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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 MARY C. GREGORY, (died: January 12, 2015), late of East Hanover Township, Dauphin County, Pennsylvania. Executor: William F. Gregory, 532 South Crawford Road, Hummelstown, PA 17036. Attorney: John S. Davidson, Esquire, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. f13-27

ESTATE OF LUTHER J. BINKLEY, (died: December 18, 2014), late of Derry Township, Dauphin County, Pennsylvania. Executor: Robert Romeo, 167 Tannebaum Way, Palmyra, PA 17078. Attorney: Jerome J. McDonald, Esq., 210 Tiverton Lane, Harrisburg, PA 17112. f13-27

ESTATE OF RALPH L. WALKER, (died: January 6, 2015), late of Harrisburg, Dauphin County, Pennsylvania. Executrix: Marcy Mitchell 2227 Boas Street, Harrisburg, PA 17103 or Attorney: Paul J. Esposito, Esquire, GOLDBERG KATZMAN, P.C., 4250 Crums Mill Road, P.O. Box 6991, Harrisburg, PA 17112. f13-27

ESTATE OF JOYCE LEE PATTERSON, (died: December 28, 2014), late of Harrisburg, Dauphin County, Pennsylvania. Administratrix: Ashley Patterson, c/o J. Jay Cooper, Esquire, GOLDBERG KATZMAN, P.C., 4250 Crums Mill Road, P.O. Box 6991, Harrisburg, PA 17112. f13-27

ESTATE OF JAMES W. COLEMAN, (died: December 19, 2014), late of 534 Hillcrest Rd., Hershey, PA 17033. Executrix: Penny S. Larkin, 814 Surrey Ct., Camp Hill, PA 17011. f13-27

NOTICE OF TRUST ADMINISTRATION of the Viola Short Davison Living Trust dated 11/9/1994, as amended (the "Trust"), following the death of Viola Short Davison, late of Derry Township, Dauphin County, Pennsylvania on January 6, 2015 (the Decedent), is hereby given. Successor Death Trustee: Timothy A. Short, c/o JSDC Law Offices, P.O. Box 650, Hershey, PA 17033 or to Attorney: Gary L. James, Esquire, JSDC Law Offices, P.O. Box 650, Hershey, PA 17033, (717) 533-3280. f13-27

Morrill v. Plant, et al.**Practice - Arbitration Award - Improper Proceeding - Failure to Present Witness - Deficient Expert Report - Improper Speculation**

Plaintiffs sought to have an arbitration award vacated due to irregularities at the arbitration hearing, which allegedly resulted in an unjust and inequitable result.

1. Adjudicatory action cannot validly be taken by any tribunal, whether judicial or administrative, except upon a hearing, wherein each party shall have the opportunity to know of the claims of his opponent, to hear the evidence introduced against him, to cross-examine witnesses, to introduce evidence in his own behalf and to make argument. *Allstate Ins. Co. v. Fioravanti*, 451 Pa. 108, 299 A.2d 585, 588 (1973).

2. Where a matter is submitted to arbitration, arbitrators are obliged to abide by the minimal procedural requirements necessary for common law arbitration, which entails granting the parties a full and fair hearing. *Andrew v. CUNA Brokerage Servs., Inc.*, 976 A.2d 496, 501-02 (Pa. Super. 2009). The ability to cross-examine witnesses is among those “minimal procedural requirements necessary for common law arbitration which entails granting the parties a full and fair hearing.” *Id.*

3. Any issues as to deficiencies in a vocational report are ultimately credibility determinations; the Arbitrator is free to accept all, some or none of the report and its conclusions. *See, Lowther v. Roxborough Mem’l Hosp.*, 738 A.2d 480, 488 (Pa. Super. 1999) (the decision of an arbitrator on issues of credibility cannot be disturbed).

4. Arbitrators are the final judges of both law and fact, and an arbitration award will not be subject to reversal for a mistake of either. *Andrew v. CUNA Brokerage Servs., Inc.* at 500.

Application to Modify and/or Vacate Arbitration Award. C.P., Dau. Co., No. 2003 CV 0195. Application Granted.

Guy H. Brooks, for Plaintiff

John Gerard Devlin, for Defendant

OPINION

Turgeon, J., January 20, 2015. – Before the court is Plaintiffs’ Application to Modify and/or Vacate an Arbitration Award. Plaintiffs assert that the Arbitrator’s Award is erroneous due to several irregularities and should be modified or vacated under the Pennsylvania Uniform Arbitration Act and Pennsylvania case law. For the reasons set forth below, I grant Plaintiffs’ Application, vacate the award and remand for another arbitration.

