 944-1333. a17-m1

ESTATE CHARLES J. STEFANIC, (died: March 14, 2015), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Jay C. Stefanic, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or Estate of Charles J. Stefanic, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. a17-m1

ESTATE OF AUSTIN M. BASORE, late of Highspire Borough, Dauphin County, Pennsylvania. Executor: David J. Basore, 2452 Elm Street, Harrisburg, PA 17103 or to Attorney: ELIZABETH B. PLACE, ESQUIRE, SkarlatosZonarich LLC, 17 South 2nd Street, Floor 6, Harrisburg, PA 17101. a17-m1

Taylor v. DeLeo

Torts - Negligence - Medical Malpractice - Peer Review Protection - Waiver - Admissibility of Learned Treatises - Directed Verdict

Plaintiffs in a medical malpractice case sought a new trial after a jury verdict in favor of the Defendant.

1. A party is entitled to a new trial if the trial court abused its discretion or committed a fundamental error of law that controlled or affected the outcome of the case. *Angelo v. Lawrence*, 871 A.2d 1276, 1279 (Pa. Super. 2005), *appeal denied*, 889 A.2d 87 (Pa. 2005). A new trial is not warranted merely because some irregularity occurred during the trial or because another trial judge would have ruled differently; instead, the moving party must demonstrate that he or she suffered prejudice from the mistake. *Boucher v. Pennsylvania Hospital*, 831 A.2d 623, 627 (Pa. Super. 2003).

2. The Peer Review Protection Act (63 P.S. §§ 425.1-425.4) prohibits production of any documents, records, findings, recommendations and any other information obtained, collected, created and discussed during peer review processes, including information related to treatment of other patients and to the status of staff privileges. *Sanderson v. Frank S. Bryan, M.D., Ltd.*, 522 A.2d 1138 (Pa. Super. 1987) and *Young v. Western Pennsylvania Hosp.*, 722 A.2d 153 (Pa. Super. 1998). Unrelated slander litigation does not act as a waiver of the statutory protection. *D'Arcangelo v. DeLeo et al.*, 2009 CV3538 MM (Dauphin County) June 19, 2013.

3. Learned writings which are offered to prove the truth of the matters therein are hearsay and may not properly be admitted into evidence for consideration by the jury. *Majdic v. Cincinnati Machine Co.*, 537 A.2d 334, 339 (Pa. Super. 1988) (en banc). Pennsylvania case law permits very limited use of learned treatises on cross-examination for impeachment purposes, but only of experts. *Aldridge v. Edmunds*, 750 A.2d 292 (Pa. 2000); *Burton-Lister v. Siegel, Sivitz and Lebed Associates*, 798 A.2d 231 (Pa. Super. 2002).

4. When reviewing a motion for judgment notwithstanding the verdict, all of the evidence admitted must be considered to decide if there was sufficient competent evidence to sustain the verdict. In doing so, this evidence must be viewed in the light most favorable to the verdict winner, giving the victorious party the benefit of every reasonable inference arising from the evidence and rejecting all unfavorable testimony and evidence. *Grossi v. Travelers Pers. Ins. Co.*, 79 A.3d 1141, 1147-48 (Pa. Super. 2013). A jury is free to believe all, some, or none of the testimony presented by a witness. *Neison v. Hines*, 653 A.2d 634, 637 (Pa 1995).

Motion for New Trial. C.P., Dau. Co., No. 2009 CV 5258 MM.
Denied.

Richard C. Angino, for Plaintiffs

Robert E. Dillon, for Defendant

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OPINION

Turgeon, Bratton, and Tully, J.J (en banc), March 25, 2015 – Before the court is the post-trial motion filed by the Plaintiffs in this medical malpractice action. Plaintiffs have requested review of their motion by an en banc panel of this court. For the reasons set forth below, this panel denies the motion.

BACKGROUND

Plaintiffs Marilyn and Gregory Taylor alleged that Joanna DeLeo, D.O. was negligent in performing a laparoscopy upon Mrs. Taylor May 22, 2008. That laparoscopy was the final of thirteen (13) such procedures performed by Dr. DeLeo upon Mrs. Taylor between 1996 and 2008. The laparoscopies were primarily conducted to remove abdominal adhesions in order to treat Plaintiff's chronic abdominal pain. Following the final laparoscopy, Plaintiff suffered from enterotomies (tears) in her colon which required lengthy treatment and numerous additional medical procedures.

This action was initially tried before a jury in 2011 and resulted in a defense verdict. On appeal, the Superior Court reversed and remanded for a new trial. *Taylor v. DeLeo*, No. 188 MDA 2012 (Pa. Super. Jan. 25, 2013) (mem). The re-trial was held August 18-20, 2014 before the Hon. Jeannine Turgeon. The jury again returned verdict in favor of Dr. DeLeo.

Plaintiffs' primary theory of negligence at the re-trial was that Dr. DeLeo should not have repeatedly operated upon Plaintiff, culminating in her being harmed as a result of the thirteenth and final procedure. Plaintiffs also argued that Dr. DeLeo was negligent for having performed the final surgery without properly documenting Plaintiff's symptoms, by failing to keep up to date with the current literature concerning the performance of laparoscopies and by perforating her colon during the final surgery. Marilyn Taylor sought damages for all the harm she suffered following the final surgery. She additionally alleged that Dr. DeLeo's conduct was so outrageous that it warranted an award of punitive damages. Gregory Taylor sought damages for loss of consortium.

TRIAL PROCEEDINGS

The evidence produced at trial, relevant to the resolution of the issues raised by Plaintiffs in their post-trial motion, is as follows: Dr. DeLeo, a general surgeon, initially treated Plaintiff in 1996. Plaintiff was then forty-eight years of age and was diagnosed with a severe hiatal hernia and acid reflux. Dr. DeLeo performed her initial laparoscopy to treat

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these symptoms August 6, 1996. Laparoscopy typically involves three small abdominal incisions of about one centimeter. One of the openings is used to create a port for insertion of a laparoscopic camera. The other incisions are used by the surgeon as ports for surgical instruments. (N.T. 88-89) In order to create surgical space, the abdomen is insufflated (inflated) with carbon dioxide. (N.T. 329) The surgeon then operates with the guidance of a television screen.

During this first procedure, Dr. DeLeo discovered that Plaintiff had many intraabdominal adhesions, which are scar tissue that form due to damage from surgical intervention or abdominal inflammation. (N.T. 52, 132-33). Adhesions are often cut or lysed with a scissors type instrument in a procedure called adhesiolysis. (N.T. 71, 132) Some patients are prone to forming adhesions and it is not clear why; Plaintiff was one such patient. (N.T. 133) Adhesions themselves are not thought to be pain-causing except to the extent they cause blockages. (N.T. 134) Over the ensuing years, Dr. DeLeo performed twelve more laparoscopies upon Plaintiff lysing adhesions or attempting to lyse adhesions during most of the procedures.¹ (N.T. 42) The final laparoscopy was performed May 22, 2008 when Plaintiff was sixty years old. Four days following that procedure Plaintiff reported to the ER and required emergency abdominal surgery to treat two enterotomies in her transverse colon. The tears caused fecal matter to enter her abdominal cavity resulting in life-threatening peritonitis. She underwent a very lengthy period of treatment and recovery including receiving a colostomy. (See N.T. 158-61, 233-37)

1. A summary of the procedures, gleaned from Dr. DeLeo's testimony, is as follows:

1. August 6, 1996: Laparoscopy to treat Plaintiff's hiatal hernia and acid reflux. (N.T. 47-52, 61)
2. May 5, 1997: Laparoscopy to treat Plaintiff's complaints of excruciating lower left quadrant pain. The laparoscopy was aborted, however, due to copious abdominal adhesions and converted to an open procedure. The adhesions were then lysed and Plaintiff's inflamed appendix removed. (N.T. 51-56)
3. March 15, 1999: Laparoscopy to treat Plaintiff's lower left quadrant pain and multiple cutaneous cysts. Dr. DeLeo lysed adhesions during which she caused a small enterotomy in the bowel which was repaired. (N.T. 59-60, 64)
4. May 22, 2000: Laparoscopy to treat recurrence of acid reflux. Laparoscopy aborted to an open procedure in order to lyse adhesions and gain access the esophageal area. (N.T. 61-66)

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Dr. Steven Cohen, Plaintiff's expert in general surgery and laparoscopy, testified that Dr. DeLeo, in recommending and performing the last operation May 22, 2008, grossly deviated from the standard of care in light of the patient's history of twelve prior operations and the complications that arose from those operations. (N.T. 124-25) He noted that Plaintiff, as an adhesion former, was at a higher risk of complications from laparoscopy. He explained that profuse adhesions make surgery difficult wherein the surgeon has to lyse adhesions to expose the organs which causes bleeding. The procedure also raises the potential for injuries involving pulling adhesions and damaging organs off-site, which he testified are frequent in laparoscopic surgery. (N.T. 135)

Dr. Cohen opined that the final operation was not indicated and ended up causing the patient considerable pain and suffering. (N.T. 120, 165-66) He characterized Dr. DeLeo's conduct as outrageous, stating "the

5. May 16, 2001: Laparoscopy to treat Plaintiff's upper quadrant pain in her gallbladder area. Dr. DeLeo discovered "massive amounts of adhesions" to the gall bladder and skin lesions (infected areas). Dr. DeLeo removed Plaintiff's gall bladder. (N.T. 43-45, 47, 66-67)

6. September 16, 2002: Laparoscopy to treat Plaintiff's chronic abdominal pain secondary to her adhesions. Dr. DeLeo discovered more intraabdominal adhesions and lysed them. (N.T. 68-70)

7. August 27, 2003: Laparoscopy performed to treat Plaintiff's shortness of breath after heart and lung problems were eliminated as causes. Dr. DeLeo discovered intraabdominal adhesions so dense she aborted the lysing of any adhesions. Despite aborting the surgery, Dr. DeLeo reported that Plaintiff's symptoms were eliminated which she opined was possibly due to the insufflation which pulled down adhesions thus providing Plaintiff with relief. (N.T. 95-100; Exbt. P-1 p. 9, P-3 p. 37)

8. June 30, 2004: Laparoscopy performed to treat abdominal adhesions. Dr. DeLeo discovered a "copious amount of abdominal adhesions." Adhesions were lysed during which Dr. DeLeo caused a enterotomy in the bowel, which she repaired. (N.T. 70-72)

9. May 8, 2006: Exploratory laparoscopy and lysing of adhesions performed to treat Plaintiff's breathing problems and abdominal pain. (N.T. 74)

10. December 11, 2006: Exploratory laparoscopy to treat Plaintiff's lower quadrant abdominal adhesion pain. Laparoscopy aborted by Dr. DeLeo and converted to an exploratory laparotomy. During the procedure, Plaintiff suffered a small enterotomy to her bowel which Dr. DeLeo repaired and which required Plaintiff's hospitalization for three or four days. (N.T. 76-78)

11. June 12, 2007: Laparoscopy performed to treat abdominal adhesions. (N.T. 80)

12. January 18, 2008: Laparoscopy performed to treat Plaintiff's bilateral upper and lower abdominal pain. (See Exbt. P-3 p. 15; N.T. 284-86)

13. May 22, 2008: Laparoscopy performed to treat Plaintiff's bilateral rib cage pain. Four days following the procedure, two enterotomies were discovered causing Plaintiff life-threatening complications. (N.T. 81-82, 318; see N.T. 233-37)

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behavior, the recommendations, the performance of the operations were something that I had never seen before in terms of the magnitude, the number of procedures, the way the procedures were performed, the complications resulting from the procedures. I think it is the very definition of the word outrageous.” (N.T. 125)

Dr. Cohen testified that there is some controversy within the profession wherein some physicians do not recommend adhesiolysis to treat abdominal pain at all while some recommend it. (N.T. 167-68) Dr. Cohen testified that in the ten to twelve articles he was able to find addressing adhesiolysis for patients with chronic pain, only one, the 2003 Swank study, involved a controlled prospective randomized double-blind study, which he stated was the gold standard for any scientific study. (N.T. 143-44) The Swank study concluded that laparoscopic adhesiolysis cannot be recommended as a treatment for adhesions in patients with chronic abdominal pain and that non-surgical treatment was just as effective. (N.T. 145-46) He nevertheless admitted that since the Swank study was conducted, there has been additional literature advocating laparoscopic adhesiolysis for treatment of chronic pain. (N.T. 167, 175)

