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Estate Notices

DECEDENTS ESTATES

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

FIRST PUBLICATION

ESTATE OF WILLIAM R. FIES, late of South Hanover Township, Dauphin County, Pennsylvania. Executrix: Beverly J. Updyke (Fies). Attorney: Megan C. Huff, Esq., Nestico, Druby & Hildabrand, LLP, 840 East Chocolate Avenue, Hershey, PA 17033. j26-y10

ESTATE OF DON A. LEVAN, late of the Township of Upper Paxton, Dauphin County, Pennsylvania. Administratrix: Donita Jo Mundis, 4 Cedar Court, Enola, PA 17025. Attorney: William R. Swinehart, Esq., Wiest, Muolo, Noon & Swinehart, 240-246 Market Street, Sunbury, PA 17801. j26-y10

ESTATE OF CHARLOTTE F. DECKER, late of Susquehanna Township, Dauphin County, Pennsylvania (died June 7, 2009). Executor: Theodore Yohe, 1114 Highland Drive, Mechanicsburg, PA 17055. Attorney: Jill M. Wineka, Esq., Purcell, Krug & Haller, 1719 North Front Street, Harrisburg, PA 17102. j26-y10

ESTATE OF GITTA BORTNER, late of Lower Swatara Township, Dauphin County, Pennsylvania (died May 23, 2009). Personal Representative: Milan Jovic. Attorney: Susan H. Confair, Esq., Reager & Adler, PC, 2331 Market Street, Camp Hill, PA 17011. Telephone (717) 763-1383. j26-y10

ESTATE OF DORIS M. PACELLA, late of Highspire, Dauphin County, Pennsylvania (died June 8, 2009). Executor/Attorney: David C. Miller, Jr., Esq., 1100 Spring Garden Drive, Suite A, Middletown, PA 17057. Telephone (717) 939-9806 and email: DavidCMillerJr@verizon.net j26-y10

ESTATE OF KATHRYN M. JAJICH, late of Swatara Township, Dauphin County, Pennsylvania (died May 24, 2009). Personal Representative: David R. Heilman, 516 Walnut Road, Steelton, PA 17113. Attorney: Eric J. Wiener, Esq., 2515 North Front Street, Harrisburg, PA 17110. j26-y10

ESTATE OF JOAN M. BOWER, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executrix: Tracy A. Bower, 503 Berrysburg Road, Millersburg, PA 17061. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. j26-y10

**Tagouma v. Investigative Consultant
Services, Inc., et al.**

**Torts — Invasion of Privacy — Intrusion upon Seclusion — Expectation of Privacy
— Abuse of Process.**

Plaintiff was videotaped by a private investigator who had been hired to investigate the validity of his workers' compensation claim for an alleged work-related injury. He claimed an invasion of privacy because he was videotaped while at worship in a mosque, which was open to the public. The surveillance was conducted through a window of the mosque with a video camera equipped with a zoom lens from a public vantage point approximately 80 yards away.

1. In Pennsylvania, a violation of the right to privacy is an actionable tort. *Harris by Harris v. Easton Publishing Co.*, 483 A.2d 1377, 1383 (Pa. Super. 1984).

2. Under Pennsylvania law, a party seeking workers' compensation benefits must expect to have his or her claims investigated, and is thus afforded a diminished expectation of privacy.

3. Watching or observing a person in a public place, or taking a photograph of a person who can be observed from a public vantage point, is not generally an invasion of privacy. *See, e.g., Wehling v. Columbia Broadcasting System*, 721 F.2d 506, 509 (5th Cir. 1983).

4. A tortious invasion of privacy must "cause mental suffering, shame or humiliation to a person of ordinary sensibilities." *DeAngelo v. Fortney*, 515 A.2d 594, 595 (1986) (quoting *Hull v. Curtis Publishing Co.*, 125 A.2d 644, 646 (Pa. 1956)).

Cross Motions for Summary Judgment. C.P., Dau. Co., No. 2006 CV 1532 CV. Defendants' motion granted and Plaintiff's action dismissed in its entirety with prejudice.

David W. Knauer, for Plaintiff

James A. Bosakowski, for Defendants

TURGEON, J., May 27, 2009. – The plaintiff asserts that the defendants invaded his privacy and abused legal process when they surreptitiously videotaped him through a window while he worshipped at an Islamic Center. The defendants, private investigators, had been hired to investigate the validity of plaintiff's workers' compensation claim for his alleged work-related injury and videotaped plaintiff in the performance of his daily activities. The parties have filed cross motions for summary judgment. For the reasons set forth below, this court grants defendant's motion and dismisses plaintiff's action.

BACKGROUND

The undisputed relevant facts set forth in the record are as follows:¹ On April 8, 2004, the plaintiff Ahmed Tagouma fell at work while employed at Arnold Industries. He suffered an acute fracture of his right hand. Plaintiff was later diagnosed with Reflex Sympathetic Dystrophy Syndrome (RSD).² Plaintiff sought workers' compensation benefits and Arnold Logistics contested his claim. While the claim was pending, the workers' compensation carrier, Sentry Insurance, retained defendant Investigative Consultant Services (ICS) to perform surveillance on plaintiff. Defendant Michael Zeigler, an investigator with ICS, was assigned to conduct the surveillance.

Plaintiff, currently 53 years old, is an Moroccan immigrant and a Muslim who worshipped at the Al-Hikmeh Institute, which is housed on the first floor of Islamic Center of PA, located at 4704 Carlisle Pike, Mechanicsburg. The Islamic Center of PA is in a non-descript two-story building that most closely resembles an apartment building. (Court Exbt. 1) Plaintiff describes the Al-Hikmeh portion of the building as a mosque. A large sign in front of the Center visible to passers-by identifies the property as "The Islamic Center of PA - Al-Hikmeh Institute - Daily Worship, Arabic / Islamic Studies." (Court Exbt. 3) The Islamic Center sits to the south of Carlisle Pike (U.S. Highway Route 11), which is a commercial highway that runs generally eastwest in the area in question. The record indicates that there are no public sidewalks along Carlisle Pike although all the areas in front of the businesses in the vicinity are paved such that public parking is abundant. (Court Exbt. 1)

1. The record includes the parties' summary judgment motions and exhibits attached to defendants' motion (Exhibit A - Complaint; Exhibit B - Answer; and Exhibit C - Plaintiff Tagouma's Deposition); responses to summary judgment motions; Supplemental Packet of exhibits provided by plaintiff following oral argument (Exhibit a - Zeigler Deposition; Exhibit b - Workers' Compensation Petition; Exhibit c - Workers' Compensation Answer; Exhibit d - Workers' Compensation Order; Exhibit e - Junkins Affidavit; and Exhibit f - Kownacki Affidavit); photos provided to the Court by plaintiff (designated Court Exhibit 1 - two Carlisle Pike photos (The Islamic Center of PA and surveillance location); Court Exhibit 2 - close-up photo of plaintiff through window; and Court Exhibit 3 - photo of sign in front of The Islamic Center),

2. RSD, also referred to as Complex Regional Pain Syndrome (CRPS), is a chronic neurological syndrome characterized by severe pain, which usually arises following injury to nerve or soft tissue (e.g. broken bone) that does not follow the normal healing path. Its development does not appear to depend on the magnitude of the injury and the sympathetic nervous system seems to assume an abnormal function after an injury. http://www.rsd.org/2/what_is_rsd_crps/index.html (RSDSA website, last visited May 5, 2009).

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The Islamic Center of PA is situated just to the rear of two businesses that sit, respectively, just in front of it to its left and just in front of it to its right. (Court Exbt. 1) A driveway runs between these two businesses and leads to The Islamic Center, where public parking exists at its front, side and rear. (Plaintiff dep. at 31). Persons traveling by car on Carlisle Pike can see The Islamic Center from the highway though their view is limited by the businesses to its front right and left, respectively. A number of other buildings housing various businesses are also located in the area, including a three-store strip mall located immediately across the Carlisle Pike (on its north side) from The Islamic Center.