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BACKGROUND

On January 18, 2001, Plaintiff Janet Morrill, then 43 years of age, was involved in a motor vehicle accident while traveling west on Louise Drive in Lower Allen Township, Cumberland County. As she began to make a left turn into her employer's parking lot, her vehicle was struck by Defendant David Plant, Jr., who was operating a van owned by Defendant At the Cross Church of God in Christ. Plant, who had been traveling east on Louise Drive, failed to stop at a stop sign and hit the passenger side of Plaintiff's vehicle at approximately 40 mph. Plaintiff complained immediately of severe neck, shoulder and jaw pain and her husband took her to the hospital for treatment. She was diagnosed with a concussion and released that day. She thereafter treated with numerous physicians. She initially underwent many non-surgical treatments for her shoulder, cervical and lumbar pain including cortisone injections, physical therapy, massage therapy and acupuncture. These treatments were largely unsuccessful. Plaintiff underwent a laminectomy and fusion in the lumbar area at L-5/S-1 in September 2003 and a cervical fusion at C-5 through C-7 in July 2004. Due to Plaintiff's continued pain and numbness, her doctor recommended weight reduction as well as a mammoplasty (breast reduction), which she underwent in August 2005. Plaintiff claimed that the lumbar surgery relieved symptoms but that the other two surgeries did not. It is undisputed that these surgeries were directly related to her being struck by Defendant Plant in 2001.

At the time of the accident, Plaintiff was employed as a senior subrogation specialist with Erie Insurance in which capacity she handled large property subrogation and workers' compensation claims. She had been hired by Erie in 1997 as a claims adjuster. She had been previously employed since 1975 as a claims adjuster. She is a high school graduate who is eleven credits shy of an associate's degree in business administration.

Plaintiff was off work for five days immediately following the accident before attempting to return to her job, which involved sitting much of the day. Plaintiff continued to work even though she experienced daily discomfort and fatigue. In October 2001, she accepted a lateral transfer with Erie as a multi-line claims adjuster, which position permitted her to work at home. Plaintiff, however, found herself unable to meet the demands of home-based work. In February 2003, she stopped working and was placed on short-term disability and received Social Security disability benefits for two years.

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Due to her fear of losing her employment status, she returned to Erie in February 2005, initially in a part-time capacity and later full-time as a property liability claims adjuster working from her home. Plaintiff explained her position as a “floater” who would investigate claims wherever she was assigned by Erie. This position required that she drive and occasionally climb onto roofs, which was difficult for her. She continued to work for Erie until August 2007, with the exception of a one month absence in August 2005 related to her mammoplasty. In August 2007, she went on short-term disability due to back problems and was later placed on long-term disability in November 2007. Poor work performance issues were noted in her employment records between 2005 through August 2007. Before that, they were generally normal or showed she exceeded expectations, including for a period following her accident in 2001. Plaintiff attributed her poor work performance to her chronic neck and back pain which made it difficult for her to concentrate and maintain the stamina needed to perform her job.

In December 2007, because Plaintiff remained on disability and was out of protected time, Erie “displaced” her which allowed them to fill her position due to a business need. Plaintiff technically remained an employee of Erie until August 2009. In May 2008 she was granted Social Security Disability benefits, retroactive to August 2007, upon a finding that she was unable to engage in any substantial gainful work activity because of a medically determinable physical impairment. She was still receiving those benefits as of the arbitration hearing. In addition, following her cessation of employment with Erie, she received disability payments through a disability policy she had with Erie, which she was still receiving as of September 2011. She has not been employed in any capacity since August 2007. Her final annual rate of compensation at Erie was \$47,983 including benefits.

Plaintiff and her husband initiated this action asserting claims of negligence and loss of consortium. The parties later entered into a binding arbitration agreement. They agreed that “live factual testimony” would be limited to that of the each party, a representative from Defendant At the Cross Church and fact witnesses identified in discovery. (Arb. Agreement ¶¶ 5) The parties agreed that all expert opinion reports were admissible and reserved the right to present expert witness testimony live or via videotaped deposition. (*Id.* ¶¶ 8-9) The final witness list was to be provided to opposing counsel ten days prior to the hearing. (*Id.* ¶ 5) The agreement provided that the hearing was subject to the Pennsylvania Rules of Evidence, that Pennsylvania substantive law applied and that the Arbitrator’s final judgment as to either “shall be

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final.” (*Id.* ¶ 14) The parties also agreed that the Pennsylvania Uniform Arbitration Act governed the proceeding. (*Id.* ¶ 18)

ARBITRATION HEARING AND AWARD

An arbitration hearing was held following which the Arbitrator issued a written decision awarding Plaintiffs \$457,215 compensation, exclusive of delay damages, including \$250,000 for Janet Morrill’s non-economic damages, \$167,215 for her economic damages (lost earnings) and \$40,000 for Rocky Morrill’s loss of consortium.