Dr. Cohen also testified that in all the relevant literature upon which he relied in rendering his opinion, he discovered very few patients who underwent a second adhesiolysis. He testified: “in the entire world’s literature those were the only eight patients that had as many as two operations that I could find.” (N.T. 154-55) Dr. Cohen did not know of single physician, other than Dr. DeLeo, who has ever performed more than two adhesiolysis operations for control of abdominal pain, much less three or more. (N.T. 155-56) He admitted, however, that amongst those who advocate laparoscopy to treat chronic pain, he was not aware of any literature that says the procedure should be limited to one performance. (N.T. 168)

Dr. Cohen stated that it is the duty of surgeons to keep up to date with the relevant literature by reading peer reviewed articles and that he found Dr. DeLeo acted below the standard of care by showing ignorance of published guidelines for laparoscopies. (N.T. 136, 142-43, 163)

Dr. Cohen also criticized Dr. DeLeo for failing to provide sufficient documentation of the symptoms suffered by Plaintiff prior to the final laparoscopy. He testified that proper documentation was important for any physician, noting the widely recognized “SOAP” acronym which refers to the elements for proper patient documentation. (N.T. 126) They include the patient’s subjective complaints or symptoms (S), the

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physician's objective observations of symptoms (O), the physician's assessment or differential diagnosis (A), and the physician's plan of treatment (P). Dr. Cohen opined that there was a lack of documented symptoms anywhere in Dr. DeLeo's records that supported her performance of the last laparoscopic surgery for lysing adhesions to treat chronic pain. (N.T. 126) Ultimately, he concluded that "multiple surgeries were done without indication and apparently gross indifference to the consequences.... I think the designation outrageous behavior is appropriate." (N.T. 165-66)

Finally, Dr. Cohen faulted Dr. DeLeo for having a higher complication rate of causing bowel enterotomies when compared to other physicians. (N.T. 163) He testified that perforations may occur to a patient during surgery but do not become apparent until sometime after surgery. In addition, some perforations may actually occur after surgery. (N.T. 173-74) He conceded, however, that in either case the existence of the perforation does not necessarily mean the surgeon has deviated from the standard of care. (N.T. 174)

Dr. Mark Pello, Defendant's expert in general surgery and laparoscopy, testified that Dr. DeLeo did not deviate from the standard of care concerning her treatment of Plaintiff. (N.T. 182-83, 199) He concluded that it was not unreasonable for Dr. DeLeo to perform a lysis of adhesions May 22, 2008 even though she had done several such surgeries in the past, noting that following the earlier surgeries Plaintiff had been provided relief from her symptoms and had not suffered significant post-operative complications. (N.T. 184-85, 211) Dr. Pello found that the records showed Plaintiff repeatedly obtained pain relief lasting from six months to a year following her laparoscopic surgeries. (N.T. 210)

He testified that it is commonly recognized within the field that lysis of adhesions will result in relief of chronic abdominal pain in a certain percentage of patients so long as the doctor has the proper expertise and the patient understands what is going to be attempted. (N.T. 183) According to Dr. Pello, there is no literature that says it is against the standard of care to perform lysis of adhesions to treat chronic abdominal pain. (N.T. 183, 198-99) It was Dr. Pello's opinion that the number of physicians advocating the treatment of chronic abdominal pain with laparoscopic surgery was in fact growing. (N.T. 198)

Dr. Pello admitted that none of the articles he relied upon in rendering his reports advocated the use of laparoscopic surgery more than once to lyse adhesions; however, he noted that none explicitly said it was inappropriate to perform more than one laparoscopic surgery. (N.T. 205)

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Dr. Pello denied any personal knowledge of any surgeon who had ever performed more than two or three laparoscopies though he was aware it had been done elsewhere in other clinics. (N.T. 215) Finally, concerning the Swank study, Dr. Pello did not consider it definitive because he did not believe it to be a true double blind study. He explained that in that study, both the patients receiving laparoscopic adhesiolysis and the placebo group (which did not undergo adhesiolysis), had been insufflated with carbon dioxide. He believed that raising of the abdomen during insufflation alone can provide relief to a patient. (N.T. 196) He also criticized the Swank study for its small sample size. (N.T. 194-95, 197)

Concerning the enterotomies caused from the final laparoscopy on May 22, 2008, Dr. Pello opined that they occurred sometime post-operatively. (N.T. 185, 192) He disagreed that the tears were caused during the surgery, explaining that a large enterotomy would have resulted in fecal matter leaking into the abdomen which would have caused Plaintiff an immediate injury, not one that went unnoticed for four days. (N.T. 193) Dr. Pello explained that during the lysing process, injuries often occur to organs wherein a small divot may be taken out of the wall of an organ which causes a weakness. Later, when the bowel starts to squeeze, the weakness “blows” to a perforation because the organ wall was not at full thickness. Dr. Pello testified that this was not an unusual occurrence and that the development of enterotomies post-operatively in this case did not indicate a deviation from the standard of care by Dr. DeLeo. (N.T. 191-93)

Defendant Dr. DeLeo testified that she fully documented all the “SOAP” elements (subjective, objective, assessment and plan) leading up to the last surgery (N.T. 318-322) She testified that she reported Plaintiff’s subjective complaints including that her adhesion pain had recurred and that she was suffering from bilateral ribcage pain. (N.T. 318, 351) Dr. DeLeo objectively noted Plaintiff’s normal chest X-rays and cardiac clearance by another physician following an arteriogram, thus ruling out heart or lung issues. (N.T. 319, 322, 352) Dr. DeLeo also performed a physical examination upon Plaintiff and found her to have bilateral upper abdominal tenderness as well as normal bowel sounds. (N.T. 319-20, 353) Dr. DeLeo’s assessment was that Plaintiff’s pain was probably caused by adhesions. (N.T. 320-21-23, 353-54) Her plan was to perform a laparoscopy to determine if she was suffering from adhesions. (N.T. 321, 354)

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Dr. DeLeo testified that she routinely read peer reviewed articles relevant to her job. (N.T. 37-38) She knew from the literature that it was acceptable to perform laparoscopic adhesiolysis to treat chronic pain. (N.T. 370) She understood this as well from her residency experience. (N.T. 91, 371) Dr. DeLeo nevertheless testified that she did not recall reading any literature between 1990 and 2008 indicating it was controversial to perform adhesiolysis for treatment of pain. (N.T. 91-92) She was also unaware of any literature discussing the repeated use of laparoscopies. (N.T. 91) She knew from experience that lysing adhesions to treat abdominal pain was a procedure that was normally performed just one time although she did recall that during her residency several patients had two or three laparoscopies performed upon them. (N.T. 92) She felt that it was within the standard of care to lyse adhesions more than two or three times if it was helping the patient. (N.T. 94) She testified that when she lysed Plaintiff's adhesions, Plaintiff was provided relief from her symptoms and that the repeated use of the procedure was a good idea for that reason. (N.T. 330, 333) She explained that the procedure was also indicated because there was a danger of bowel obstructions if adhesions were left untreated. (N.T. 330-31)

With regard to the risks of laparoscopies, Dr. DeLeo agreed that four of the earlier laparoscopies she performed upon Plaintiff had to be aborted after inflating the abdomen because the density of adhesions made surgery too dangerous. (N.T. 344) She also testified that she was aware that enterotomies were a major risk of laparoscopies and that she had in fact caused them during three prior laparoscopies. (N.T. 343) Dr. DeLeo nevertheless believed the benefit of reducing Plaintiff's pain was worth the potential risk of enterotomies and that the prior enterotomies had all been repaired during each surgery and caused Plaintiff no long term complications. (N.T. 343, 347) Concerning the perforations caused during the final laparoscopy, which were discovered four days following that procedure, Dr. DeLeo testified that those tears had not occurred during the surgery itself since leakage from such tears would have been immediately apparent. (N.T. 334, 336-37) She suggested the enterotomies occurred after the surgery and were normal accepted risks of abdominal surgery. (N.T. 341)

At the conclusion of trial, the jury was presented with interrogatories agreed to by the parties. The first interrogatory asked: "Do you find Defendant Joanna M. DeLeo, D.O., was negligent for performing the last, 13th surgery on May 22, 2008, without reasonable basis under the applicable standard of care?" The jury answered "no" and thus did not reach any of the remaining interrogatories. Following the entry of the

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verdict, Plaintiffs filed a timely post-trial motion including a request to have the motion decided by an en banc panel, which request Judge Turgeon granted. Pa.R.C.P. 227.2. Oral argument before the panel was held December 1, 2014.

LEGAL DISCUSSION

In their post-trial motion, Plaintiffs seek a new trial for the following reasons: (1) the court erred by precluding Plaintiffs from submitting evidence of peer review proceedings initiated against Dr. DeLeo resulting in the loss of her surgical privileges; (2) the court erred by precluding Plaintiffs from cross-examining Dr. DeLeo with certain learned treatises; (3) the court erred by denying Plaintiffs' motion in limine to preclude or severely limit the testimony offered by Defendant's expert witness Dr. Pello; (4) the court erred by permitting Defendant to offer testimony about the medical benefits of insufflation where such testimony was without scientific basis; and (5) the court erred by denying Plaintiffs' motion for a directed verdict/JNOV.

A party is entitled to a new trial if the trial court abused its discretion or committed a fundamental error of law that controlled or affected the outcome of the case. *Angelo v. Lawrence*, 871 A.2d 1276, 1279 (Pa. Super. 2005), *appeal denied*, 889 A.2d 87 (Pa. 2005). An abuse of discretion exists where the court renders a judgment or decision that is "manifestly unreasonable, arbitrary or capricious, or has failed to apply the law, or was motivated by partiality, prejudice, bias or ill-will." *Ettinger v. Triangle Pacific Corp.*, 799 A.2d 95, 106 (Pa. Super. 2002), *appeal denied*, 815 A.2d 1042 (Pa. 2003). A new trial is not warranted merely because some irregularity occurred during the trial or because another trial judge would have ruled differently; instead, the moving party must demonstrate that he or she suffered prejudice from the mistake. *Boucher v. Pennsylvania Hospital*, 831 A.2d 623, 627 (Pa. Super. 2003) (citation omitted).

1. Evidence of Lost Operating Privileges / Peer Review Protection

Prior to trial, Plaintiffs filed a motion in limine in which they sought a declaration that they be permitted to produce evidence collected during a peer review of Dr. DeLeo's performance conducted by Pinnacle Hospital's peer review committee between March 2007 and January 2008, including the status of her staff privileges. Following that review, the committee unanimously declined to extend membership and laparoscopic surgical privileges to Dr. DeLeo. Plaintiffs asserted that amongst the reasons the committee so decided was that Dr. DeLeo had routinely

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failed to order appropriate pre-operative tests for patients, failed to conduct medically appropriate pre-operative evaluations of patients, exercised poor judgment in taking patients to the operating room and failed to provide medically appropriate post-operative care to patients. (Motion in Limine, ¶ 12) Plaintiffs also sought to introduce information concerning the decision by Holy Spirit Hospital to deny Dr. DeLeo's application for appointment and privileges as well as the fact of Dr. DeLeo's lack of medical staff appointment at any hospital between April 2007 and January 2008. (*Id.*)

Defendant opposed the motion claiming Plaintiffs were precluded from producing any such evidence since it was protected under Pennsylvania's Peer Review Protection Act (PRPA). 63 P.S. §§ 425.1-425.4. On May 9, 2014, Judge Turgeon issued a Memorandum and Order in which she held Plaintiffs were precluded from producing such evidence on numerous grounds, including that it was protected under the PRPA. Plaintiffs later sought reconsideration of that decision which Judge Turgeon denied. Plaintiffs argue that decision was in error.

The Commonwealth Court explained the purpose of the PRPA as follows:

[The PRPA] was promulgated to serve the legitimate purpose of maintaining high professional standards in the medical practice for the protection of patients and the general public. The Act represents a determination by the legislature that, because of the expertise and level of skill required in the practice of medicine, the medical profession itself is in the best position to police its own activities. The need for confidentiality in the peer review process stems from the need for comprehensive, honest, and sometimes critical evaluations of medical providers by their peers in the profession. Without the protection afforded through the confidentiality of the proceedings, the ability of the profession to police itself effectively would be severely compromised.

Joe v. Prison Health Servs., Inc., 782 A.2d 24, 32 (Pa. Commw. 2001) (citations omitted).