According to defendant Zeigler, on April 7, 2005, at approximately 9:10 p.m., he parked in front of the three-store strip mall in a public lot, though at the time he parked there, all three businesses were closed. Zeigler observed the plaintiff from across Carlisle Pike as plaintiff stood inside in the Al-Hikmeh portion The Islamic Center near a window on the building's north side. Zeigler was between 79 and 80 yards away from The Islamic Center windows. Defendant Zeigler videotaped plaintiff for 45 minutes with a Sony 8 mm video camera and used the camera's zoom feature. (Suppl. Exbt. f - Kownacki Affidavit)

Zeigler testified that at first he was unsure what the people inside The Islamic Center were doing, though after a while, he began to think "they might be praying." (Zeigler dep. at 13) He believed since plaintiff was in plain view, he could videotape him. (Zeigler dep. at 14) He was trained to videotape subjects so long as they were "in public" or "in plain view," even if inside a public building. (Zeigler dep. at 6-7) The videotape was subsequently shown to a workers' compensation judge.³

Plaintiff was not aware that Zeigler was conducting surveillance of him or videotaping him until a later time. He testified he was standing six to eight feet from the window through which he was recorded and that the Al-Hikmeh Institute was lit inside. He was standing up and praying in the video; his prayer consisted of standing up, kneeling and placing his head upon the floor. (Plaintiff dep. at 28) Plaintiff testified that "when I go in front of God, that's my own privacy, my own prayer between me and my God, my sacred place, my sacred time, and nobody has the right to interfere or invade that time with God — with me and God." (Plaintiff dep. at 38-39)

3. While videotape and/or photographs were also taken of plaintiff at other locations and on other dates, including at stores, in parks and while plaintiff was walking on the street, only video taken of plaintiff at The Islamic Center is at issue in this action. (Plaintiff dep. at 20-21)

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LEGAL DISCUSSION

In Counts I and II of the Complaint, plaintiff alleges that defendants are liable because they invaded his privacy by videotaping him while in his mosque. In Counts III and IV of the Complaint, plaintiff asserts abuse of process. Defendants seek summary judgment arguing that based upon the undisputed facts of record, plaintiff cannot establish either claim as a matter of law. The Rule for deciding the cross motions for summary judgment, applicable here, is as follows:

After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law

(1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or ...

Pa.R.C.P. 1035.2.

Summary judgment is properly entered where the pleadings, depositions, answers to interrogatories, admissions and affidavits demonstrate that no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. Pa.R.C.P. 1035.1-.5. The trial court must examine the record in the light most favorable to the non-moving party and resolve all doubts against the moving party. The burden is on the moving party to prove that no genuine issue of fact exists. However, when the moving party carries its initial burden, the adverse party may not rest upon the allegations or denials contained in the pleadings, but must respond by showing there is a genuine issue for trial. If the adverse party does not so respond, summary judgment will be entered in favor of the moving party. ...

Preferred Fire Prot., Inc. v. Joseph Davis, Inc., 954 A.2d 20, 24 (Pa.Super. 2008) (citation omitted).

INVASION OF PRIVACY – INTRUSION UPON SECLUSION

In Counts I and II of the Complaint, plaintiff has alleged that defendants are liable because they invaded his privacy by videotaping him while he was at worship in a mosque. The specific claim alleged by

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plaintiff is intrusion upon seclusion. Under the undisputed facts of record, plaintiff cannot, as a matter of law, set forth a claim for intrusion upon seclusion. The record establishes that plaintiff was videotaped at a location where he was visible to the public. In addition, he was himself located in a public place. Furthermore, under Pennsylvania law, a party seeking workers' compensation benefits must expect to have his or her claims investigated and thus is afforded a diminished expectation of privacy. Alternatively, even if it could be assumed that plaintiff's location in his mosque, during prayer, constituted a private or semi-private space in which plaintiff had a reasonable expectation of privacy, his claim would still fail because defendants' conduct was not "highly offensive" as a matter of law.

In Pennsylvania, a violation of the right to privacy is an actionable tort. *Harris by Harris v. Easton Publishing Co.*, 483 A.2d 1377, 1383 (Pa. Super. 1984). The gist of privacy is the sense of seclusion, the wish to be left alone, and it is a trespass to abuse these personal sensibilities. *Bennett v. Norban*, 151 A.2d 476, 479 (Pa. 1959). Our supreme court has approved of the Second Restatement of Torts' formulation of invasion of privacy, which is actually comprised of four analytically distinct torts: (1) intrusion upon seclusion, (2) appropriation of name or likeness, (3) publicity given to private life, and (4) publicity placing a person in false light. *Marks v. Bell Telephone Company of Pennsylvania*, 331 A.2d 424, 430 (Pa. 1975). These four invasion of privacy torts are set forth in §§ 652B-E of the Restatement. Although our supreme court has not specifically adopted the final draft of the Second Restatement, our appellate courts have concluded that "the Restatement most ably defines the elements of invasion of privacy as that tort has developed in Pennsylvania." *Harris by Harris* at 1383; *see also, Burger v. Blair Medical Associates, Inc.*, 928 A.2d 246, 250 (Pa. Super. 2007).

Plaintiff's privacy claim alleges intrusion upon seclusion, which is defined in the Restatement as follows:

§ 652B. Intrusion upon Seclusion

One who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person.

Restatement (Second) of Torts § 652B. The superior court in *Harris by Harris* further elaborated as follows:

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An action pursuant to this section does not depend upon any publicity given to the person whose interest is invaded or to his affairs. Restatement (Second) of Torts §652B, comment a. The invasion may be (1) by physical intrusion into a place where the plaintiff has secluded himself, (2) by use of the defendant's senses to oversee or overhear the plaintiff's private affairs, or (3) some other form of investigation or examination into plaintiff's private concerns. *Id.*, comment b.

The defendant is subject to liability under this section only when he has intruded into a private place, or has otherwise invaded a private seclusion that the plaintiff has thrown about his person or affairs. *Id.*, comment c; *Fogel v. Forbes, Inc.*, 500 F.Supp. at 1087. There is also no liability unless the interference with the plaintiff's seclusion is substantial and would be highly offensive to the ordinary reasonable person. Restatement (Second) of Torts § 652B, comment d.

Harris by Harris at 1383-84. "[T]his cause of action also requires that the plaintiff have a reasonable expectation of privacy." *Kline v. Security Guards, Inc.*, 386 F.3d 246, 260 (3rd Cir. 2004) (citing *Harris by Harris* at 1383). Finally, a tortious invasion of privacy must "cause mental suffering, shame or humiliation to a person of ordinary sensibilities." *DeAngelo v. Fortney*, 515 A.2d 594, 595 (1986) (quoting *Hull v. Curtis Publishing Co.*, 125 A.2d 644, 646 (Pa. 1956)).

As set forth above, intrusion upon seclusion can occur under three situations: (1) by physical intrusion into a place where the plaintiff has secluded himself, (2) by use of the defendant's senses to oversee or overhear the plaintiff's private affairs, or (3) some other form of investigation or examination into plaintiff's private concerns. *Harris by Harris* at 1384. Plaintiff's claim necessarily rests upon an assertion that defendants invaded his privacy by overseeing (videotaping) his private affairs; this is not a case where the defendants are alleged to have physically intruded into plaintiff's place of seclusion since it is uncontradicted that defendants surveilled plaintiff without plaintiff's knowledge from a distance of 79-80 yards.