The Arbitrator noted that the Defendants’ negligence in causing the accident was admitted. The Arbitrator and found that “[i]n terms of impact, testimony and photographs of the vehicles clearly demonstrate that this was a substantial crash.” (Arb. Award p. 1)

Regarding Plaintiff Janet Morrill’s non-economic injuries, the Arbitrator agreed that the three surgeries she had undergone – back surgery, cervical fusion and a breast reduction (to reduce strain on her repaired spine) – were all necessitated by the accident. (*Id.* p. 3) The Arbitrator also concluded that “[t]here is no question that serious painful and disabling injuries occurred in this case,” which “conditions have been, and remain painful and limiting....” (*Id.*) Prior to the accident, Plaintiff had no neck or back injuries and was extremely active. The Arbitrator found Plaintiff’s testimony regarding the extent of her injuries to be convincing, particularly since Defendants presented “rather exhaustive surveillance (video),” taken over a five-year period (between 2008 and 2013), which reflected that Plaintiff was “considerably less active” than she had been pre-accident. (*Id.*) Indeed, the record revealed that prior to her accident Plaintiff played the saxophone in three bands, was a pianist for her church, exercised six days per week and undertook many household chores. Following the accident, she gave up all band activities, curtailed her piano playing, no longer attended a gym causing her to gain between 50 and 60 pounds and performed only minimal household chores. (See Spergel Report pp. 8-10; Bierley Report pp. 3-4) As recited above, the Arbitrator awarded her \$250,000 for these non-economic damages.

In deciding to award \$40,000 for her husband Rocky Morrill’s loss of consortium, the Arbitrator noted that he and his wife had been and remained a close couple, and that the accident had a “profound effect” upon the many activities they enjoyed pre-accident, including marital intimacy. (*Id.* p. 4) The Arbitrator further noted Mr. Morrill had to shoulder many more household duties and lost services which would have been otherwise provided by his wife. (*Id.*)

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Plaintiff Janet Morrill's economic damages consisted entirely of her lost earnings and were "the primary economic (damages) battleground" between the parties. (*Id.*) Plaintiffs argued before the Arbitrator that she was totally disabled and not employable. Defendants argued she was partially disabled and therefore employable. Plaintiffs presented the testimony and expert report of vocational expert Brian Bierley, as well as the expert report of economic damages expert Arleen Steiner. Defendants presented the report of vocational expert Philip Spergel but did not produce any testimony or report from an economic expert.

Bierley opined that Plaintiff was not capable of any employment after 2007 and had no residual earning capacity. He found that based upon her Erie earnings' history, she could have expected to earn between \$53,390 and \$66,960 per year after she left Erie. (See Arb. Award p. 3) Steiner opined that her total lost earnings - including the value of income and benefits, plus the loss of value in household services she could no longer provide - were \$2,156,000 if she retired at 66.5 years of age, and \$2,441,000 if did not retire until 69 years of age. (See *Id.* pp. 3-4)

Defendants' expert Spergel offered drastically lower lost earnings figures in his report. He opined that Plaintiff "does have transferable skills that would permit her to remain in the competitive labor market in sedentary positions that do not include activities that she had performed in the past as a subrogation specialist." (Spergel Report p. 60) He cited her transferable computer skills and concluded that she could make workplace accommodations to reduce stress on her cervical spine and get up from her desk as needed. (*Id.* p. 60-61) Spergel said in his report that he believed Plaintiff could be fully employed within the insurance industry as a claims examiner, insurance checker or clerk and could expect to earn approximately \$38,000 annually. (*Id.* p. 61) His report did not address the level of benefits that might be associated with those positions. (*Id.*)

Notably, Defendants did not present Spergel as a live witness, nor was a videotaped deposition of his testimony submitted at the arbitration hearing. Spergel had been initially listed as a live witness but did not appear at the arbitration hearing, without prior notice to Plaintiffs. (App. for Reconsideration (Nov. 15, 2013), p. 2) Plaintiffs' vocational expert Bierley, on the other hand, testified live at the hearing and was available for cross examination by Defendants.