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In order to foster the free and frank discussions by per review committees,² the legislature built into the PRPA immunity and confidentiality provisions. *McClellan v. Health Maint. Org.*, 660 A.2d 97, 100 (Pa. Super. 1995), *aff'd* 686 A.2d 801 (Pa. 1996) (citing 63 P.S. §§ 425.3, 425.4). The confidentiality provision, at issue in this case, states as follows:

§ 425.4. Confidentiality of review organization's records.

The proceedings and records of a review committee shall be held in confidence and shall not be subject to discovery or introduction into evidence in any civil action against a professional health care provider arising out of the matters which are the subject of evaluation and review by such committee and no person who was in attendance at a meeting of such committee shall be permitted or required to testify in any such civil action as to any evidence or other matters produced or presented during the proceedings of such committee or as to any findings, recommendations, evaluations, opinions or other actions of such committee or any members thereof: Provided, however, that information, documents or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil action merely because they were presented during proceedings of such committee, nor should any person who testifies before such committee or who is a member of such committee be prevented from testifying as to matters within his knowledge but the said witness cannot be asked about his testimony before such a committee or opinions formed by him as a result of said committee hearings.

63 P.S. § 425.4 (bolding supplied). This confidentiality provision has been interpreted as an evidentiary privilege, though one that is not absolute. *See Hayes v. Mercy Health Corp.*, 739 A.2d 114, 117 (Pa. 1999).

As noted above, Plaintiffs sought to obtain and produce evidence that Dr. DeLeo's staff privileges had been denied or non-renewed, as well as the underlying reasons for those decisions, including that Dr.

2. A peer review organization, or committee, is an entity or an individual engaged in peer review. 63 P.S. § 425.2; *see Troescher v. Grody*, 869 A.2d 1014, 1022 (Pa. Super. 2005). "Peer review" is defined as "the procedure for evaluation by professional health care providers of the quality and efficiency of services ordered or performed by other professional health care providers, including practice analysis, inpatient hospital and extended care facility utilization review, ... and the compliance of a hospital ... with the standards set by an association of health care providers and with applicable laws, rules and regulations." 63 P.S. § 425.2.

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DeLeo was not a competent physician concerning her treatment of patients other than Plaintiff wherein she had failed to conduct adequate pre-operative tests and patient evaluations, exercised poor judgment in taking patients to the operating room and failed to provide appropriate post-operative care. Our courts have explicitly held, however, that PRPA Section 425.4 prohibits production of exactly this type of information. *Sanderson v. Frank S. Bryan, M.D., Ltd.*, 522 A.2d 1138 (Pa. Super. 1987) and *Young v. Western Pennsylvania Hosp.*, 722 A.2d 153 (Pa. Super. 1998).

In *Sanderson*, plaintiff sought the production of documents submitted to a peer review body at Carlisle Hospital concerning an orthopedic surgeon, against whom plaintiff asserted negligence. The surgeon and the hospital asserted the privilege under Section 425.4. The trial court held the privilege did not apply to information relating to the surgeon's treatment of patients other than the plaintiff. Following a review of the legislative history of the PRPA, and of Section 425.4 in particular, the Superior Court reversed, holding that the privilege extended to peer review information not directly related to the plaintiff's case or which involved complaints against the defendant physician by other patients. *Id.* at 1140-42.

In *Young*, the plaintiff asserted that the Western Pennsylvania Hospital had been negligent in granting staff privileges to an oral surgeon who operated upon her. In order to pursue her claim, plaintiff sought all documents, records and information submitted to the hospital's peer review committee concerning the surgeon's staff privileges. The trial court granted the hospital's motion to quash. The Superior Court affirmed on appeal, holding that the information sought was privileged under PRPA Section 425.4. The court stated that "[d]ocuments used in the determination of staff privileges are exactly the type of documents the legislature contemplated when drafting the Peer Review Protection Act. Granting, limiting, or revoking staff privileges is one of the strongest tools the medical profession uses to police itself." *Id.* at 156. *See also, Dodson v. DeLeo*, 872 A.2d 1237, 1242 (Pa. Super. 2005) (documents prepared for quality assurance and credentialing of staff physician are protected under Section 425.4) and *Troescher v. Grody* at 1021 (credentialing documents are immune from discovery under the plain language of the PRPA).

Accordingly, under the plain language of the statute and appellate court precedent, any documents, records, findings, recommendations and any other information obtained, collected, created and discussed

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during the Pinnacle or Holy Spirit Hospital peer review processes, were all clearly protected under the PRPA, including information related to Dr. DeLeo's treatment of other patients and to the status of her staff privileges. *See also, Troescher v. Grody* at 1020 (Pennsylvania's discovery rules specifically prohibit disclosure of privileged material, citing Pa.R.C.P. 4003.1(a)).

Plaintiffs argued that to the extent the PRPA privilege applied in this case, Dr. DeLeo waived any protection thereunder by initiating litigation in an unrelated lawsuit, *DeLeo v. Pinnacle Health System et al.* No. 2007 CV 13595 (Dauphin County). In that case, Dr. DeLeo primarily alleged she had been slandered by Pinnacle wherein a Pinnacle employee - in response to written questions submitted by Holy Spirit Hospital to Pinnacle concerning Dr. DeLeo's request for staff appointment at Holy Spirit - informed Holy Spirit that Dr. DeLeo was not a member in good standing with Pinnacle. Dr. DeLeo alleged that Pinnacle's assertion she was not a member in good standing was slanderous and caused Holy Spirit to reject her for appointment there, which later caused another health care provider to terminate her privileges. Dr. DeLeo additionally alleged that Pinnacle's claim that she was not a member in good standing arose from the confidential peer review conducted by Pinnacle under the PRPA and was improperly divulged by Pinnacle to Holy Spirit and other third parties without justification or privilege.

In its answer to Dr. DeLeo's amended complaint, Pinnacle supported its assertion that Dr. DeLeo was not a member in good standing by providing a detailed history of the peer review Pinnacle undertook of Dr. DeLeo resulting in its peer review committee unanimously voting to not recommend her for reappointment. Pinnacle cited the following reasons for the committee's reappointment denial: (1) failure by Dr. DeLeo to order appropriate pre-operative tests; (2) failure to conduct medically appropriate pre-operative evaluations of patients and the exercise of poor judgment in taking patients to the operating room; (3) failure to provide medically appropriate post-operative care; and (4) laceration of a patient's vena cava during a fundoplication and failure to manage the patient such that the patient's life was placed in jeopardy. (Answer to Amended Complaint ¶ 17(1)(1-4) (No. 2007 CV 13595)) Plaintiffs herein claim that *Pinnacle's* divulgence of the peer review findings in *DeLeo v. Pinnacle Health System et al.* amounts to a waiver by Dr. DeLeo of the PRPA privilege.

This identical issue was addressed by the Hon. Lawrence Clark in *D'Arcangelo v. DeLeo et al.*, 2009 CV 3538 MM (Dauphin County).

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There, plaintiff D’Arcangelo initiated a wrongful death action alleging Dr. DeLeo and Pinnacle committed medical malpractice by failing to timely diagnose decedent’s colon cancer. Plaintiff later sought to compel responses from Dr. DeLeo to discovery requests concerning her licensure before Pinnacle including proceedings before its peer review committee. Defendants asserted the information sought was protected from discovery under the PRPA. Plaintiff D’Arcangelo countered, as do Plaintiffs here, that the PRPA protection was waived when Pinnacle included detailed information pertaining to the peer review process in its answer to Dr. DeLeo’s slander claims (*DeLeo v. Pinnacle Health System*). Judge Clark issued a one-page decision denying the motion to compel, finding that no waiver had occurred and holding that the material sought was protected under the PRPA. *D’Arcangelo v. DeLeo* (June 19, 2013). Although this panel is not bound by Judge Clark’s holding in that case, we find it persuasive and similarly hold that the unrelated slander litigation in *DeLeo v. Pinnacle Health System* did not act as a waiver of the statutory protection in this malpractice action.

This panel notes the absurdity of finding that a physician subject to a peer review process waives the PRPA confidentiality protection by asserting that the peer review committee’s confidential findings were improperly divulged to third parties. This panel further notes that a physician subject to peer review has not voluntarily sought out a relationship with the peer review panel and does not voluntarily make confidential disclosures, except perhaps to the extent he or she divulges information in defense of claims which may result in the loss of his or her privileges or subject him or her to other professional sanctions. This is fundamentally unlike waiver in other privilege contexts, such as where confidences are exchanged between a client and an attorney, a patient and psychotherapist or a communicant and clergy, for instance.³ In those cases, the party to whom the privilege is extended voluntarily divulges confidential information. On the other hand, Dr. DeLeo made no voluntary disclosures to the peer review panel which she later sought to protect. Instead, it was Pinnacle, and not Dr. DeLeo, who disclosed peer review information in answering the slander allegations. As such, a finding that Dr. DeLeo waived the PRPA privilege under these circumstances was clearly not appropriate.

3. See e.g. 42 Pa.C.S.A. § 5916 (attorney-client privilege in criminal proceeding); 42 Pa.C.S.A. § 5928 (attorney-client privilege in a civil proceeding); 42 Pa.C.S.A. § 5944 (psychotherapist-client) and 42 Pa.C.S.A. § 5943 (clergy-communicant privilege).

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This panel also rejects Plaintiffs' assertion that Judge Turgeon erred by failing to deem as admissible the fact that Dr. DeLeo ceased to have staff privileges at Pinnacle, Holy Spirit and any other hospital during the relevant time periods (April 3, 2007 and January 2008). Plaintiffs suggested such evidence is a matter of public record. While this panel agrees that evidence is a matter of public record, Plaintiffs failed to indicate how a loss of staff privileges was relevant to the negligence claims raised against Dr. DeLeo by these Plaintiffs. "Evidence is relevant if it tends to prove or disprove a material fact." *Schuenemann v. Dreez, LLC*, 34 A.3d 94, 101 (Pa. Super. 2011) (citation omitted); see Pa.R.E. Rule 401 ("Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.") The broad claim that Dr. DeLeo had lost her staff privileges during the time period at issue was not probative of any claim raised wherein that evidence did not tend to prove she was negligent in her specific treatment of Plaintiff as alleged in this action.

2. Admissibility of Learned Treatises – Hearsay

Plaintiffs next argue that Judge Turgeon erred by precluding them from cross-examining Dr. DeLeo with certain learned treatises. Prior to the first trial, Dr. DeLeo filed a motion in limine seeking to preclude Plaintiffs from referring to or admitting evidence at trial of authoritative texts, including the SAGES⁴ Diagnostic Laparoscopy Guidelines and an article entitled *Lysis of Adhesions*. Specifically, Defendant sought to prohibit Plaintiffs from cross-examining Dr. DeLeo as to the contents therein for the purpose of showing that she failed to adhere to the standards of care indicated in that literature. In a September 13, 2011 Memorandum Order, Judge Turgeon granted the motion in part, holding that Plaintiffs were permitted to examine Dr. DeLeo as to whether she believed the texts in question were authoritative and why. Assuming Dr. DeLeo did not recognize the texts as authoritative (as she had at her deposition), Plaintiffs were precluded from examining her since such an examination would elicit impermissible hearsay, citing *Burton-Lister v. Siegel, Sivitz and Lebed Associates*, 798 A.2d 231, 239 (Pa. Super. 2002).

4. Society of American Gastrointestinal and Endoscopic Surgeons.

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Prior to the second trial, Plaintiffs requested Judge Turgeon reverse her 2011 order, which request she denied August 14, 2014. In support, Judge Turgeon again cited *Burton-Lister* as well as *Aldridge v. Edmunds*, 750 A.2d 292 (Pa. 2000), *Majdic v. Cincinnati Machine Co.*, 537 A.2d 334, 339 (Pa. Super. 1988) and *Craddock v. Viechnicki*, 79 Pa. D. & C.4th 225, 239-40 (Com. Pl. 2006), *aff'd* 909 A.2d 891 (Pa. Super. 2006) (unpublished). Plaintiffs now seek relief from that decision in their post-trial motion.