Our supreme court addressed a similar set of facts in the seminal case of *Forster v. Manchester*, 189 A.2d 147 (Pa. 1963). There, the plaintiff filed a lawsuit for personal injury damages arising from an automobile

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accident. Her automobile insurer hired a private detective who conducted surveillance and filmed plaintiff in her daily activities. Plaintiff later brought an action against the detective alleging invasion of privacy. The trial court dismissed her claims. *Id.* at 148-49. On appeal, in addressing the extent of the interest to be protected, the Pennsylvania supreme court stated:

It is not uncommon for defendants in accident cases to employ investigators to check on the validity of claims against them. **Thus, by making a claim for personal injuries [plaintiff] must expect reasonable inquiry and investigation to be made of her claim and to this extent her interest in privacy is circumscribed. It should also be noted that all of the surveillances took place in the open on public thoroughfares where [plaintiffs] activities could be observed by passersby. To this extent [plaintiff] has exposed herself to public observation and therefore is not entitled to the same degree of privacy that she would enjoy within the confines of her own home.** ... There was nothing unreasonable in the manner in which [plaintiff] was followed nor in the taking of motion pictures. In regard to the surveillance, it was conducted by experienced investigators who did not use improper techniques ... there was no trespassing on appellant's property nor spying through her windows.

Id. at 150 (emphasis added). Compare, *Pappa v. Unum Life Ins. Co. of Am.*, 2008 U.S. Dist. LEXIS 21500; 43 Employee Benefits Cas. (BNA) 2389 (M.D. Pa. 2008) (court refused to dismiss the plaintiff insured's claim for intrusion upon seclusion arising from her insurer's surveillance, distinguishing *Forster* on basis that plaintiff in *Pappa* was surveilled in private areas of her home including through her bedroom and bathroom windows). Because plaintiff here had pending a contested workers' compensation claim, he waived his right of privacy to the extent of a reasonable investigation.

Under Pennsylvania law, there is generally no right of privacy in public space or in space open to public view and thus there is no reasonable expectation of privacy in such space. See e.g., *Harris by Harris* at 1383 (“[t]he defendant is subject to liability under this section only when he has intruded into a private place”). This public/private space paradigm was analyzed by the Eastern District Court, applying Pennsylvania law, as follows:

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This tort generally does not apply to matters which occur in a public place or a place otherwise open to the public eye. Comment c to § 652B illustrates this point:

The defendant is subject to liability under the rule stated in this Section only when he has intruded into a private place, or has otherwise invaded a private seclusion that the plaintiff has thrown about his person or affairs. Nor is there liability for observing him or even taking his photograph, while he is walking on the public highway, since he is not then in seclusion, and his appearance is public and open to the public eye. Even in a public place, however, there may be some matters about the plaintiff, such as his underwear or the lack of it, that are not exhibited to the public gaze; and there may still be invasion of privacy when there is intrusion upon these matters.⁴

Comment c underscores the traditional rule that watching or observing a person in a public place, or taking a photograph of a person who can be observed from a public vantage point, is not generally an invasion of privacy. See, e.g., *Wehling v. Columbia Broadcasting System*, 721 F.2d 506, 509 (5th Cir. 1983) (broadcasting a picture of plaintiff's residence which showed nothing more than what could be seen from a public street is not an invasion of privacy); *Dempsey v. The National Enquirer*, 702 F. Supp. 927, 931 (D. Me. 1988) (a reporter's presence on a public thoroughfare and in a restaurant open to the public cannot constitute an intrusion upon seclusion of another); *Machleder v. Diaz*,

4. Examples where courts have recognized an invasion of private affairs found in the public are revealed in the following cases: *Johnson v. Allen*, 613 S.E.2d 657 (Ga. Ct. App. 2005) (surveillance in a public restroom constituted an invasion of privacy) and *Daily Times Democrat v. Graham*, 162 So.2d 474, 476 (Ala. 1964) (woman photographed at a county fair with her skirt blown up over her head stated a cause of action where the photographer was lying in wait to catch the woman in an embarrassing situation); see also, *Shulman v. Group W Prods.*, 18 Cal. 4th 200, 74 Cal. Rptr. 2d 843 (Cal. 1998) (triable issue existed as to whether plaintiffs injured in accident, who were filmed by the media at the scene, had an objectively reasonable expectation of privacy in the interior of the rescue helicopter, which served as their ambulance).

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538 F. Supp. 1364, 1374 (S.D.N.Y. 1982) (no liability for intrusion upon seclusion when defendant accosted and filmed plaintiff on the property of a corporation, a “semi-public” place, where he was visible to the public eye).

Wolfson v. Lewis, 924 F. Supp. 1413, 1419-20 (E.D. Pa. 1996) (emphasis added) (footnote supplied). See also, Brian Patrick Bronson, *Pennsylvania’s Common Law Right to Privacy Inadequately Protects the Rights of Individual Workers’ Compensation Claimants from Harassment Caused by Video Surveillance*, 40 Duq. L. Rev. 523, 532-33 (2002) (“[c]ourts have continually defined “public space” to cover “a wide range of locations, from bustling thoroughfares to remote getaways ... the term generally, includes any place, whether publicly or privately owned, to which the public has access” and that “the judiciary has expanded the definition to include anywhere that is visible from a publicly accessible vantage point, such as parts of the interior of one’s home or garden that are visible from the street[;] [public space] may even include parts of the interior of one’s home that can be seen with the naked eye from a neighboring apartment”) (citations omitted)).⁵

5. Courts from other jurisdictions universally agree with the general rule that there can be no intrusion upon seclusion for watching or observing a person in a public place, or taking a photograph/videotape of a person who can be observed from a public vantage point, even if in a private place. See e.g., *Summers v. Bailey*, 55 F.3d 1564, 1566 (11th Cir. 1995) (watching or observing a person in a public place is not an intrusion upon one’s privacy); *Furman v. Sheppard*, 744 A.2d 583, 586-87 (Md. App. 2000) (because plaintiff in a personal injury action was seen doing things that could be observed by non-trespassing members of the general public, the defendant’s trespass onto a private yacht club to videotape plaintiff did not constitute an actionable intrusion); *Cefalu v. Globe Newspaper Co.*, 391 N.E.2d 935, 939 (Mass. App. 1979) (“[t]he appearance of a person in a public place necessarily involves doffing the cloak of privacy which the law protects”); *DiGirolamo v. D.P. Anderson & Associates, Inc.*, 1999 Mass. Super. LEXIS 190, *13 (Mass. Super., 1999) (workers’ compensation investigator’s observation of claimant from public street through window of her residence, without enhanced vision, did not constitute intrusion upon seclusion); *Figured v. Paralegal Technical Services, Inc.*, 555 A.2d 663, 667 (N.J. Super. 1989) (no intrusion upon seclusion as matter of law by investigators of auto insurance claim since defendants’ investigation took place in the open; “law supports the proposition that whatever the public may see from a public place cannot be private”); and *McLain v. Boise Cascade Corporation*, 533 P.2d 343, 346 (Ore. 1975) (where surveillance was done in an unobtrusive manner and plaintiff was not aware he was being watched and filmed, and where plaintiffs activities could have been observed by his neighbors or passersby, no cause of action for invasion of privacy against trespassing investigator). See also, Patricia Sanchez Abril, *Recasting Privacy Torts in a Spaceless World*, 21 Harv. J.L. & Tech. 1, 13 (2007) (“[u]nder the Restatement, an individual cannot have a reasonable expectation of privacy in any public place”); Andrew J. McClurg, *Bringing Privacy Law Out of the Closet: A Tort Theory of Liability for Intrusions in Public Places*, 73 N.C. L. Rev. 989, 990, 991 (1995) (“[t]ort law clings stubbornly to the principle that privacy cannot be invaded in or from a public place. ... [a]s interpreted by almost all courts, the tort [of intrusion upon seclusion] does not protect persons in places accessible to the public”).

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Our Commonwealth Court recently reiterated this well settled rule that “[a] defendant is liable for intrusion upon seclusion only when he intrudes into a private place, or otherwise invades a private seclusion about a plaintiff’s person or affairs.” *DeBlasio v. Pignoli*, 918 A.2d 822, 825 (Pa. Commw. 2007) (citing *Harris by Harris* at 1383). In that case, the court upheld the dismissal of an intrusion upon seclusion claim brought by prison inmates where it was alleged that a mayor watched inmates from his home via surveillance cameras placed in holding cells. The court held that “regardless of the location of the viewer, the place being viewed was not private,” and that as such, the inmates viewed had no reasonable expectation of privacy. *Id.* at 825 (citations omitted).