The Arbitrator credited Spergel's conclusions both as to Plaintiff's employability (residual earning capacity) and potential earnings and rejected those offered by Plaintiffs and their experts. The Arbitrator concluded that from the date she stopped working for Erie, in August

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2007, through November 2013, Plaintiff's lost earnings should be calculated at only \$9,983 per year, which he arrived at by subtracting the \$38,000 Spergel's Report indicated she was capable of earning, from her prior \$47,983 Erie income and benefits earned in 2007. (Arb. Award p. 4) The Arbitrator acknowledged that Spergel had not offered any opinion as the value of benefits associated with the potential employment positions he identified for Plaintiff and thus speculated that "the occupations noted [by Spergel] were all in the insurance industry which typically provides fairly liberal employee benefits." (*Id.*) In arriving at Plaintiff's annual lost earnings, the Arbitrator did not adjust the \$47,983 Erie income figure upward to include income or benefit increases to which Plaintiff would have been entitled, between 2007 and 2013, had she continued to work for Erie, finding that her Erie income and benefits would have remained stagnant during those six years. The Arbitrator considered any such potential increases in Plaintiff's income or benefits "speculative." (*Id.*) Based upon his conclusion that Plaintiff's income loss was \$9,983 per year, the Arbitrator calculated Plaintiff's total lost earnings to be \$167,215, from November 2007 to November 2023, when she would be 66.5 years old. (*Id.*)

After the Arbitrator issued his decision, Plaintiffs requested reconsideration of the award to rectify what they considered erroneous calculations of damages and other irregularities. The Plaintiffs' primary challenge was that the award of just \$167,215 to Mrs. Morrill for her economic damages (lost earnings) was not supported by the record. Plaintiffs raised two primary issues in their reconsideration request.

First, Plaintiffs argued that the Spergel Report was plainly deficient in that it failed to include two crucial components of a complete and valid vocational report: (1) consideration of the availability of alternative employment in the relevant market and (2) consideration of the availability of benefits in alternative employment. Plaintiffs argued that the award assumed, without any factual basis, the existence of an available job in the insurance industry market and that such a job would provide liberal employee benefits. Plaintiffs further complained that:

... despite the clear limitations of the Spergel Report, the Award largely adopts Dr. Spergel's unsupported conclusions regarding actual availability of open jobs and the existence of benefits for such jobs. These assumptions resulted in a miscalculation of damages contrary to accepted case law concerning the adequacy of vocational expert reports. Furthermore, had Dr. Spergel testified as Defendants had said he would,

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those deficiencies would have been exposed. However, with Defendants' last second cancellation of Dr. Spergel as a witness, it was entirely up to [the Arbitrator] to limit [his] reliance on the Dr. Spergel to the "four corners" of the deficient report as [the Arbitrator] repeatedly required the Plaintiffs to do while Brian Bierley testified. Doing otherwise incorporated two unequal evaluation standards which, by any measure was completely unjustified.

(Application for Reconsideration (Nov. 15, 2013), p. 2)

Second, Plaintiffs argued that the arbitration award was improper because it was based on speculation and assumptions without any legitimate evidentiary basis. Plaintiffs complained that the Arbitrator accepted the speculative conclusions proposed by Spergel including that Mrs. Morrill was employable in insurance industry jobs despite the absence of any market survey in his report indicating that such jobs actually existed in the local market and would be available to her. He further speculated that such jobs would provide liberal benefits, which decision further reduced Mrs. Morrill's future economic damages. On the other hand, as noted above, the Arbitrator rejected as too speculative the figures proposed by Plaintiffs' experts Bierley and Stern which projected that her future earnings with Erie (assuming she not been injured and remained employed there) would have included income and benefit increases. Plaintiffs complained the Arbitrator's Award was contradictory wherein the Arbitrator relied upon Defendants' expert's speculative conclusions while rejecting those offered by Plaintiffs as being too speculative.¹

In denying the reconsideration request, the Arbitrator responded that he "did not believe that defendant must show specific available positions of employment in the third party liability context as argued by Plaintiff." (Ruling on Reconsideration, p. 1) He further defended his award stating that "it is within his discretion to find credible, some, all or none of any expert's testimony or report submitted into evidence. The Arbitrator does not find Mr. Bierley's opinion as to work capability and Ms. Stern's calculation of lost earnings to be credible. Instead, the last known earnings of Plaintiff form the basis of this award." (*Id.*)