In *Aldridge*, our Supreme Court clarified the admissibility of learned treatises for purposes of the examination of an expert. The *Aldridge* court held that the trial court erred by permitting the plaintiffs in a medical malpractice action to use excerpts from the texts during the direct examination of their expert. The court explained that the testimony was impermissible hearsay noting the general rule that “when offered at a trial to establish principles or theories from their contents, texts and periodicals fall within the traditional definition of hearsay - an extra-judicial declaration offered to prove the truth of the matter asserted. *Id.* at 296 (citing *Majdic v. Cincinnati Machine Co.*, *supra*). The court acknowledged that Pennsylvania, unlike many other jurisdictions, has not created an exception permitting the admission of treatise materials as substantive evidence on a limited basis. *Id.* at 296-97 (citing P.R.E. 803(18) (“Pennsylvania does not recognize an exception to the hearsay rule for learned treatises”). The court nevertheless acknowledged “that if published material is authoritative and relied upon by experts in the field, although it is hearsay, an expert may rely upon it in forming his or her opinion.” *Id.* at 297. As such, our courts permit “subject to appropriate restraint by the trial court, limited identification of textual materials (and in some circumstances their contents) on direct examination to permit an expert witness to fairly explain the basis for his reasoning.” *Id.* (citations omitted). The *Aldridge* court additionally acknowledged that “[o]ur evidentiary rules also permit limited use of treatises on cross-examination for impeachment.” *Id.* at 297 n. 4.

The Superior Court in *Burton-Lister* applied *Aldridge* in a situation in which the plaintiff in a medical malpractice action was permitted by the trial judge to cross-examine the defendant doctors by learned treatise. The trial court had relied upon *Aldridge* as permitting the examination. On appeal, the *Burton-Lister* court held this was error, explaining as follows:

Both Appellees [plaintiffs] and the trial court rely on *Aldridge v. Edmunds* ..., for the proposition that “an expert

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may be tested by reference to ‘standard works.’” ... This statement of our evidentiary rules, accurate as far as it goes, is nevertheless incomplete. As the *Aldridge* Court points out, “Pennsylvania courts have ... permitted, subject to appropriate restraint by the trial court, **limited** identification of textual materials (and in some circumstances their contents) on direct examination to permit an expert witness to fairly explain the basis for his reasoning.” *Id.* at 297 (citations omitted). The Court further observes that “our rules permit **limited** use of treatises on cross examination for impeachment.” *Id.* [bolding supplied in *Burton-Lister*]. It is clearly the exercise of this latter option by Appellees to which Appellants now object. ...

Appellant Dr. Sivitz conceded that he subscribed to the publication in question, which, although he did not regard it as authoritative, is recognized as a “standard work” in the field. ... Appellant Dr. Lebed testified to much the same effect. ... Thus, the trial court found, the material was properly used at trial, not “for the truth of the matter asserted, but only to challenge the witness and the weight to be accorded” to his testimony. ... This statement, while also legally accurate, recites a rule which our Supreme Court has found to be something of a polite fiction.

In *Aldridge*, the Court explained the principle, enunciated in *Nigro v. Remington Arms Company*, 432 Pa. Super. 60, 637 A.2d 983 (1993) *appeal dismissed*, 540 Pa. 49, 655 A.2d 505 (1995), that authoritative texts may be offered for the purpose of bolstering the credibility of an expert witness. This purpose, the Court noted, implies a distinction from “the impermissible objective of attempting to prove the truth of the matter asserted.” *Aldridge, supra* at 297. The Court recognized quite clearly that “[t]his rationale, however, is unsound, since there can be no bolstering effect if the published materials are not seen as authoritative and thus believable.” *Id.* That is, not merely the legal status of the publication, but also its subject matter, are routinely offered to bolster, or reinforce, credibility; thus, the book and its cover are, as a practical matter, inseparable. **The reverse is also true: attacks on credibility using authoritative texts cannot be successful without a subliminal suggestion that the truth of the matter asserted is contained in the text itself.** [bolding supplied]

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Here, the material in question was used in cross examination of a party, not an expert witness. Moreover, those parts of the text which reinforced Appellees' theory of negligence were read into the record, offering, despite the ostensible purpose of the process, an implicit invitation to the jury to view the substance of the material as true. As the appellate courts of this Commonwealth have consistently noted, "learned writings which are offered to prove the truth of the matters therein are hearsay and may not properly be admitted into evidence for consideration by the jury." *Majdic v. Cincinnati Machine Co.*, 370 Pa. Super. 611, 537 A.2d 334, 339 (1988) (*en banc*). Further, to counter any suspicion of archaism raised on direct examination, Appellees point out that they also supplied a more recent article which refers to the earlier one. Thus it is easily deducible that what was conveyed to the jury, intentionally or otherwise, was the notion that the matter described in the article was to be accepted as true. For these reasons, we are compelled to conclude that the trial court failed to assure, pursuant to *Aldridge, supra*, that the use made of the publication was "judicious" or "limited" in nature. *Id.* at 298.

Burton-Lister at 238-39 (footnote omitted).

Burton-Lister was later applied in a case almost identical to ours. *Craddock v. Viechnicki, supra*. There, the plaintiff objected to the trial court's decision that "there will be no reading from the text or other treatises or documents ... The [defendant] doctor may be asked if he is familiar with them. He may be asked if they are—if he considers them to be authoritative, and that will be the extent to which he can be questioned on treatises." *Id.* at 239. The trial court, relying upon *Burton-Lister*, concluded as follows:

In the case at hand, plaintiffs' counsel wanted to read into the record excerpts that would reinforce plaintiffs' theory of negligence. Doing so would run the risk of causing the jury to believe that the material in the texts was the appropriate standard of care to be followed by defendant. Unless the authors of the various texts were called as witnesses, the contents of the books are hearsay that could not be admitted as evidence to the jury to establish the truth of the matter asserted.

Id. at 239-40 (footnote omitted). This holding was affirmed by the Superior Court in an unpublished opinion. *See*, 909 A.2d 891 (Pa. Super. 2006) (mem.).

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The case law thus sets up significant hurdles for admissibility which Plaintiffs failed to clear. First, in order to impeach by treatise, the treatise must be considered an authoritative text (or a standard work). Dr. DeLeo never admitted that she considered the two publications in question - SAGES Guidelines and *Lysis of Adhesions* article - to be authoritative.

Plaintiffs argue that the court should have held the publications authoritative because both parties' experts agreed they were. Even conceding Plaintiffs this point, however, they fail to clear a second hurdle. As noted, the case law has allowed very limited use of learned treatise on cross-examination for impeachment purposes but *only of experts*. Plaintiffs argue there is no distinction between how the law treats the impeachment via treatise of an expert and a defendant doctor. *Burton-Lister* clearly suggests otherwise, explicitly holding that the cross-examination of treating physicians by learned treatise was improper for a number of reasons including that the cross-examination was "of a party, not an expert witness." *Id.* at 239 (bolding supplied). In so stating, the court was further limiting the already limited use of impeachment by treatise only to experts. That holding is dispositive and fully supports Judge Turgeon's decision to preclude Plaintiffs from impeaching Dr. DeLeo through learned treatise; i.e. Dr. DeLeo was not an expert witness and thus not encompassed within the limited exception to hearsay discussed in *Aldridge* and *Burton-Lister*. Plaintiffs have provided no authority for the proposition that the limited use of impeachment via treatise applies to non-experts.

Even to the extent a plaintiff in a medical malpractice action is afforded the limited use of impeachment by treatise of a non-expert defense witness, Plaintiffs fail to clear a third and final hurdle, which is to show they intended to use the literature in a manner that did not introduce clearly inadmissible hearsay into the proceedings. As gleaned from the record and arguments, Plaintiffs sought to cross-examine Dr. DeLeo concerning the *contents* of the proposed literature including of the standard of care set forth therein. Such use of treatises for impeachment goes well beyond the limited use permitted under the case law and Rules of Evidence. To allow such evidence would invite the jury "to view the substance of the material as true" and leave the jury with the "subliminal suggestion that the truth of the matter asserted is contained in the text itself." *Burton-Lister* at 239. Because the proposed use of the publications was neither "judicious" nor "limited," there was no error committed by precluding Plaintiffs from eliciting impermissible hearsay at trial.

3. Motions to Preclude or Limit Dr. Pello's Testimony

Prior to trial, Plaintiffs filed a number of motions in limine seeking to preclude or severely limit the testimony of Defendant's expert Dr. Pello. Plaintiffs explained that for the re-trial, they were only going to pursue a theory of liability arguing that it was negligent for Dr. DeLeo to have repeatedly used laparoscopies to treat Plaintiff and that they were abandoning the alternative theory they pursued in the first trial, which was that Dr. DeLeo negligently performed a number of earlier individual laparoscopies.

Plaintiffs' initial motion in limine asserted that since Dr. Pello had never included in his first expert report (Exbt. D-2) nor testified at the first trial that lysing adhesions on more than two or three occasions was within the standard of care, he should be precluded from testifying at the new trial since repeated use was the only theory Plaintiffs would pursue. Following a conference, Judge Turgeon denied the motion without prejudice, with leave for Dr. Pello to supplement his expert report. Dr. Pello filed a supplemental report December 4, 2014 in which he explicitly opined that multiple use of laparoscopies in this case was within the standard of care. (Exbt. D-3) Judge Turgeon thus denied Plaintiffs' renewed motion to preclude Dr. Pello's testimony on January 6, 2014.

Dr. Pello issued a second supplemental report dated February 13, 2014, in response to the supplemental report issued by Defendant's expert Dr. Cohen. (Exbt. D-4) In it, Dr. Pello similarly opined that multiple use of laparoscopies in this case was within the standard of care noting a growing body of published literature in peer reviewed journals supporting the surgical management of abdominal pain secondary to non-obstructive adhesions, quoting from six such publications. (*Id.*)

On the eve of retrial, Plaintiffs filed another motion in limine claiming that Dr. Pello's supplemental report was deficient and lacking in scientific basis since none of the articles he referenced included an assertion that it was appropriate to lyse adhesions to relieve pain more than once or twice. Plaintiffs suggested that in order for Dr. Pello to testify, he had to produce peer reviewed literature explicitly stating that lysing of adhesions on more than two or three occasions was within the standard of care. Judge Turgeon disagreed and denied Plaintiffs' final motion August 15, 2014.

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The issue of whether Dr. Pello's opinions set forth in his supplemental reports were adequately supported by the science within his field raised an issue properly reserved for cross-examination and was ultimately one of credibility for the jury to determine. As such, this panel finds no error in permitting Dr. Pello to testify at trial concerning repeated use of laparoscopies to treat chronic pain.

4. Speculation About Insufflation

Plaintiffs next argue that the trial court erred by permitting Defendant to offer testimony about the medical benefits of insufflation where such testimony was without a *Frye* or *Daubert* scientific basis.⁵ As a matter of background, this issue first arose during Plaintiffs' examination of Dr. DeLeo concerning the laparoscopy she performed August 27, 2003. Dr. DeLeo testified that one month earlier, she saw Plaintiff who complained of severe shortness of breath, an inability to walk and an inability to speak more than a sentence at a time. After examining Plaintiff, Dr. DeLeo sent her to the ER for a heart and lung check-up which was negative. (N.T. 95, P-1 p. 9) Dr. DeLeo again saw Plaintiff after her ER visit and concluded Plaintiff's symptoms were caused by her adhesions, so she scheduled a laparoscopy to lyse them. (N.T. 96-97) During that procedure, after the incisions had been made for the camera and surgical instrument ports, and after Plaintiff's abdomen was insufflated with carbon dioxide, the procedure was aborted because Plaintiff's adhesions were too dense to allow for safe lysing. (N.T. 99) Despite the fact that the procedure was aborted, Dr. DeLeo testified that her post-operative exam revealed that Plaintiff's symptoms had been entirely eliminated. (N.T. 97; Exbt. P-3 p. 37). The relevant testimony proceeded as follows:

Q: (Plaintiffs' Attorney) Let's now see what that procedure where you merely entered into Mrs. Taylor's abdomen with just the insufflation and the camera, let us now turn to 10. September 8th, 2003. She couldn't breathe. She couldn't walk. She couldn't even say a whole sentence. You basically opened her up, put a camera in and insufflated her.

5. *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923) and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993).

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[Quoting from Dr. DeLeo's notes] ["Marilyn is here for a recheck one week status post laparoscopy with lysis of adhesions. She is doing very well, having no pain, no problems and her incision sites are well healed. She is back to work, tolerating regular diet and moving her bowels without difficulty. ["] So put the camera in, insufflate her and she is well, right.