Although there is no case law in Pennsylvania on point of the level of privacy to be afforded persons in houses of worship, two cases from other jurisdictions, persuasive on this issue, identify a house of worship as a public place. *Creel v. I.C.E. & Assoc., Inc.*, 771 N.E.2d 1276, 1280 (Ind. Ct. App. 2002) and *Fiorillo v. Berkley Administrators*, 2004 Conn. Super. LEXIS 1210 (Conn. App. 2004) (unreported). In *Creel*, the court dismissed plaintiff’s claim that a detective agency invaded her privacy while conducting a worker’s compensation investigation. Defendant’s investigator, posing as a worshiper, used a hidden camera to videotape plaintiff as she played the piano in front of her church congregation. *Id.* at 1278. The appellate court affirmed summary judgment in defendant’s favor, holding that the plaintiff had no reasonable expectation of privacy in her activities when the investigator’s secret videotaping simply recorded an activity that was open to the public and was observed by the more than a hundred persons in attendance at the religious service. *Id.* at 1281. In *Fiorillo*, an employee seeking workers’ compensation benefits was placed under surveillance over a 21-month period during which she was filmed at numerous public places, including entering and exiting her church. In addition, investigators followed her into the church on two occasions but did not encounter her. The court dismissed the plaintiff’s claim for intrusion upon her seclusion since, as a matter of law, the surveillance was limited to observations that took place in public. *Id.* at *8 (citing *Creel*). The court stated that there is no intrusion into seclusion where the matters observed are those “exhibited to the public gaze.” *Id.* at *8 (citations omitted).

As set forth above, the law interpreting the Second Restatement tort of intrusion upon seclusion uniformly holds that if a person is located in a public space when observed, photographed or filmed, then there is no cause of action. In addition, even if the person is located in a

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private or quasi-private location, if he or she is nevertheless observable to the public, there is no cause of action. Furthermore, a person litigating a workers' compensation claim must expect that his or her claims will be subject to investigation and as such, has a diminished expectation of privacy.

Plaintiff here was situated in a public place since houses of worship are places open to the public. As in *Creel*, the surveillance consisted of nothing more than observation of plaintiff's activities plainly visible to anyone inside the mosque. Under these circumstances, plaintiff could not have a reasonable expectation of privacy in his activities. In addition, the uncontradicted evidence was that the surveillance consisted of nothing more than observation of plaintiff's activities plainly visible from a public vantage point where Mr. Zeigler was permitted to be. To the extent defendant Zeigler used his zoom lens from 80 yards away, the record reveals that that same view was available to the naked eye since the area immediately surrounding The Islamic Center was accessible to the public, including a public driveway that led from Carlisle Pike directly to the front of the building where plaintiff was admittedly standing next to a lighted window in the evening darkness. *Compare DiGirolamo* at *9-10 (court drew a distinction between surveillance of an otherwise private place (interior of a home) which was observable to the naked eye versus surveillance of the same place with enhanced vision, noting the former is not protected while the latter is). Everything observed through defendant's video camera was observable to anyone driving toward the publicly accessible driveway that led to The Islamic Center. Thus, defendant Zeigler's observation of plaintiff's activities during his legitimate investigation does not constitute an intrusion upon seclusion as a matter of law. Simply stated, plaintiff had no objectively reasonable expectation of privacy in either a public place and/or in private or quasi-private place readily observable from public view.

Even assuming it could be concluded that plaintiff was located in a private or quasi-private place from which he should have reasonably expected some level of privacy,⁶ defendants' alleged invasion of this privacy by videotaping him from afar cannot be considered "highly offensive" as a matter of law.

6. The Connecticut court suggested in *Fiorillo*, *in dicta*, that it might extend the cloak of privacy to a worshipper attending services who is involved in actual worship or prayer as against an investigator who follows him or her into the sanctuary. *Id.* at *11-12 (court made particular note that at no time did the investigators who followed plaintiff into the church on two separate occasions intrude into the worship area of the church or the plaintiff's worship or prayer activities).

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Intrusion upon seclusion requires as an element that the intrusion be “highly offensive to a reasonable person.” Restatement (Second) of Torts § 652B. *Harris by Harris* clarifies that it be highly offensive to the “ordinary reasonable person.” *Id.* at 1383-84 (citing Restatement (Second) of Torts § 652B, comment d). “Conduct that is highly offensive to a reasonable person is conduct that a reasonable person, in similar circumstances, would find very objectionable or that a reasonable person in similar circumstances could be expected to take with serious offense.” *DeBlasio* at 824-25 (citing Pa. S.S.J.I. (Civ. 13.12) (2005)).

In determining whether an invasion of a privacy interest would be “offensive” to an ordinary, reasonable person, a court should consider all of the circumstances including “the degree of the intrusion, the context, conduct and circumstances surrounding the intrusion as well as the intruder’s motives and objectives, the setting into which he intrudes, and the expectations of those whose privacy is invaded.”

Wolfson at 1421 (citation omitted).

The degree of the intrusion here was minimal and of a non-harassing nature.⁷ Plaintiff in fact had no knowledge he was being investigated at all, much less videotaped. Furthermore, the intrusion occurred within the context of a reasonable investigation of his workers’ compensation claim; such investigations have been stamped with an imprimatur of legitimacy under Pennsylvania law. *Forster, supra*. While some individuals might expect a certain level of privacy in a house of worship, the specific intrusion here concerned observation of the plaintiff that any member of the non-trespassing public could have observed simply by driving up to the building in which plaintiff was located. As such, a reasonable person videotaped under similar circumstances could not have considered such conduct “highly offensive” or have taken “serious offense” to it. *DeBlasio* at 824-25.

As this record establishes, plaintiff cannot establish that his right to privacy has been invaded under the facts and circumstances presented.

7. A line of cases recognizes that investigative conduct which amounts to a persistent course of hounding, harassment and unreasonable surveillance, even if conducted in a public or semi-public place, may nevertheless rise to the level of invasion of privacy based on intrusion upon seclusion. *Wolfson v. Lewis, supra* at 1419-20 (citing cases). These “harassing investigator cases” are distinguishable from this case since there is no claim here that the defendants persistently harassed the plaintiff; in fact, plaintiff was unaware of defendants’ surveillance of him.

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Defendants are thus entitled to summary judgment on plaintiff's claim of intrusion upon seclusion.

ABUSE OF PROCESS

In Counts III and IV of the Complaint, plaintiff asserts an abuse of process claim against the defendants. This tort is defined as "the use of legal process against another 'primarily to accomplish a purpose for which it is not designed.'" *Shiner v. Moriarity*, 706 A.2d 1228, 1236 (Pa. Super. 1998) (citations omitted). To establish abuse of process, a plaintiff must prove that the defendant (1) used a legal process against the plaintiff; (2) primarily to accomplish a purpose for which the process was not designed; and (3) harm has been caused to the plaintiff. *Id.*

It is not enough that the defendant had bad or malicious intentions or that the defendant acted from spite or with an ulterior motive. Rather, there must be an act or threat not authorized by the process, or the process must be used for an illegitimate aim such as extortion, blackmail, or to coerce or compel the plaintiff to take some collateral action. There is no liability where the defendant has done nothing more than carry out the process to its authorized conclusion, even though with bad intentions.

Al Hamilton Contracting Company v. Cowder, 644 A.2d 188, 192 (Pa. Super. 1994) (citations omitted).

Plaintiff has failed to identify what legal process was used by defendants against plaintiff to accomplish a purpose for which that process was not designed. The only legal process involving plaintiff concerned litigation of the workers' compensation claim; however, the defendants were not a party to that claim and did not initiate any legal process against plaintiff.