1. Plaintiffs raised a third claim in their reconsideration request, which was that delay damages must be awarded under the Arbitration Agreement. (App. for Reconsideration (Nov. 15, 2013), p. 6) Plaintiffs also noted in their reconsideration request that they were not challenging the Arbitrator's discretionary findings of disability, pain and suffering, loss of consortium, "or that reasonable minds could differ about whether Ms. Morrill is partially or totally disabled." (*Id.* p. 5)

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The Arbitrator further found that Defendants' expert Spergel "provided information sufficient to prove the existence of residual earning capacity of \$38,000.00, that figure being calculated as the average earnings available from alternative employment as stated in the Spergel report." (*Id.* at 4) He dismissed Plaintiffs' argument that his lost earnings figure should have included the future loss of employment benefits Mrs. Morrill would have earned with Erie had she not been injured. He defended his speculation on this issue of her future benefits by raising a new reason for the speculation. He stated that there was evidence that her cessation of work with Erie in 2007 may have been unrelated to any physical disabilities, reasoning that the inclusion of potential future benefits "is speculative and excessive as it appears from the testimony that the cause of Plaintiff's termination from employment may have been based upon inadequate performance rather than accident related disability."² (*Id.*) He concluded that his award of lost earnings "is supported by the credible testimony and evidence submitted." (*Id.*) After the Arbitrator denied Plaintiffs' reconsideration request they filed their application with this court to modify and/or vacate the arbitration award.

LEGAL DISCUSSION

Plaintiffs raise three irregularities they claim warrant a vacation or modification of the award, all concerning the Arbitrator's decision concerning Janet Morrill's economic damages (lost earnings): (1) Defendants' failure to present Spergel as a live witness at the arbitration hearing, despite their representation that he would appear, precluded

2. As is noted above, Plaintiff was "displaced" from Erie in December 2007 because she was on medical disability, was out of protected time and Erie had a business need to fill her position. (See, Answer to Application to Vacate Arb. Award, Exbt. F (Holman dep. p. 46-49)) Her primary supervisor at the time, Linda Holman, who handled the displacement process, testified that prior to taking disability leave in August 2007, Plaintiff had been receiving poor performance reviews and her supervisors were considering imposing a probationary period upon her during which she would have to meet performance standards; if she failed, she would be terminated. (*Id.* p. 33) Holman testified that due to her medical leave, probation was never instituted and stressed that Plaintiff was not "terminated" by Erie. (*Id.* p. 49)

Holman further refused at her deposition to speculate whether Plaintiff would have been terminated had she not become medically disabled, agreeing she had "no knowledge or information as to what the next step would have been in Janet Morrill's performance assessment had she not gone on short-term disability." (*Id.* p. 55) Plaintiff's other supervisor, between 2005 and her 2007 displacement date, Jason Frampton, offered no testimony that Plaintiff's ultimate cessation of work at Erie was due to inadequate performance. (See *Id.*, Exbt. E (Frampton dep.)) The record before this court is thus devoid of any evidence supporting the proposition that "that the cause of Plaintiff's termination from employment may have been based upon inadequate performance rather than accident related disability." Instead, the factual record was clear that Plaintiff was "displaced" from her employment because she went on medical disability due to a bad back.

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Plaintiffs from impeaching his vocational report; (2) the Arbitrator improperly relied upon the Spergel Report despite it being legally, factually and facially deficient; and (3) the Arbitrator improperly guessed as to both the availability of other positions of employment for Mrs. Morrill and the availability and the amount of benefits that any such alternate position would provide.

The parties agreed that the arbitration would be governed by the Pennsylvania Uniform Arbitration Act. 42 Pa.C.S.A. §§ 7301-7320. Under the Act, it is proper for a court to vacate an arbitration award where the court would vacate the award under Section 7341, common law arbitration, if statutory arbitration were not to apply. 42 Pa.C.S.A. § 7314(1)(i). Section 7341 provides the following limited review:

§ 7341. Common law arbitration

The award of an arbitrator in a nonjudicial arbitration which is not subject to Subchapter A (relating to statutory arbitration) or a similar statute regulating nonjudicial arbitration proceedings is binding and may not be vacated or modified unless it is clearly shown that a party was denied a hearing or that fraud, misconduct, corruption or other irregularity caused the rendition of an unjust, inequitable or unconscionable award.