A: (Dr. DeLeo) Well, here is what happens with that. Just the act of insufflating the abdomen can actually pull down adhesions so if you –

Q: May I object. ...

(N.T. 99-100)

During sidebar, Plaintiffs' attorney objected to Dr. DeLeo's testimony because it was without any scientific basis. Judge Turgeon ruled that Dr. DeLeo could answer the question since she was providing an answer as to what she believed happened and that Plaintiffs' attorney could further impeach her as to the scientific foundation of her answer.

When questioning resumed, Dr. DeLeo finished answering as follows:

THE WITNESS: So when you insufflate the abdomen imagine it being like a balloon that has no air in it and then when you blow up the balloon and it is expanding, anything that is caught or stuck up underneath the surface of the balloon as it expands, if the adhesions are filmy enough and usually the new adhesions are, the ones that are real thick, they aren't the filmy ones, they will actually drop and so sometimes you can actually see it happen if you have the camera in as you are insufflating the abdomen. You will see as the abdomen inflates and blows up some of these bowel and the adhesions will kind of break on their own if they are filmy enough. So that can be therapeutic if those are the adhesions that are causing the problem and that are pushing up on the diaphragm that can actually be therapeutic.

BY MR. ANGINO: Doctor, the medical profession is based on science, is that right? It is scientific?

A: It's a science. Surgery is more like an art.

Q: But did you learn anything in school, have you ever seen any article, have you ever seen anything to say that merely

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opening somebody up and insufflating a person is going to take that person from not able to speak or say a sentence or walk to being perfectly fine? Have you ever seen anything that can substantiate what you just told this jury?

A: I have seen it drop down during the surgery, you know, so I have actually seen that happen where insufflating the abdomen has lysed the adhesions on its own and I have seen the patient get better but I don't have any articles on it.

Q: You don't know of any book, any text book, any article, anything that would substantiate what you are telling this jury, do you?

...

THE WITNESS: No.

(N.T. 100-103)

Later in the trial, Dr. Pello testified as to similar issues, stating that the act of insufflating the abdomen lifts it up and "a lot of the adhesions just fall away. They don't have to be cut." (N.T. 196) Plaintiffs raised no objection to Dr. Pello's testimony.

At the outset, this panel notes that in both Plaintiffs' post-trial motion and brief in support, they define this issue as being that the court erred by permitting *Dr. Pello* to speculate at trial about the healing powers of insufflation. Since Plaintiffs raised no objection to Dr. Pello's testimony the issue was waived. Pa.R.C.P. 227.1(b). This panel will thus assume Plaintiffs intended to argue that it was Dr. DeLeo who improperly offered testimony as to the healing powers of insufflation without scientific basis since Plaintiffs properly objected and preserved that issue for post-trial review.

There was clearly no error in permitting Dr. DeLeo to discuss insufflation. As evidenced from the record recited above, Plaintiffs' attorney effectively examined her, getting Dr. DeLeo to admit that the healing abilities of insufflation she claimed had no scientific support beyond her own observations. Counsel's examination was more than sufficient to impeach Dr. DeLeo on this point. Furthermore, Plaintiffs' counsel was able to examine his expert witness Dr. Cohen on this same issue. Dr. Cohen opined that the patient's seemingly miraculous recovery from the aborted laparoscopy was the result of the scientifically-recognized placebo effect and not insufflation. (N.T. 148-153)

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5. Directed Verdict /JNOV

Plaintiffs raise as their final claim that Judge Turgeon erred by failing to grant their motion for a directed verdict at the conclusion of the trial. Plaintiffs argue that there reasonable minds cannot differ that Dr. DeLeo was negligent in this case. Accordingly, Plaintiffs assert that a judgment notwithstanding the verdict (JNOV) be entered in their favor.

In assessing whether JNOV is appropriate, we are guided as follows:

A JNOV can be entered upon two bases: (1) where the movant is entitled to judgment as a matter of law; and/or, (2) the evidence was such that no two reasonable minds could disagree that the verdict should have been rendered for the movant. When reviewing a trial court's denial of a motion for JNOV, we must consider all of the evidence admitted to decide if there was sufficient competent evidence to sustain the verdict. In so doing, we must also view this evidence in the light most favorable to the verdict winner, giving the victorious party the benefit of every reasonable inference arising from the evidence and rejecting all unfavorable testimony and inference.

Grossi v. Travelers Pers. Ins. Co., 79 A.3d 1141, 1147-48 (Pa. Super. 2013) (quoting *Buckley v. Exodus Transit & Storage Corp.*, 744 A.2d 298, 304-305 (Pa. Super. 1999)). A jury is free to believe all, some, or none of the testimony presented by a witness. *Neison v. Hines*, 653 A.2d 634, 637 (Pa. 1995) (citations omitted). However, the verdict must not be a product of passion, prejudice, partiality, or corruption, or must bear some reasonable relation to the loss suffered by the plaintiff as demonstrated by uncontroverted evidence presented at trial. *Id.* (citations omitted). The synthesis of these conflicting rules is that a jury is entitled to reject any and all evidence up until the point at which the verdict is so disproportionate to the uncontested evidence as to defy common sense and logic. *Id.*

As noted, Plaintiffs proffered a number of theories of negligence at trial, including primarily that Dr. DeLeo should not have repeated surgeries on Plaintiff culminating in a thirteenth procedure May 22, 2008. Plaintiffs also presented other evidence of negligence including that Dr. DeLeo performed the final surgery without properly documenting Plaintiff's symptoms, that she failed to keep up with the current literature and that she perforated Plaintiff's colon during the final surgery.

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A review of the trial testimony, particularly that of Defendant's expert Dr. Pello, provides more than sufficient, credible evidence Dr. DeLeo did not act negligently concerning any of these claims. (N.T. 177-215)

Regarding the repeated use of laparoscopies, Dr. Pello testified that Dr. DeLeo acted within the standard of care by performing the final adhesiolysis May 22, 2008 even though she had done several such surgeries in the past. He reasoned that the last surgery was properly performed because the prior surgeries had provided Plaintiff with pain relief and did not cause significant post-operative complications. (N.T. 184-85, 210-11) Dr. Pello testified that it is commonly recognized within the field that this procedure will offer the patient relief in a certain percentage of patients. (N.T. 183) Dr. DeLeo similarly testified that while she knew that laparoscopic procedure was normally performed a single time and occasionally as many as two or three times, she felt it was within the standard of care to lyse adhesions more than two or three times if it was helping the patient. (N.T. 94) She testified that was in fact the case with Plaintiff, who was repeatedly provided relief from her symptoms following the laparoscopic procedures. (N.T. 330, 333)

While Dr. Pello admitted to lacking personal knowledge of any surgeon who had ever performed more than two or three laparoscopies, or of any relevant articles specifically advocating the use of laparoscopic surgery to lyse adhesions on more than one occasion, he noted that he had never read any literature that explicitly said it was inappropriate to perform more than one laparoscopic surgery. (N.T. 205, 215) Plaintiffs' expert Dr. Cohen similarly testified that amongst those who advocate laparoscopy to treat chronic pain, he was not aware of any literature that says the procedure should be performed only a single time. (N.T. 168)

The jury was free to believe the evidence presented by Defendant's expert that Dr. DeLeo acted within the standard of care by performing a thirteenth laparoscopic surgery upon Plaintiff.

Regarding the alleged failure to adequately document Plaintiff's symptomology, Dr. Cohen had opined that there was a lack of documented symptoms anywhere in Dr. DeLeo's records that supported her performance of the last laparoscopic surgery for lysing adhesions to treat chronic pain. (N.T. 126) Dr. DeLeo, however, testified that she fully documented Plaintiff's case leading up to the last surgery (N.T. 318-322) She testified that she reported Plaintiff's subjective complaints including that the patient's adhesion pain had recurred and that she was suffering from bilateral ribcage pain. (N.T. 318, 351) Dr. DeLeo objectively noted Plaintiff's normal chest X-rays and cardiac clearance

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by another physician following an arteriogram, thus ruling out heart or lung issues. (N.T. 319, 322, 352) Dr. DeLeo also performed a physical examination upon Plaintiff and found her to have bilateral upper abdominal tenderness as well as normal bowel sounds. (N.T. 319-20, 353) Dr. DeLeo's assessment was that Plaintiff's pain was probably caused by adhesions. (N.T. 320-21-23, 353-54) Her plan was to perform a laparoscopy to determine if she was suffering from adhesions. (N.T. 321, 354) Again, based upon this record, the jury was free to believe that Dr. DeLeo adequately documented Plaintiff's condition prior to the last surgery.

Plaintiffs' claim that Dr. DeLeo failed to keep up with the relevant literature was based upon Dr. Cohen's testimony that, based upon his review of Dr. DeLeo's pre-trial deposition, he found that she acted below the standard of care by showing ignorance of published guidelines for laparoscopies. (N.T. 136, 142-43, 163) Dr. DeLeo, however, testified that she routinely read peer reviewed articles relevant to her job. (N.T. 37-38) She knew from the literature that it was acceptable to perform laparoscopic adhesiolysis to treat chronic pain, a conclusion that Dr. Cohen conceded was reflected in the literature. (N.T. 167-68, 175, 370) Even assuming there was evidence Dr. DeLeo was negligent for failing to keep up with the literature on laparoscopic adhesiolysis,⁶ there was no evidence such a failure was the factual cause of any harm to Plaintiff since there was no evidence presented of literature concluding that the procedure should be performed only a single time. (See N.T. 168)

Finally, concerning the perforations suffered by Plaintiff following the last surgery, which led to life-threatening peritonitis, both parties' experts as well as Dr. DeLeo all testified that enterotomies are a normal complication of laparoscopic procedure and do not in and of themselves reveal the surgeon acted below the standard of care in causing them. (Dr. Cohen at 173-74; Dr. Pello at N.T. 191-93; Dr. DeLeo at 341) As such, the jury was free to believe that the enterotomies were not the result of Dr. DeLeo's negligence.

6. As noted above, Dr. DeLeo admitted she did not recall reading any literature between 1990 and 2008 indicating it was controversial to perform adhesiolysis for treatment of pain. (N.T. 91-92) She was also unaware of any literature discussing the repeated use of laparoscopies. (N.T. 91)

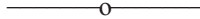
Taylor v. DeLeo

The record thus reveals sufficient competent evidence to sustain the verdict, looking at the evidence in the light most favorable to Defendant, as the verdict winner, and giving her the benefit of every reasonable inference arising from the evidence and rejecting all unfavorable testimony and inference. *Grossi v. Travelers Pers. Ins. Co. supra.*

Accordingly, this panel enters the following:

ORDER

AND NOW, this 25th day of March, 2015, upon consideration of Plaintiffs' Motion for Post Trial Relief, and following oral argument before an en banc panel of this Court, it is hereby directed that Plaintiffs' Motion is DENIED.