Plaintiff suggests that the surveillance conducted by the defendants as part of the litigation of that claim amounted to a perversion of the workers' compensation process wherein the videotape taken of plaintiff at worship had no probative value with respect to disproving his claim of a hand and arm injury. "Process" as defined in an abuse of process claim "has been interpreted broadly, and encompasses the entire range of procedures incident to the litigation process," including such matters as discovery proceedings, the noticing of depositions and the issuing of subpoenas. *Rosen v. American Bank*, 627 A.2d 190, 192 (Pa. Super. 1993) (citation omitted). Even assuming that the

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defendants' surveillance could be considered "process" encompassed within the workers' compensation claim, the abuse of process assertion would still fail since there was no abuse here; the surveillance of a workers' compensation claimant was undertaken for the purpose for which it was designed. Defendants' surveillance did nothing more than carry out the workers' compensation process to its authorized conclusion. *Al Hamilton Contracting, supra*. The use of surveillance by the insurance and litigation defense industries to counter fraud has long been accepted as a legitimate enterprise under Pennsylvania law. *See, Forster, supra*. As such, plaintiff's claim must be dismissed.

Accordingly, this court enters the following:

ORDER

AND NOW, this 27th day of May, 2009, following this court's review of the parties' cross motions for summary judgment, the relevant record, the parties' briefs and following oral argument thereon, this court directs that Defendants' Motion is hereby GRANTED and Plaintiff's Complaint is dismissed in its entirety, with prejudice.

—————○—————

FIRST PUBLICATION

Estate Notices

ESTATE OF MARCIA A. BROWN, late of Swatara Township, Dauphin County, Pennsylvania (died May 2, 2009). Co-Executrices: Wanda K. Shenk, 6332 Spring Road, Shermans Dale, PA 17090 and Mary Brown, 212 Laurel Grove Road, Newport, PA 17074. Attorney: Diane M. Dils, Esq., 1400 North Second Street, Harrisburg, PA 17102. j26-y10

ESTATE OF DONALD BEISTLINE, II, late of Lower Swatara Township, Dauphin County, Pennsylvania. Executor: John Leroy Beistline, 7036 Sleepy Hollow Road, Harrisburg, PA 17112. Attorney: John R. Zonarich, Esq., Skarlatos & Zonarich LLP, 17 South Second Street, 6th Floor, Harrisburg, PA 17101. j26-y10

ESTATE OF SALLIE F. CARDINALE a/k/a ROSARIA F. CARDINALE, late of Lower Paxton Township, Dauphin County, Pennsylvania (died May 11, 2009). Executor: Joseph P. Cardinale. Attorney: Richard W. Stevenson, Esq., McNees Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166. Telephone (717) 232-8000. j26-y10

ESTATE OF HELEN M. YANCHULEFF, late of Steelton, Dauphin County, Pennsylvania (died June 1, 2009). Executor: Theodore T. Yanchuleff. Attorney: David C. Miller, Jr., Esq., 1100 Spring Garden Drive, Suite A, Middletown, PA 17057. Telephone (717) 939-9806 and email: DavidCMillerJr@verizon.net. j26-y10

ESTATE OF JOSEPHINE E. ERDMAN, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executrix: Rachael M. Fulkrod, 425 Berysburg Road, Millersburg, PA 17061. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. j26-y10

ESTATE OF J. THOMAS VAN WAGNER a/k/a JOSEPH THOMAS VAN WAGNER, late of Middle Paxton Township, Dauphin County, Pennsylvania (died May 9, 2009). Executrix: Christine Plasic Van Wagner, 311 Clarks Valley Road, Dauphin, PA 17018. Attorney: Jeffrey A. Ernico, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110. Telephone (717) 232-5000. j26-y10

ESTATE OF GEORGE R. DOCKEY, late of the Borough of Elizabethville, Dauphin County, Pennsylvania (died June 3, 2009). Co-Executrices: Glenda Botts, 105 South Market Street, P.O. Box 246, Elizabethville, PA 17023 and Shirley Henninger, 4 Lyter Street, Elizabethville, PA 17023. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethville, PA 17023. j26-y10

SECOND PUBLICATION

ESTATE OF CONSTANCE B. RIMEL, late of Harrisburg, Dauphin County, Pennsylvania. Co-Executors: James Owen Rimel and Connie Lee Gruber. Attorney: Michael L. Bangs, Esq., 429 South 18th Street, Camp Hill, PA 17011. j19-y3

ESTATE OF MARILYN H. MANCHESTER, late of Susquehanna Township, Dauphin County, Pennsylvania (died May 8, 2009). Executor: William L. Manchester, 160 Boylston Street, #2144, Chestnut Hill, MA 02467. Attorney: Jan L. Brown, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. j19-y3

ESTATE OF FAITH D. STREMMEL, late of East Hanover Township, Dauphin County, Pennsylvania. Executor: Andrew J. Stremmel, 1926 7th Avenue, Brookings, SD 57006. Attorney: Allen D. Smith, Esq., 51 S. Street, P.O. Box 7592, Steelton, PA 17113. j19-y3

SECOND PUBLICATION

Estate Notices

ESTATE OF JOSEPH D. SCOCCHERA, late of Lower Paxton Township, Dauphin County, Pennsylvania (died April 7, 2009). Executrix: Patricia A. Marshall, Harrisburg, PA. Attorney: Jacqueline A. Kelly, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. Telephone (717) 541-5550. j19-y3

ESTATE OF ROSE SCOCCHERA a/k/a ROSINA A. SCOCCHERA, late of Lower Paxton Township, Dauphin County, Pennsylvania (died April 29, 2009). Executrix: Patricia A. Marshall, Harrisburg, PA. Attorney: Jacqueline A. Kelly, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. Telephone (717) 541-5550. j19-y3

ESTATE OF BEVERLY A. WOMACK, late of Swatara Township, Dauphin County, Pennsylvania. Administrator: Ronald D. Butler, 500 North Third Street, P.O. Box 1004, Harrisburg, PA 17108. Attorneys: Butler Law Firm, 500 North Third Street, P.O. Box 1004, Harrisburg, PA 17108. j19-y3

ESTATE OF FRANK T. SARIANO, late of Harrisburg, Dauphin County, Pennsylvania. Co-Executrices: Lorraine Marie Beshore and Barbara Stewart 1438 Maplewood Drive, New Cumberland, PA 17070-2214. Attorney: Mr. Louis R. Martin, Esq., 214 State Street, Harrisburg, PA 17101. j19-y3

ESTATE OF ROBERT H. GETZ, JR., late of Harrisburg, Dauphin County, Pennsylvania (died February 10, 2009). Executrix: Kathy R. Getz, 6258 Spring Knoll Drive, Harrisburg, PA 17111. Attorney: Susan E. Lederer, Esq., 5011 Locust Road, Harrisburg, PA 17109. j19-y3

ESTATE OF VALERA J. COLE, late of the City of Harrisburg, Dauphin County, Pennsylvania. Administratrix: Jacqueline Lawson, 3113 Paul Drive, Harrisburg, PA 17109. Attorney: James H. Rowland, Jr., Esq., 812 North 17th Street, P.O. Box 1424, Harrisburg, PA 17105-1424. j19-y3

ESTATE OF SARA F. BARNES, late of Middletown Borough, Dauphin County, Pennsylvania (died May 31, 2008). Executor: Terry M. Barnes, 224 Market Street, Middletown, PA 17057. Attorney: James B. Pannebaker, Esq., Pannebaker & Mohr, P.C., 4000 Vine Street, Middletown, PA 17057. Telephone (717) 944-1333. j19-y3

ESTATE OF CHRYSAL L. JOHNSON, late of Swatara Township, Dauphin County, Pennsylvania Administrator: Anthony W. Johnson, 6600 Clearfield Street, Harrisburg, PA 17111. Attorney: Luther E. Milspaw, Jr., Esq., 130 State Street, P.O. Box 946, Harrisburg, PA 17101. j19-y3

ESTATE OF LAVERNE M. LOVELL, late of Harrisburg, Dauphin County, Pennsylvania (died April 12, 2009). Administrator: Richard A. Fetterolf. Attorney: Bruce J. Warshawsky, Esq., Cunningham & Chernicoff, P.C., 2320 North Second Street, Harrisburg, PA 17110. j19-y3