FIRST PUBLICATION

Estate Notices

ESTATE OF SHIRLEY R. FRALICK, (died: March 20, 2015), late of Upper Paxton Township, Dauphin County, Pennsylvania. Executor: David R. Fralick, 563 Riverview Drive, Millersburg, PA 17061. Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. a17-m1

ESTATE OF LOIS L. HEPLER, (died: March 17, 2015), late of Gratz Borough, Dauphin County, Pennsylvania. Executor: Timothy L. Hepler, 21 Windsor Lane, Lititz, PA 17543. Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. a17-m1

ESTATE OF EDWIN H. SCHAFFER, (died: January 23, 2015), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Randy L. Schaffer, 2973 N. Second Street, Harrisburg, PA 17110. a17-m1

ESTATE OF MITCHELL A. CHUBB, (died: July 6, 2009), late of Upper Paxton Township, Dauphin County. Administrator: Good News Consulting, Inc., 140 Roosevelt Avenue, Suite 210, York, Pennsylvania 17401. Attorney: Amanda Snoke Dubbs, Esq., 294 Dew Drop Road, York, PA 17402. a17-m1

ESTATE OF IRMA M. GRIFFITH, A/K/A, IRMA MARGARET GRIFFITH, late of Middle Paxton Township, Dauphin County, Pennsylvania. Co-Executors: Charles J. Griffith, Jr., 1810 Old State Road, Dauphin, PA 17018 and William B. Griffith, 1515 Oakridge Duncan Road, Fuquay Varina, NC 27526 or to Attorney: R. Benjamin Cramer, Esquire, P. O. Box 159, Duncannon, PA 17020. a17-m1

ESTATE GAIL M. O'BRIEN, (died March 5, 2015), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Kelly A. Eycler, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or to Estate of Gail M. O'Brien, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. a17-m1

ESTATE OF DOUGLAS W. STOTT, JR., late of Lower Swatara Township, Dauphin County. Executrix: Jessalyn R. Cooper. Attorney: Craig A. Diehl, Esquire, Law Offices of Craig A. Diehl, 3464 Trindle Road, Camp Hill, PA 17011. a17-m1

ESTATE OF LEE CAMPBELL, (died: February 17, 2015), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Sandi-Lu Hurley, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or to Estate of Lee Campbell, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. a17-m1

ESTATE OF DENISE E. JENKINS, (died: January 2, 2015), late of Middletown Borough Township, Dauphin County. Executor: Shannon A. Carey, 401 Conewago St., Middletown, PA 17057. Attorney: William L. Adler, 4949 Devonshire Road, Harrisburg, PA 17109. a17-m1

ESTATE OF THOMAS O. NISSLEY, (died: February 5, 2015), late of Dauphin County, PA, Administrator: Elizabeth Goodhart; Attorney: Patricia Carey Zucker, Esquire, Daley Zucker Meilton & Miner, LLC, 635 N. 12th Street, Suite 101, Lemoyne, PA 17043. a17-m1

ESTATE OF DOROTHY CAROL FRESE, (died: March 25, 2015), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Edwin W. Frese, Jr., 589 Blue Mountain Parkway, Harrisburg, PA 17112-9648. a17-m1

SECOND PUBLICATION

Estate Notices

ESTATE OF LILLIE E. MEYERS, late of Derry Township, Dauphin County, Pennsylvania. Executrix: Linda L. Finley, 130 Harvard Road, Port Matilda, PA 16870. Counsel: Michael H. Small, Esquire, 210 South Railroad Street, P. O. Box 76, Palmyra, PA 17078-0076. a10-24

ESTATE OF JOAN A. WESNER, (died: February 22, 2015), late of the Township of Williams, County of Dauphin, Pennsylvania. Executrix: Audrey Travitz. 6313 Tamar Drive, Columbia, Maryland, 21045; Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, Pennsylvania 17023. a10-24

ESTATE OF LAMAR A. BANKS, late of Harrisburg, Dauphin County, Pennsylvania. Administrator: Denise R. Williams. Attorney: Law Office of Wm. D. Schrack III, 124 West Harrisburg Street, Dillsburg, PA 17019-1268. a10-24

ESTATE OF DOROTHY HAUPT A/K/A DOROTHY G. HAUPT, (died: January 21, 2015), late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Penny M. Sheedy, c/o Richard W. Stewart, Attorney, Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043. a10-24

SECOND PUBLICATION

Estate Notices

ESTATE SHARON C. WIDMANN A/K/A SHARON ANN WIDMANN, (died: November 20, 2014), late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Elizabeth G. Vetter, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. Attorney: Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. a10-24

ESTATE OF ANNA M. SHAFFER, (died: March 8, 2015), late of Swatara Township, Dauphin County, Pennsylvania. Executrix: Barbara J. Twigg, 3825 North Progress Avenue, Harrisburg, PA 17110 or Attorney: Ann E. Rhoads, Esquire, 244 West Main Street, Hummelstown, PA 17036. a10-24

ESTATE OF ROBIN DENISE HENRY, AKA ROBIN D. HENRY, (died: May 6, 2012), late of the City of Harrisburg, Dauphin County, Pennsylvania. Executrix: Lauretta Jo Henry, 2436 Jefferson Street, Harrisburg, PA 17110. a10-24

THIRD PUBLICATION

Estate Notices

ESTATE OF RUTH L. GOULD, late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Kenneth A. Gould, 92 Briarwood Drive West, Berkeley Heights, NJ 07922 or to Attorney: Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043. a3-17

ESTATE OF Steven B Sheetz, (died: May 16, 2014), late of 1400 Huffman Lane, Dauphin, PA 17018. Executor: Judy A Sheetz, 1118 Rolleston St, Harrisburg, PA 17104. a3-17

ESTATE OF THOMAS R. McINTOSH, (died: January 23, 2015) late of City of Harrisburg, Dauphin County, Pennsylvania. Executor: John Patrick McIntosh, 24 Stone Run Drive, Mechanicsburg, PA 17050. Attorney: Nora F. Blair, Esquire, 5440 Jonestown Road, P.O. Box 6216, Harrisburg, PA 17112. a3-17

ESTATE OF HARRY V. ZEIDERS, A/K/A HARRY VINCENT ZEIDERS, SR., late of the Township of Susquehanna, Dauphin County, Pennsylvania. Executrix: Joyce Zeiders McCarthy, 4709 Laurel Ridge Drive, Harrisburg, PA 17110 or to Attorney: Theresa L. Shade Wix, Esq., Wix, Wenger & Weidner, 4705 Duke Street, Harrisburg, PA 17109-3041. a3-17

ESTATE OF FRANCES A. OFAK, late of Swatara Township, Dauphin County, Pennsylvania. Executor: Ronald A. Runkle, 130 Gate Lane, Middletown, PA 17057 or to Attorney: Kathleen B. Murren, Esquire, SkariatosZonarich LLC, 17 South 2nd Street, 6th Floor, Harrisburg, PA 17101. a3-17

ESTATE OF ETHEL G. ROGERS, late of the Township of Conoy, County of Dauphin and Commonwealth of PA. Executor: Glenn C. Rogers, Jr., c/o Gingrich, Smith, Klingensmith & Dolan, 222 S. Market, Street, Suite 201, PO Box 267, Elizabethtown, PA 17022, Kevin D. Dolan, Esq., Gingrich, Smith, Klingensmith & Dolan. a3-17

ESTATE OF JOSEPH A. HILL, JR. (died: August 20, 2014). Executrix: Rita D. Hill, 7461 Moyer Road, Harrisburg PA 17112. Attorney: Amy M. Moya, Law Offices of Susan E. Lederer, 5011 Locust Lane, Harrisburg, PA 17109. a3-17

ESTATE OF DAVID ANTHONY KASSICK, A/ K/A DAVID A. KASSICK, (died: February 2, 2015), late of South Hanover Township, Dauphin County, PA. Administrators: Daniel J. Kassick, Diane L. Fetters and Dale S. Kassick, c/o 32 Grandview Road, Hummelstown, PA. Attorney: Christopher B. Slusser, Esquire, The Slusser Law Firm, 1620 North Church Street, Suite 1, Hazleton, PA 18202. a3-17

ESTATE OF GEORGIA ANN MARSH, (died: February 28, 2015), late of Swatara Township, Dauphin County, Pennsylvania. Executor: Scott Marsh, 632 Rainbow Blvd., The Villages, FL 32159 or to Attorney: Christa M. Aplin, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, 717-541-5550. a3-17

ESTATE OF MILDRED M. PETROFF, (died: February 9, 2015), late of the Township of Susquehanna, Dauphin County, Pennsylvania. Administrator: Michael E. Petroff, 44 Hilltop Road, Halifax, Pennsylvania 17032; Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtville, P A 17023. a3-17

ESTATE OF RICHARD A. CRABBE, (died: February 20, 2015), late of Swatara Township. Executor: William Earl Crabbe, Representative's Address: 1211 Ohio Street, Watertown, New York, 13601. Attorney: Gerald S. Robinson, Attorney's Address: PO Box 5320, Harrisburg, PA 17110. a3-17

THIRD PUBLICATION

Estate Notices

ESTATE OF LLOYD A. WHITE, (died: December 28, 2014), late of City of Harrisburg. Executrix: Joy A. White, 1 Union Ave., Unit 2763, Bala Cynwyd, PA 19004. Attorney: Aaron C. Jackson, Esq., Buchanan Ingersoll & Rooney PC, 409 N. 2ND ST. STE 500, Harrisburg, PA 17050. a3-17

ESTATE OF MARIE J. POOLE, A/K/A MARIE JUNE POOLE, (died: on March 11, 2015), late of Hummelstown, Dauphin County, Pennsylvania. Co-Executors: Robert W. Poole, Jr., Linda J. Gourley, 277 Linden Street, Hummelstown, PA 17036. Attorney: Charles J. DeHart, III, Esquire, Caldwell & Kearns, P.C., 3631 North Front Street, Harrisburg, PA 17110, (717) 232-7661. a3-17

ESTATE OF CYNTHIA L. BROWN, late of Dauphin County, Pennsylvania (died: January 6, 2015). Executor: James D. Brown. Attorney: Michael Cherewka, 624 North Front Street, Wormleysburg, PA 17043. a3-17

ESTATE OF RICHARD L. DOLINGER, late of Swatara Township, Dauphin County, Pennsylvania. Administratrix: Arlene M. Dolinger, 446 Kelker Street, Oberlin, PA 17113 or to Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043. a3-17

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Champion Container Corporation**, a foreign business corporation incorporated under the laws of New Jersey, with its princ. office located at 180 Essex Ave., P.O. Box 90, Avenel, NJ 07001, 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 Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. a17

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **Sanvook Carbide Inc.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. a17

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 6, 2015, by **Healthall, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at c/o ATA Corp. Services, LLC, 222 Delaware Ave., Ste. 1200, Wilmington, DE 19801, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o ATA Corporate Services, LLC, Dauphin County.

Saul Ewing LLP, Solicitors
1200 Liberty Ridge Dr., Ste. 200
Wayne, PA 19087-5569

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on April 3, 2015, by **GVH & Associates, Inc.**, a foreign corporation formed under the laws of the State of Tennessee, where its principal office is located at 300 Pisgah N, Eads, TN 38028, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. a17

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 31, 2015, by **This Technology, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 1444 Wazee St., Ste. 310, Denver, CO 80202, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. a17

NOTICE IS HEREBY GIVEN that **Promedia Technology Services, Inc.**, a foreign business corporation incorporated under the laws of New Jersey, with its princ. office located at 535 US-46, Little Falls, NJ 07424, 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 Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. a17

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Greater New York Mutual Insurance Company**, a foreign business corporation incorporated under the laws of New York, with its princ. office located at 200 Madison Ave., New York, NY 10016, 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 Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. a17

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **Workforce Insight, Inc.**, a corporation incorporated under the laws of the State of Colorado with its principal office located at c/o Kim Gappa, 1600 Wynkoop St., Ste. 2B, Denver, CO 80202 and a registered office in PA at c/o: Corporation Service Co., Dauphin County, which on 3/13/2007, 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. a17

NOTICE IS HEREBY GIVEN that **Insurance Company of Greater New York**, a foreign business corporation incorporated under the laws of New York, with its princ. office located at 200 Madison Ave., New York, NY 10016, 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 Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. a17

NOTICE IS HEREBY GIVEN that **Strathmore Insurance Company**, a foreign business corporation incorporated under the laws of New York, with its princ. office located at 200 Madison Ave., New York, NY 10016, 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 Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. a17

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 3/6/2015 under the Domestic Business Corporation Law, for **CENTRAL WARRANTY, INC.**, and the name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County. a17

NOTICE IS HEREBY GIVEN that **NESC Staffing, Corp.**, a foreign business corporation incorporated under the laws of Massachusetts, with its princ. office located at 72 Mirona Rd., Portsmouth, NH 03801, 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 Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. a17

NOTICE IS HEREBY GIVEN that **Bosch Automotive Service Solutions Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 28635 Mound Rd., Warren, MI 48092, 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 Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. a17

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on February 23, 2015, with respect to a proposed non-profit corporation. **Queen B Project**, which has been incorporated under the nonprofit Corporation Law of 1988. A brief summary of the purposes for which said corporation is organized is: Our mission is to provide connection and resources, as well as help in the healing journey of bereaved families, by offering comfort to those whose sweet precious babies have goon to soon. We exist to raise awareness, support research, and act as a resource to the community, provide Queen B Comfort Bags to hospitals, and raise money for cuddle cots. a17

NOTICE IS HEREBY GIVEN that an application was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on the 20th day of March 2015, by **Biohitech Global, Inc.**, a Delaware corporation, with its principal office located at c/o The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801, for a Certificate of Authority to do business within the Commonwealth of Pennsylvania under the provisions of the Business Corporation Law of 1988.

The proposed registered office of the said corporation in the Commonwealth of Pennsylvania will be located at 326 Market Street, Harrisburg, PA 17101.

McNEES WALLACE & NURICK LLC
Attorneys at Law
100 Pine Street
Harrisburg, PA 17101

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FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Safety Scaffolds Inc.**, a foreign business corporation incorporated under the laws of New Jersey, with its princ. office located at 24 Cook Rd., PO Box 910, Branchville, NJ 07826, 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 Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. a17

NOTICE IS HEREBY GIVEN that **Mail America Communications, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 1174 Elkton Farm Rd., Forest, VA 24551, 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 Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. a17

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **ENVIRONICS U.S.A., INC.**, a corporation incorporated under the laws of the State of Delaware with its principal office located at 1308 Continental Dr., Ste. J, Abingdon, MD 21009 and a registered office in PA at c/o: Corporation Service Co., Dauphin County, which on 8/13/2012, 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. a17

NOTICE IS HEREBY GIVEN that **EC4B Engineering P.C.**, a foreign business corporation incorporated under the laws of New York, with its princ. office located at 15 Schoen Pl., Ste. 300, Pittsford, NY 14534, 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 Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. a17

NOTICE IS HEREBY GIVEN that **Healthcare Liability Solutions, Inc.**, a foreign business corporation incorporated under the laws of the State of Texas, received a Certificate of Authority in Pennsylvania on March 30, 2005, and will surrender its certificate of authority to do business in Pennsylvania. Its last registered office in this Commonwealth was located at: c/o Registered Agent Solutions, Inc. and its last registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania.

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 the filing of the application for termination of authority is: 820 Gessner, Suite 1825, Houston, TX 77024. a17

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 April 7, 2015, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **General Wireless Operations Inc.** c/o National Corporate Research, Ltd.

This corporation is incorporated under the laws of Delaware. The address of its principal office under the laws of its jurisdiction in which it is incorporated is: 615 Dupont Highway, Dover, DE 19901. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. a17

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 April 6, 2015, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **AWE Acquisition, Inc.** c/o Incorporating Services, Ltd.

This corporation is incorporated under the laws of Delaware. The address of its principal office under the laws of its jurisdiction in which it is incorporated is 2501 Seaport Drive, Chester, PA 19013. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. a17

NOTICE IS HEREBY GIVEN that **Kapow Events, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 205 W. Wacker Dr., Ste. 1200, Chicago, IL 60606, 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 Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. a17

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 March 30, 2015, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Applied Trust Engineering, Inc.** d/b/a AppliedTrust, Inc. c/o National Corporate Research, Ltd., 600 North Second Street, Harrisburg, PA 17101.

This corporation is incorporated under the laws of Colorado. The address of its principal office under the laws of its jurisdiction in which it is incorporated is 1033 Walnut Street, Suite 300, Boulder, CO 80302. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. a17

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority was filed with the PA Dept. of State on 04/02/2015 by **Veryan Medical, Inc.**, a foreign corporation formed under the laws of the jurisdiction of DE with its principal office located at 1209 Orange St., Wilmington, DE 19801, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. a17

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **Resolve Solution Services Corporation**, a corporation incorporated under the laws of the State of Ohio with its principal office located at 1425 Greenway Drive, Suite 600, Irving, Texas 75038 and a registered agent in PA at: CT Corporation, 116 Pine Street, Suite 320, Harrisburg, PA. 17101, Dauphin County, which, on June 13, 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 Dept. of State. a17

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 24, 2014, by **ACCELERATE LEARNING INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 5177 Richmond Ave., Ste. 1025, Houston, TX 77056, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. a17

FIRST PUBLICATION

Fictitious Name Notices

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **You Can Do It Press** for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being Markowski International Publishers, One Oakglade Circle, Hummelstown, PA 17036 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 7th day of April, 2015 pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person or persons owning or interested in the said business are: Michael A. Markowski, One Oakglade Circle, Hummelstown, PA 17036. a17

NOTICE IS HEREBY GIVEN THAT, under 54 Pa.C.S., an Application for Registration of Fictitious Name for **WOC Energy**, conducting business in Dauphin County, PA with its principal office located at 200 West Madison St., Suite 980, Chicago, IL 60606, will be filed with the Pennsylvania Department of State. The name and address of each entity interested in the business is: EDPO, LLC, 200 West Madison St., Suite 980, Chicago, IL 60606. a17

FIRST PUBLICATION

Miscellaneous Notices

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

CIVIL ACTION

NO. 2015-CV-314-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**AMERICAN FINANCIAL RESOURCES,
INC., PLAINTIFF**

VS.

**THE UNKNOWN HEIRS, EXECUTORS,
ADMINISTRATORS AND DEVICES OF
THE ESTATE OF THEODORE A.
DEITRICH, DECEASED, DEFENDANT(S)**

NOTICE OF SALE OF REAL PROPERTY

To: The Unknown Heirs, Executors, Administrators and Devises of the Estate of Theodore A. Deitrich, Deceased, Defendant(s), whose last known address is 1125 Red Hill Road, Dauphin, PA 17018.

FIRST PUBLICATION

Miscellaneous Notices

Your house (real estate) at 1125 Red Hill Road, Dauphin, PA 17018, is scheduled to be sold at the Sheriff's Sale on JULY 16, 2015 at 10:00 a.m. at the Dauphin County Administration Building, 4th Floor, Commissioners Hearing Room, Harrisburg, PA 17101, to enforce the court judgment of \$265,926.12 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 or parcel of land situate in Middle Paxton Township, Dauphin County, Pennsylvania,

HAVING THEREON ERECTED a two and one-half story frame dwelling house and a frame garage being known and numbered as No. 1125 Red Hill Road, Dauphin, PA 17018.

BEING COUNTY PARCEL NO. 03-415-016.

STERN & EISENBERG, PC, Attys. for Plaintiff
1581 Main St., Ste. 200
The Shops at Valley Sq.
Warrington, PA 18976
215-572-8111

a17

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

NUMBER: 2010CV4891MF

CIVIL ACTION LAW

**WELLS FARGO BANK, N.A., AS TRUSTEE,
IN TRUST FOR THE REGISTERED HOLD-
ERS OF PARK PLACE SECURITIES, INC.,
ASSET-BACKED PASS-THROUGH CERTIF-
ICATES, SERIES 2004-WCW1, PLAINTIFF
VS.**

**ANTHONY T. VELLIOS AND SAMANTHA
VELLIOS, DEFENDANT(S)**

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

TO: Anthony T. Vellios

Your house (real estate) at 532 Altavista Avenue, Harrisburg, Pennsylvania 17109 is scheduled to be sold at Sheriff's Sale on June 4, 2015 at 10:00 a.m. at the Sheriff's Office, Civil Division, Dauphin County Courthouse, 1st Floor, Room 104, Front & Market Streets, Harrisburg, Pennsylvania 17108 to enforce the court judgment of \$186,262.11 obtained by Wells Fargo Bank, N.A., as Trustee, in trust for the registered holders of Park Place Securities, Inc., Asset-Backed Pass-Through Certificates, Series 2004-WCW1 against you.

**NOTICE OF OWNER'S RIGHTS
YOU MAY BE ABLE TO PREVENT THIS
SHERIFF'S SALE**

To prevent this Sheriff's Sale you must take immediate action:

1. The sale will be canceled if you pay to Wells Fargo Bank, N.A., as Trustee, in trust for the registered holders of Park Place Securities, Inc., Asset-Backed Pass-Through Certificates, Series 2004-WCW1 the back payments, late charges, costs, and reasonable attorney's fees due. To find out how much you must pay, you may call McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.

2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

**YOU MAY STILL BE ABLE TO SAVE YOUR
PROPERTY AND YOU HAVE OTHER
RIGHTS EVEN IF THE SHERIFF'S SALE
DOES TAKE PLACE**

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.

2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.

3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call McCabe, Weisberg and Conway, P.C. at (215) 790-1010.

4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.

5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.

6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.

FIRST PUBLICATION

Miscellaneous Notices

7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

YOU SHOULD TAKE THIS PAPER 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.

LAWYER REFERRAL SERVICE
ASSOCIATION DE LICENCIADOS
Dauphin County Lawyer Referral Service
213 North Front Street
Harrisburg, Pennsylvania 17101
(717) 232-7536

McCABE, WEISBERG & CONWAY, P.C.
Attorneys for Plaintiff
123 S. Broad St., Ste. 1400
Philadelphia., PA 19109
215-790-1010

a17

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

NUMBER: 2015-CV-01842-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**REVERSE MORTGAGE FUNDING, LLC,
PLAINTIFF
VS.**

UNKNOWN SURVIVING HEIRS OF MARGARET G. EDWARDS, DECEASED MORTGAGOR AND REAL OWNER, SHEVOLKIA L. HOLLAND, KNOWN SURVIVING HEIR OF MARGARET G. EDWARDS, DECEASED MORTGAGOR AND REAL OWNER, DACE L. EDWARDS, KNOWN SURVIVING HEIR OF MARGARET G. EDWARDS, DECEASED MORTGAGOR AND REAL OWNER AND GENEACE RENEE VAUGHAN, KNOWN SURVIVING HEIR OF MARGARET G. EDWARDS, DECEASED MORTGAGOR AND REAL OWNER, DEFENDANTS

TO: Unknown Surviving Heirs of Margaret G. Edwards, Deceased Mortgagor and Real Owner. Premises subject to foreclosure: 59 Balm Street, Harrisburg, Pennsylvania 17103.

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, Pennsylvania 17101
(717) 232-7536

McCabe, Weisberg & Conway, P.C.
Attorneys for Plaintiff
123 S. Broad St., Ste. 1400
Philadelphia., PA 19109
215-790-1010

a17

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

NUMBER 2014-CV-2356-MF

CIVIL ACTION LAW

**ONEWEST BANK, FSB, PLAINTIFF
VS.
NORMA L. MINTER, KNOWN SURVIVING
HEIR OF LOUISE LATIMORE, DECEASED
MORTGAGOR AND REAL OWNER, NOELI
Y. MINTER, KNOWN SURVIVING HEIR OF
LOUISE LATIMORE, DECEASED MORT-
GAGOR AND REAL OWNER, AND UN-
KNOWN SURVIVING HEIRS OF LOUISE
LATIMORE, DECEASED MORTGAGOR
AND REAL OWNER, DEFENDANT**

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

TO: Norma L. Minter, Known Surviving Heir of Louise Latimore, Deceased Mortgagor and Real Owner

Your house (real estate) at 2625 Reel Street, Harrisburg, Pennsylvania 17110 is scheduled to be sold at Sheriff's Sale on June 4, 2015 at 10:00 a.m. at the Sheriff's Office, Civil Division, Dauphin

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Miscellaneous Notices

County Courthouse, 1st Floor, Room 104, 101 Market Street, Harrisburg, Pennsylvania 17101 to enforce the court judgment of \$68,276.14 obtained by OneWest Bank, FSB against you.

NOTICE OF OWNER'S RIGHTS
YOU MAY BE ABLE TO PREVENT THIS
SHERIFF'S SALE

To prevent this Sheriff's Sale you must take immediate action:

1. The sale will be canceled if you pay to OneWest Bank, FSB the back payments, late charges, costs, and reasonable attorney's fees due. To find out how much you must pay, you may call McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.

2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

YOU MAY STILL BE ABLE TO SAVE YOUR
PROPERTY AND YOU HAVE OTHER
RIGHTS EVEN IF THE SHERIFF'S SALE
DOES TAKE PLACE

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.

2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.

3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call McCabe, Weisberg and Conway, P.C. at (215) 790-1010.

4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.

5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.

6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be

receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.

7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

YOU SHOULD TAKE THIS PAPER 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.