ESTATE OF MARY E. REYNER, late of Susquehanna Township, Dauphin County, Pennsylvania (died May 4, 2009). Executrix: Sandra L. LaBar, P.O. Box 15, Minerva, NY 12851. Attorney: Richard F. Maffett, Jr., Esq., 2201 North Second Street, Harrisburg, PA 17110. j19-y3

THIRD PUBLICATION

Estate Notices

ESTATE OF JANET M. AUCKER, late of South Hanover Township, Dauphin County, Pennsylvania (died May 20, 2009). Executor: Keith E. Aucker, 103 Regency North, Carlisle, PA 17013. Attorney: Jean D. Seibert, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. j12-j26

ESTATE OF JOHN H. CASE, late of Susquehanna Township, Dauphin County, Pennsylvania (died May 18, 2009). Executrix: Sally Elizabeth Park, 395 Ponderosa Avenue, Estes Park, Colorado 80517. Attorney: Howell C. Mette, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110. Telephone (717) 232-5000. j12-j26

ESTATE OF JOSEPH K. GOLDSMITH, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: James L. Goldsmith, 1418 Appletree Road, Harrisburg, PA 17110. Attorney: Charles J. DeHart, III, Esq., Caldwell & Kearns, 3631 North Front Street, Harrisburg, PA 17110. j12-j26

ESTATE OF ALDO P. DeCARLO, late of Derry Township, Dauphin County, Pennsylvania (died May 7, 2009). Co-Executrices: Antoinette Grant and Linda Pelligrini. Attorney: George W. Porter, Esq., 909 East Chocolate Avenue, Hershey, PA 17033. j12-j26

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on February 23, 2009, for the purpose of obtaining a Certificate of Incorporation of a Professional Business Corporation to be organized under the Business Corporation Law of 1988.

The name of the proposed corporation is:
PKMAZE CONSULTING LLC. j26

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 June 5, 2009, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Bonnie Brook, Inc.**, c/o AAAgent Services, LLC.

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

The address of its principal office under the laws of its jurisdiction in which it is incorporated is c/o Savitsky, Satin & Bacon - 1601 Cloverfield Boulevard, Suite 5000 NT, Santa Monica, CA 90404.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. j26

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 June 5, 2009, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **The Jelly and Kay Corporation**, c/o AAAgent Services, LLC.

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

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 282 Sackett Street, #1R, Brooklyn, NY 11231.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. j26

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 June 4, 2009, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Neil Patrick Harris, Inc.**, c/o AAAgent Services, LLC.

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

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 12966 Galewood Street, Studio City, CA 91604.

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

j26

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Business Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **Better Homes Building Products Corp.** on May 20, 2009. The address of its principal office under the laws of its jurisdiction is 341 Harding Highway, Pittsgrove, NJ 08318. The commercial registered office provider for this Corporation is National Registered Agents, Inc. in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 4124.

j26

NOTICE IS HEREBY GIVEN that **SUA Insurance Services, Inc.**, a foreign business corporation incorporated under the laws of the State of Delaware, where its principal office is located at 222 S. Riverside Plaza, Suite 1600, Chicago, Illinois 60606, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at 600 North Second Street, Suite 401, Harrisburg, Pennsylvania 17101.

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

j26

NOTICE IS HEREBY GIVEN that an Application was made to the Dept. of State of the Commonwealth of Pennsylvania (PA) at Harrisburg, PA, on 6/8/09 by **SA Group Properties, Inc.**, a foreign corporation formed under the laws of the State of Minnesota with its principal office located at 800 Nicollet Mall, Minneapolis, MN 55402 for a Certificate of Authority to do business in PA under the provisions of the PA 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. j26

NOTICE IS HEREBY GIVEN that Articles of Incorporation for Non-profit have been filed with the Department of State of the Commonwealth of Pennsylvania on May 15, 2006 for the purpose of forming a business corporation under the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania, 15 Pa. C.S. §1101 et seq.

The name of the corporation is: **Chubb International Shooting Sports, Inc.**

LESTER L. GREEVY, JR., Esq.
Greevy & Associates
1460 Washington Boulevard
Williamsport, PA 17701

j26

NOTICE IS HEREBY GIVEN that **Cornelian Ministries, Inc.** with a Commercial Registered Agent Provider in c/o National Corporate Research, Ltd. in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth as per 15 Pa. C.S. 6129(b). The address of its principal office under the laws of its jurisdiction is c/o Veronica Ahern, 401 Ninth Street, Suite 900, Washington, DC 20004. This shall serve as official notice to creditors and taxing authorities. j26

NOTICE IS HEREBY GIVEN that a for profit corporation known as **PUB Penn Real Estate, Inc.** has been incorporated under the provisions of the For Profit Corporation Law of 1988.

BARLEY SNYDER
Attorneys

j26

FIRST PUBLICATION

Corporate Notices

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

1. The name of the corporation is **Concrete General, Inc.**
 2. The location of the registered office of the corporation is 600 North Second Street, Suite 401, Harrisburg, PA 17101.
 3. The Articles of Incorporation were filed under the provisions of the Business Corporation Law of 1988.
 4. The corporation shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Business Corporation Law.
 5. The Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania and approved by said Department on the 2nd day of June 2009. j26
-

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 June 11, 2009, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Cluster Haven, Inc.**, c/o AAAgent Services, LLC.

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

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 50 West 9th Street, #4C, New York, NY 10011.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. j26

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 June 11, 2009, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Camerado, Inc.**, c/o AAAgent Services, LLC.

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

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 535 Dean Street, #707, Brooklyn, NY 11217.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. j26

NOTICE IS HEREBY GIVEN that a Certificate of Authority was filed in the Department of State of the Commonwealth of Pennsylvania for **Trouve Insurance Agency Incorporated**. The address of its principal office under the laws of its jurisdiction is 433 Airport Boulevard, Suite 550, Bulingame, CA 94010. The registered agent is listed in care of National Registered Agents, Inc. in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b). j26

NOTICE IS HEREBY GIVEN that **THE MONTRYAN CORPORATION**, a foreign business incorporated under the laws of the State of Maine, where its principal office is located at 16 Rural Hill Road, Windham, Maine 04062, and authorized to do business in the Commonwealth of Pennsylvania, where its registered office is located at CT Corporation System, Dauphin County, has filed applications under 54 Pa.C.S. §311 for registration of the following two fictitious names: **“Medical Case Management Group”** and **“MCMG”**. j26

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 June 11, 2009, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Derby Grange Corporation, c/o AAAGENT Services, LLC.**

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

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 9000 Sunset Boulevard, Suite 1500, West Hollywood, CA 90069.

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

j26

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a foreign business corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **Legacy Texas Insurance Services, Inc.** on 06/05/2009. The address of its principal office under the laws of the jurisdiction in which it is incorporated is 707 E. Arapaho Road, Suite 200, Richardson, TX 75081. The registered office for this business is: Nauman, Smith, Shissler & Hall, LLP, Dauphin County, PA. The corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 4124. j26

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, that **Aman Collection Service, Inc.**, a corporation incorporated under the laws of the State of South Dakota, with principal office at 800 Walnut Street, MAC F4030-101, Des Moines, IA 50309, and registered office in Pennsylvania at c/o Corporation Service Company, Dauphin County, which on April 9, 1997, was granted a Certificate of Authority to transact business in the Commonwealth of Pennsylvania, intends to file an Application for Termination of Authority with the Department of State. j26

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 June 8, 2009, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **BABCOCK ENTERPRISES, LTD., d/b/a BABCOCK ENTERPRISES OF NEW YORK, c/o AAAGENT Services, LLC.**

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

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 10121 Poags Hole Road, Dansville, NY 14437.

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

j26

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 June 8, 2009, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **EAGLE FABRICATION, INC., c/o AAAGENT Services, LLC.**

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

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 1860 Blake Street, Suite 400, Denver, Colorado 80202.