LAWYER REFERRAL SERVICE
ASSOCIATION DE LICENCIADOS
Dauphin County Lawyer Referral Service
213 North Front Street
Harrisburg, Pennsylvania 17101
(717) 232-7536

McCABE, WEISBERG & CONWAY, P.C.
Attorneys for Plaintiff
123 S. Broad St., Ste. 1400
Philadelphia, PA 19109
215-790-1010

a17

IN THE COURT OF COMMON PLEAS OF
DAUPHIN COUNTY,
PENNSYLVANIA

NO. 2014-CV-10148 MF

CIVIL ACTION – LAW

NOTICE OF ACTION
IN MORTGAGE FORECLOSURE

GREEN TREE SERVICING LLC,
PLAINTIFF
VS.
MARK A. HEADER, DEFENDANT

NOTICE

To MARK A. HEADER

You are hereby notified that on November 14, 2014, Plaintiff, GREEN TREE SERVICING 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. 2014-CV-10148 MF. Wherein Plaintiff seeks to foreclose on the mort-

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Miscellaneous Notices

gage secured on your property located at 124 EAST MARKET STREET, BERRYSBURG, PA 17005 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 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
Telephone (717) 232-7536

a17

JUDICIAL SALE NOTICE

NOTICE IS HEREBY GIVEN by the Tax Claim Bureau in and for the County of Dauphin under the Act of 1947, Article VI, Section 612, that the said Bureau will expose at Judicial Sale at the Hilton Harrisburg, One North Second Street, in the City of Harrisburg, Pennsylvania, at 6:00 P.M. on May 18, 2015 as previously advertised in the Patriot-News on August 8, 2013, the Middletown Press and Journal on August 7, 2013, and the Dauphin County Reporter on August 9, 2013, certain properties. The properties will be sold free and clear of all taxes and municipal claims, mortgages, liens, charges and estate of whatsoever kind, except ground rents, separately taxed and 2015 taxes which will not be discharged by this sale. A list of the properties is available in the Tax Claim Bureau, 2 South Second Street, 1st Floor, Harrisburg,

PA with a \$2.00 charge. There will be no redemption period the day of the sale, but these taxes and costs can be paid up to the date of the sale, with a Certified Check, Money Order, or Cash.

TERMS OF SALE: Cash or check payable to the Tax Claim Bureau at the time of sale. Personal checks received and subject to the final payment at the risk of the payer. Registration for the sale will be from May 4, 2015 through May 15, 2015 for a fee of \$5 at the Tax Claim Bureau, 2 South Second, Harrisburg, PA 17101.

F. R. Martsolf, Esq.
Solicitor
Tax Claim Bureau

Steven L. Howe
Director
Tax Claim Bureau
a17

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

NO. 2015-CV-00997-MF

**CIVIL ACTION – LAW
NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**PENNYMAC LOAN SERVICES, LLC,
PLAINTIFF
VS.**

**BILLIE L. KLEINFELTER A/K/A BILLIE L. WECKERLY, INDIVIDUALLY AND IN HER CAPACITY AS ADMINISTRATRIX OF THE ESTATE OF DAVID M. KLEINFELTER DAVID L. KLEINFELTER, IN HIS CAPACITY AS HEIR OF THE ESTATE OF DAVID M. KLEINFELTER ERIK S. KLEINFELTER, IN HIS CAPACITY AS HEIR OF THE ESTATE OF DAVID M. KLEINFELTER ANITA L. WEAVER, IN HER CAPACITY AS HEIR OF DAVID M. KLEINFELTER, DECEASED UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER DAVID M. KLEINFELTER, DECEASED,
DEFENDANTS**

NOTICE

To UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER DAVID M. KLEINFELTER, DECEASED

You are hereby notified that on February 5, 2015, Plaintiff, PENNYMAC LOAN SERVICES, LLC, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County Pennsyl-

FIRST PUBLICATION

Miscellaneous Notices

vania, docketed to No. 2015-CV-00997-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 357 EAST HIGH STREET, MIDDLETOWN, PA 17057-1909 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 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
Telephone (717) 232-7536

A17

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

NUMBER: 2014-CV-4536-MF

CIVIL ACTION LAW

**LNV CORPORATION, PLAINTIFF
VS.**

**EDGARDO VIRELLA AND JOSEFA ROJAS,
DEFENDANTS**

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

TO: Edgardo Virella and Josefa Rojas

Your house (real estate) at 908 Melrose Street, Harrisburg, Pennsylvania 17104 is scheduled to be sold at Sheriff's Sale on June 4, 2015 at 10:00 a.m. at the Sheriff's Office, Civil Division, Dauphin County Courthouse, 1st Floor, Room 104, 101 Market Street, Harrisburg, Pennsylvania 17101 to enforce the court judgment of \$107,433.72 obtained by LNV Corporation against you.

**NOTICE OF OWNER'S RIGHTS
YOU MAY BE ABLE TO PREVENT THIS
SHERIFF'S SALE**

To prevent this Sheriff's Sale you must take immediate action:

1. The sale will be canceled if you pay to LNV Corporation the back payments, late charges, costs, and reasonable attorney's fees due. To find out how much you must pay, you may call McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.

2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

**YOU MAY STILL BE ABLE TO SAVE YOUR
PROPERTY AND YOU HAVE OTHER
RIGHTS EVEN IF THE SHERIFF'S SALE
DOES TAKE PLACE**

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.

2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.

3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call McCabe, Weisberg and Conway, P.C. at (215) 790-1010.

4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.

5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.

6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be

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Miscellaneous Notices

receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.

7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

YOU SHOULD TAKE THIS PAPER 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.

LAWYER REFERRAL SERVICE
ASSOCIATION DE LICENCIADOS
Dauphin County Lawyer Referral Service
213 North Front Street
Harrisburg, Pennsylvania 17101
(717) 232-7536

McCABE, WEISBERG & CONWAY, P.C.
Attorneys for Plaintiff
123 S. Broad St., Ste. 1400
Philadelphia, PA 19109
215-790-1010

a17

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

CIVIL DIVISION

NO. 2013-CV-3911-MF

**PNC BANK, NATIONAL ASSOCIATION,
PLAINTIFF
VS.
IAN MAXWELL, KNOWN HEIR OF
JANETTE L. MAXWELL A/K/A JANETTE
LEA MAXWELL, MELISSA KLIPA,
KNOWN HEIR OF JANETTE L. MAXWELL
A/K/A JANETTE LEA MAXWELL AND
UNKNOWN HEIRS, SUCCESSORS, AS-
SIGNS AND ALL PERSONS, FIRMS OR
ASSOCIATIONS CLAIMING RIGHT, TITLE
OR INTEREST FROM OR UNDER
JANETTE L. MAXWELL A/K/A JANETTE
LEA MAXWELL, LAST RECORD OWNER,
DEFENDANTS**

**NOTICE OF SHERIFF'S SALE
OF REAL ESTATE**

To: Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or Under Janette L. Maxwell a/k/a Janette Lea Maxwell, Last Record Owner, Defendant(s), whose last known address is 200 Saddle Ridge Drive, Harrisburg, PA 17111.

Your house (real estate) at 200 Saddle Ridge Drive, Harrisburg, PA 17111 is Scheduled to be sold at Sheriff's Sale on July 16, 2015 at 10:00 A.M., at the Dauphin County Admin Bldg., Corner of 2nd & Market Streets, 4th Fl., Commissioners Hearing Rm., Harrisburg, PA 17101, to enforce the judgment of \$110,167.74 obtained by PNC Bank, National Association (the mortgagee) against you.

Property Description: ALL THAT CERTAIN LOT OF LAND SITUATE IN SUSQUEHANNA TWP., DAUPHIN COUNTY, PENNSYLVANIA: BEING KNOWN AS: 200 Saddle Ridge Drive, Harrisburg, PA 17111.

PARCEL NUMBER: 62-087-088.

IMPROVEMENTS: Residential Property.

TITLE TO SAID PREMISES IS VESTED IN JANETTE L. MAXWELL BY DEED FROM WAVERLY WOODS ASSOCIATES, A PENNSYLVANIA LIMITED PARTNERSHIP DATED 1/18/2005 RECORDED 1/20/05 IN DEED BOOK 5848 PAGE 296.

UDREN LAW OFFICES, P.C., Attys. for Plaintiff
111 Woodcrest Rd., Ste. 200
Cherry Hill, NJ 08003-3620
a17 856-669-5400

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

CIVIL ACTION-LAW

NO. 2014-CV-09177-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**FV-I, INC. IN TRUST FOR MORGAN STAN-
LEY MORTGAGE CAPITAL HOLDINGS
LLC, PLAINTIFF
VS.
JOHN K. HENRY, SR. AND VICKI N. HEN-
RY, DEFENDANTS**

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

FIRST PUBLICATION

Miscellaneous Notices

TO: Vicki N. Henry, Defendant, whose last known address is 208 Market Street, Halifax, PA 17032.

Your house (real estate) at: 208 Market Street, Halifax, PA 17032, 28-006-004-000-0000, is scheduled to be sold at Sheriff's Sale on June 4, 2015, at 10:00AM, at Dauphin County Admin. Bldg., 4th Fl., Commissioners Hearing Rm., Market Sq. (former Mellon Bank Bldg.), Harrisburg, PA 17101, to enforce the court judgment of \$91,507.90, obtained by FV-I, Inc. in trust for Morgan Stanley Mortgage Capital Holdings LLC (the mortgagee) against you.

NOTICE OF OWNER'S RIGHTS - YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE

To prevent this Sheriff's Sale you must take immediate action:

1. The sale will be cancelled if you pay back to FV-I, Inc. in trust for Morgan Stanley Mortgage Capital Holdings LLC, the amount of the judgment plus costs or the back payments, late charges, costs, and reasonable attorneys fees due. To find out how much you must pay, you may call: (610) 278-6800.

2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

3. You may be able to stop the sale through other legal proceedings.

4. You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See notice below on how to obtain an attorney.)

YOU MAY STILL BE ABLE TO SAVE YOUR PROPERTY AND YOU HAVE OTHER RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE

5. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling (610) 278-6800.

6. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.

7. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened you may call (717) 255-2660.

8. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.

9. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.

10. You may be entitled to a share of the money, which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff no later than thirty days after the Sheriff Sale. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the date of filing of said schedule.

11. You may also have other rights and defenses or ways of getting your house back, if you act immediately after the sale.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Dauphin County Local Counsel
Dauphin County Lawyer Referral Service
213 N. Front St.
Harrisburg, PA 17101
717-232-7536

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Christopher A. DeNardo, Bradley J. Osborne,
Leeane O. Huggins, Sarah K. McCaffery, Kristen
D. Little & Katherine M. Wolf, Attys. for Plaintiff
SHAPIRO & DeNARDO, LLC
3600 Horizon Dr., Ste. 150
King of Prussia, PA 19406
610-278-6800

FIRST PUBLICATION

Miscellaneous Notices

NOTICE OF
ADMINISTRATIVE SUSPENSION

NOTICE IS HEREBY GIVEN that the following **Dauphin County** attorneys have been **Administratively Suspended** by Order of the Supreme Court of Pennsylvania dated March 10, 2015, pursuant to Rule 111(b), Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective April 9, 2015 for Compliance Group 2.

Scott, Thomas W.
Wise-Porter, Mary Louise

Suzanne E. Price
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania
a17

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

DOCKET NO: 2015 CV 263 NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on March 25, 2015, the Petition of Brandon Tavon Butler was filed in the above named court, requesting a decree to change his/her name from **Brandon Tavon Butler** to **Byron Tavon Butler**.

The Court has fixed Tuesday, May 12, 2015 at 11:00a.m. in Courtroom No. 2, 3rd Floor, at the Dauphin County Courthouse, 101 Market Street, 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. a17

FIRST PUBLICATION

Name Change Notices

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

DOCKET NO: 2014-CV-11323-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on March 23rd, 2015, the Petition of Melanie Renee Cicuto was filed in the above named court, requesting a decree to change her name from **Melanie Renee Cicuto** to **Melanie Renee Gillman**.

The Court has fixed Tuesday, May 12th, 2015 in Courtroom No. 2, 3rd Floor, at 11:00 a.m. at the Dauphin County Courthouse, 101 Market Street, 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. a17

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The Bench and Bar will contribute to the accuracy in matters of detail of the permanent edition of the Dauphin County Reporter by sending to the editor promptly, notice of all errors appearing in this advance sheet. Inasmuch as corrections are made on a continuous basis, there can be no assurance that corrections can be made later than thirty (30) days from the date of this issue but this should not discourage the submission of notice of errors after thirty (30) days since they will be handled in some way if at all possible. Please send such notice of errors to: Dauphin County Reporter, Dauphin County Bar Association, 213 North Front Street, Harrisburg, PA 17101-1493.

DAUPHIN COUNTY COURT SECTION
Opinions Not Yet Reported

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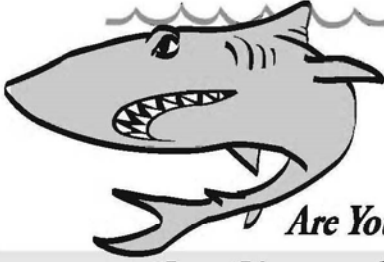
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