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

j26

NOTICE IS HEREBY GIVEN that **Berna Products, Corp.**, a Delaware Corporation intends to file an Application for Termination of Authority and the registered office is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. j26

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on June 1, 2009, by **EMTEX SOFTWARE, INC.**, a foreign corporation formed under the laws of the State of Florida, where its principal office is located at 901 Yamato Road, Suite 120, Boca Raton, FL 33441, 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. j26

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on June 17, 2009, by **TYONEK SERVICES CORPORATION**, a foreign corporation formed under the laws of the State of Alaska, where its principal office is located at 1689 C Street, Suite 219, Anchorage, AK 99501, 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. j26

NOTICE IS HEREBY GIVEN that **Provident Mortgage Corp.**, a Maryland Corporation intends to file an Application for Termination of Authority and the registered office is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. j26

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on June 12, 2009, by **BROWN & BROWN OF DETROIT, INC.**, a foreign corporation formed under the laws of the State of Michigan, where its principal office is located at c/o Brown & Brown of Detroit, Inc., 35735 Mound Road, Sterling Heights, MI 48311-8029, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. j26

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on June 18, 2009, by **FAIRHOLME DISTRIBUTORS, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 301 Bellevue Parkway, Wilmington, DE 19809, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. j26

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on June 10, 2009, by **Per-Se Technologies, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at c/o The Prentice-Hall Corporation System, Inc., 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o The Prentice-Hall Corporation System, Inc., Dauphin County, Pennsylvania. j26

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **MOUNTAIN HIGH TRANSPORTATION GROUP, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. j26

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on June 12, 2009, by **iDS Tech, Inc.**, a foreign corporation formed under the laws of the State of Texas, where its principal office is located at 3050 Post Oak Blvd., Suite 400, 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. j26

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on June 12, 2009, by **ELKTON SPARKLER COMPANY, INC.**, a foreign corporation formed under the laws of the State of Maryland, where its principal office is located at 123 Peninsula Drive, North East, MD 21901, 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. j26

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on June 3, 2009, by **CNL SPECIALTY REAL ESTATE SERVICES CORP.**, a foreign corporation formed under the laws of the State of Florida, where its principal office is located at 450 South Orange Avenue, Orlando, FL 32801, 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. j26

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on June 17, 2008, by **PIONEER DRILLING SERVICES, LTD.**, a foreign corporation formed under the laws of the State of Texas, where its principal office is located at 1250 N.E. Loop 410, Suite 1000, San Antonio, TX 78209, 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. j26

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Business Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **B-Dry System, Inc.** The address of its principal office under the laws of its jurisdiction is 455 S 4th Street, Suite 350, Louisville, KY 40202. The Commercial Registered Office address is Capitol Corporate Services, Inc. in the County of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 4124(b). j26

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Risk & Insurance Consultants, Inc.**, a foreign business corporation incorporated under the laws of the State of Georgia, where its principal office is located at 6400 Powers Ferry Road – NW, Suite 395, Atlanta, GA 30339, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at 7208 Redtop Road, Hummelstown, PA 17036.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. j26

FIRST PUBLICATION

Fictitious Notices

NOTICE IS HEREBY GIVEN that an Application for Registration of a fictitious name, **Studio 211**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being a Hair Salon located at 211 West Main Street, Hummelstown, PA 17036, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 22nd day of May, 2009, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person owning or interested in the said business is: Joelisa M. Kotchey, 90 Runyon Court, Hummelstown, PA 17036. j26

FIRST PUBLICATION

Miscellaneous Notices

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that a Petition for Reinstatement to the active practice of law has been filed by **MICHAEL SEDOR** and will be the subject of a hearing on July 29, 2009 before a hearing committee designated by the Board. Anyone wishing to be heard in reference to this matter should contact the District III Office of the Disciplinary Board of the Supreme Court of Pennsylvania, 2nd Floor, Two Lemoyne Drive, Lemoyne, Pennsylvania 17043, phone number (717) 731-7083, on or before **July 15, 2009**.

ELAINE M. BIXLER
Secretary of the Board
The Disciplinary Board of the
Supreme Court of Pennsylvania

j26

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

CIVIL ACTION – LAW

No. 2008-CV-13582 QT

LaTERRE, LLC, Plaintiff

vs.

MARY YOUNG, Defendant

TO: MARY YOUNG

YOU ARE HEREBY NOTIFIED that an Action to Quiet Title was brought against you in the Court of Common Pleas of Dauphin County, file to No. 2008-CV-13582-QT requesting that you be forever barred from asserting any right, title, or interest in and to the real property described herein and that LaTERRE, LLC, has extinguished any right, lien, title or interest claimed by you or any other person or persons to the premises as follows:

ALL THAT CERTAIN lot or piece of land situate in the Eleventh Ward of the City of Harrisburg, County of Dauphin and State of Pennsylvania, bounded and described as follows, to wit:

FIRST PUBLICATION

Miscellaneous Notices

BEGINNING at a point on the western line of Susquehanna Street, about one hundred thirty-three (133) feet, six (6) inches distant, northwardly from the northern line of Pepper Street and extending thence northwardly along said Susquehanna Street, about fifteen (15) feet, four (4) inches, and extending thence westwardly (having a uniform width sixty-nine (69) feet, six (6) inches to a four (4) feet wide private alley). With the right to the use of said alley in common with the owners of the other lands abutting thereon.

HAVING THEREON ERECTED a two-story brick dwelling house now known as 2012 Susquehanna Street, Harrisburg, Pennsylvania.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff.

YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

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

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

j26

CRAIG A. DIEHL, Esq., CPA

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

CIVIL ACTION – LAW

No. 2008-CV-11115-CV

**PENNSYLVANIA STATE
EMPLOYEES CREDIT UNION,
Plaintiff**

vs.

**MICHAEL RODRIGUEZ,
Defendant**

NOTICE

TO: Michael Rodriguez

YOU ARE HEREBY NOTIFIED that on August 27, 2008, Plaintiff, Pennsylvania State Employees Credit Union filed a Complaint endorsed with a Notice to Defend against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2008-CV-11115-CV, which has been reinstated, wherein Plaintiff seeks to enforce its rights under its loan documents.

SINCE your current whereabouts are unknown, the Court by Order dated May 21, 2009, ordered notice of said facts and the filing of the Complaint to be served upon you as provided by R.C.P. 430(b).

FIRST PUBLICATION

Miscellaneous Notices

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

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend, you must enter a written appearance personally or by attorney, and file your defenses or obligations in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a Judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

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

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

SHAWN M. LONG, Esq.
Barley Snyder LLC
126 East King Street
Lancaster, PA 17602
(717) 299-5201

j26

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

No. 2009-CV-04823-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on May 11, 2009, the Petition of **Mae Lee Deanna Smith** a/k/a **Deanna Smith** was filed in the above named court, requesting a decree to change her name from **Mae Lee Deanna Smith** to **Deanna Mae Johnson**.

The Court has fixed Thursday, July 2, 2009 in Courtroom No. 3, at 1:30 p.m., Dauphin County Courthouse, Front and Market Streets, Harrisburg, PA as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted. j26

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL ACTION – LAW

CIVIL DIVISION

No. 2009-CV-42290-MF

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

COUNTRYWIDE HOME LOANS
SERVICING LP, Plaintiff

vs.

THE ESTATE OF WILLIAM JACOB
MCEWEN, IV, JERI C. MCEWEN,
ADMINISTRATRIX AND HEIR
OF THE ESTATE OF

WILLIAM JACOB MCEWEN, IV
UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS AND ALL PERSONS,
FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE,
OR INTEREST FROM OR UNDER
WILLIAM JACOB MCEWEN, IV,
Defendant(s)

FIRST PUBLICATION

Miscellaneous Notices

NOTICE

**TO: UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS AND ALL PERSONS,
FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE, OR
INTEREST FROM OR UNDER
WILLIAM JACOB MCEWEN, IV**

YOU ARE HEREBY NOTIFIED that on APRIL 1, 2009, Plaintiff, COUNTRYWIDE HOME LOANS SERVICING LP, 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. 2009-CV-42290-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 16 BEECHWOOD DRIVE, MIDDLETOWN, PA 17057, whereupon your property would be sold by the Sheriff of DAUPHIN County.

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

NOTICE

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

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

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

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

j26

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

CIVIL ACTION – LAW

DIVORCE

No. 2008 CV 17819 DV

EDITH TYLER, Plaintiff

vs.

CARMEN TYLER, Defendant

**NOTICE TO DEFEND AND
CLAIM RIGHTS**

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

When the ground for divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary, Room 101, Dauphin County Courthouse, Front and Market Streets, Harrisburg, PA.

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

FIRST PUBLICATION

Miscellaneous Notices

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

DAUPHIN COUNTY
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**COMPLAINT UNDER
SECTION 3301 (c) OR 3301 (d)
OF THE DIVORCE CODE**

**TO THE HONORABLE,
THE JUDGES OF SAID COURT**

1. Plaintiff is Edith Tyler, who currently resides at 2311 Green Street, Pennsylvania 17110 since on or about December 2007.
2. Defendant is Carmen Tyler, who is currently transient and staying at various locations in Dauphin County,
3. Plaintiff has been a bona fide resident in the Commonwealth for at least six (6) months immediately previous to the filing of this Complaint.
4. The Plaintiff and Defendant were married on September 29, 2007, in Harrisburg, Pennsylvania and were separated on December 15, 2007.
5. There have been no prior actions of divorce or for annulment between the parties.
6. The marriage is irretrievably broken.
7. Neither Plaintiff nor Defendant is in the military service.
8. Plaintiff has been advised that counseling is available and that Plaintiff may have the right to request that the court require the parties to participate in counseling.

WHEREFORE, Plaintiff requests this Honorable Court to enter a decree in divorce under Section 3301 (d) or (c) of the Divorce Code.

VERIFICATION

I verify that the statements made in this Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Date: 12/18/08
/s/ Edith Tyler

**NOTICE OF AVAILABILITY
OF COUNSELING**

**BY ORDER OF THE COURT
OF COMMON PLEAS
OF DAUPHIN COUNTY**

PLAINTIFF HEREBY ACKNOWLEDGES and Defendant is hereby notified that marriage counseling is available to the parties if request is made for same either by letter to the Dauphin County Prothonotary's Office or through your lawyer. A list of marriage counselors is available in the Office of the Prothonotary, Room 101, Dauphin County Courthouse, Front and Market Streets, Harrisburg, PA.

A request for counseling must be made within twenty (20) days after service of the Complaint, and the costs of said counseling services shall be set by the Court and placed upon either or both parties.

Date: 12/18/08
/s/ Edith Tyler

/s/ Nichole M. Walters
YWCA Domestic Violence Legal Clinic
114 Walnut Street, 2nd Floor
Harrisburg, PA 17101
(717) 724-0516
NWalters@ywcahb.org

j26

FIRST PUBLICATION

Miscellaneous Notices

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

CIVIL ACTION – LAW

No. 2008-CV-4169-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATE HOLDERS
CWABS, INC. ASSET-BACKED
CERTIFICATES, SERIES 2005-4,
Plaintiff**

vs.

WILLIAM L. CAREY, Defendant

NOTICE

TO: WILLIAM L. CAREY

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

ALL THAT following described lot of ground situate, lying and being in the city of HARRISBURG, County of DAUPHIN Commonwealth of Pennsylvania, bounded and limited as follows, to wit:

YOU ARE HEREBY NOTIFIED that your house (real estate) at 1709 NORTH 3RD STREET, HARRISBURG, PA 17102-1809 is scheduled to be sold at the Sheriff's Sale on AUGUST 27, 2009 at 10:00 A.M. at the DAUPHIN County Courthouse to enforce the Court Judgment of \$128,976.18 obtained by, BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-4 (the mortgagee), against your Prop. sit. in the city of HARRISBURG, County of DAUPHIN, and State of Pennsylvania.

BEING PREMISES: 1709 NORTH 3RD STREET, HARRISBURG, PA 17102-1809.

IMPROVEMENTS consist of residential property.

SOLD as the property of WILLIAM L. CAREY.

TERMS OF SALE: The purchaser at the sale must take ten (10%) percent down payment of the bid price or of the Sheriff's cost, whichever is higher, at the time of the sale in the form of cash, money order or bank check. The balance must be paid within ten (10) days of the sale or the purchaser will lose the down money.

**THE HIGHEST AND BEST BIDDER
SHALL BE THE BUYER.**

LEGAL DESCRIPTION

ALL THAT CERTAIN parcel of land located in the City of Harrisburg, County of Dauphin, Commonwealth of Pennsylvania, being shown and designated as "Lot 41" on a Plan entitled "Proposed Subdivision Plan for Capitol Hights Development Phase "A", by Dawood Engineering, Inc., Plan dated September 14, 1999 and last revised October 5, 1999.

BEGINNING at an iron pin to be set at the eastern right-of-way line of North Third Street (60 feet right-of-way); where said line intersects with the line of Lots 40 and 41; thence along Lot 40, North 72 degrees 30 minutes 00 seconds East, a distance of 98.00 feet to an iron pin to be set at the western right-of-way line of Herman Alley (14 feet right-of-way); thence along said right-of-way line, South 17 degrees 30 minutes 00 seconds East, a distance of 20.00 feet to an iron pin to be set at the line of Lots 41 and 42; thence along Lot 42, South 72 degrees 30 minutes 00 seconds West, a distance of 98.00 feet to an iron pin to be set at the eastern right-of-way line of North Third Street; thence along said right-of-way line, North 17 degrees 30 minutes 00 seconds West, a distance of 20.00 feet to an iron pin to be set, the place of BEGINNING.

CONTAINING 1,960 square feet, more or less.

FIRST PUBLICATION

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VESTED BY SPECIAL WARRANTY DEED,
DATED 04/05/2005, GIVEN BY SUZANNE G.
JOHNSON, A/K/A SUZANNE G. HETRICK, A
SINGLE WOMAN TO WILLIAM L. CAREY,
HIS HEIRS AND ASSIGNS FOREVER AND
RECORDED 4/8/2005 IN BOOK 5943 PAGE
370.dddddd

PREMISES BEING: 1709 NORTH 3RD
STREET, HARRISBURG, PA 17102-1809.

Tax Parcel No. 12-004-167.

DANIEL SCHMIEG, Esq.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103
(215) 563-7000

j26

SECOND PUBLICATION

Miscellaneous Notices

NOTICE OF AUDIT

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

NOTICE IS HEREBY GIVEN that the follow-
ing accounts have been filed by the respective
accountants in the Office of the Register of Wills
or with the Clerk of the Orphans' Court Division
of the Common Pleas of Dauphin County, as the
case may be, and that the same shall be duly pre-
sented to the said Orphans' Court Division at the
Office of the Court Administrator for Audit,
Confirmation and Distribution of the said ascer-
tained balances to and among those legally enti-
tled there to **on Tuesday, July 21, 2009**. Pursuant
to Dauphin County Orphans' Court Rule 6.10.1,
objections to an account must be filed in writing
with the Register or Clerk **no later than the close
of business on Tuesday, July 14, 2009**.

1. DEPPEN, ERNEST D., Deceased, First
and Final Account of John F. Deppen Jr.
and Robert G. Deppen, Executors.
2. KUHN, RUTH E., Settlor now Deceased,
First and Final Account of Manufacturers
and Traders Trust Company, Successor to
Dauphin Bank and Trust Company (Trust
Under Revocable Agreement of Trust
Dated, November 9, 1995).

Dated: June 5, 2009

/s/ SANDRA C. SNYDER
Register of Wills and

j19-j26 Clerk of the Orphans' Court Division



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BAR ASSOCIATION PAGE
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213 North Front Street • Harrisburg, PA 17101-1493
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Directors

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

REPORTING OF ERRORS IN ADVANCE SHEET

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

DAUPHIN COUNTY COURT SECTION

Motion Judge of the Month

JUNE 2009
JULY 2009

Judge Todd A. HOOVER
Judge Bruce F. BRATTON

Opinions Not Yet Reported

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MISCELLANEOUS SECTION

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