42 Pa.C.S.A. § 7341. “The arbitrators are the final judges of both law and fact, and an arbitration award is not subject to reversal for a mistake of either....” *Andrew v. CUNA Brokerage Servs., Inc.*, 976 A.2d 496, 500 (Pa. Super. 2009) (citation omitted). “The appellant bears the burden to establish both the underlying irregularity and the resulting inequity by clear, precise, and indubitable evidence.” *Id.* (citation omitted).

... [I]rregularity refers to the process employed in reaching the result of the arbitration, not the result itself. A cognizable irregularity may appear in the conduct of either the arbitrators or the parties. Our Supreme Court has stated that the phrase “other irregularity” in the process employed imports “such bad faith, ignorance of the law and indifference to the justice of the result” as would cause a court to vacate an arbitration award.

Toll Naval Associates v. Chun-Fang Hsu, 85 A.3d 521, 528-29 (Pa. Super. 2014) (citation omitted).

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“Arbitration, while not surrounded by the technical procedural safeguards incident to litigation, is not a wholly informal process and requires for its validity the observance of certain minimum standards indispensable to the securing of a fair and impartial disposition of the merits of a controversy.” *Scholler Bros. v. Otto A.C. Hagen Corp.*, 158 Pa. Super. 170, 44 A.2d 321, 322 (1945). These minimum standards require that both parties are provided with notice, all the arbitrators must sit at the hearing, each side is entitled to be heard and to be present when the other party’s evidence is being given and, unless the submission allows a decision by a majority of the arbitrators, all must join in the award. *Id.* See also *Allstate Ins. Co. v. Fioravanti*, 451 Pa. 108, 299 A.2d 585, 588 (1973) (Once a dispute has been submitted to arbitration, the parties are entitled to a hearing with “the necessary essentials of due process, i.e., notice and opportunity to be heard and to defend in an orderly proceeding adapted to the nature of the case before a tribunal having jurisdiction of the cause.”); *Reisman v. Ranoel Realty Co.*, 224 Pa. Super. 220, 303 A.2d 511, 514 (1973) (Arbitrations are not wholly informal proceedings and the basic principles of hearing conduct must be adhered to, with the arbitration process requiring for its validity the observance of certain minimum standards indispensable to the securing of a fair and impartial disposition of the merits of a controversy, i.e., a full hearing with the opportunity to be heard and to present evidence.)

“[A]djudicatory action cannot validly be taken by any tribunal, whether judicial or administrative, except upon a hearing, wherein each party shall have the opportunity to know of the claims of his opponent, to hear the evidence introduced against him, to cross-examine witnesses, to introduce evidence in his own behalf and to make argument.” *Fioravanti*, 299 A.2d at 588. Therefore, where a matter is submitted to arbitration, arbitrators are obliged to abide by the minimal procedural requirements necessary for common law arbitration which entails granting the parties a full and fair hearing.

Andrew v. CUNA Brokerage Servs., Inc. at 501-02.

1. IMPROPER PROCEEDING: FAILURE OF DEFENDANTS
TO PRESENT WITNESS (SPERGEL)

Plaintiffs argue that Defendants’ mere submission of Spergel’s Report and failure to present him as a live witness at the arbitration hear-

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ing, despite Defendants' representation that he would appear, precluded Plaintiffs from impeaching his deficient report and constitutes such an irregularity in the process that it requires vacation of the award. I agree.

Defendants represented to Plaintiffs that Spergel would testify; however, he did not. The unavailability of Spergel denied Plaintiffs' their opportunity to impeach him and his report. Denying Plaintiffs an opportunity to cross examine Spergel constituted an irregularity in the process which caused an unjust, inequitable or unconscionable award. 42 Pa.C.S.A. § 7341. As noted above, "**adjudicatory action cannot validly be taken ... except upon a hearing, wherein each party shall have the opportunity ... to cross-examine witnesses....**" *Andrew v. CUNA Brokerage Servs., Inc.* at 501-02 (quoting *Fioravanti*, 299 A.2d at 588) (emphasis added). The ability to cross examine witnesses is among those "minimal procedural requirements necessary for common law arbitration which entails granting the parties a full and fair hearing." *Id.*

Plaintiffs' inability to cross examine Defendants' only economic damages (lost earnings) expert in this case was not a minor defect in the arbitration proceeding but rendered the adjudicatory action invalid. *Id.* The Arbitrator acknowledged that the issue of lost earnings was a primary battleground in the proceeding. He also determined that Spergel's Report and conclusions were credible while those offered by Plaintiffs' experts were not. For instance (as discussed in greater detail below), the Arbitrator largely adopted Spergel's conclusions regarding the availability of open jobs and the existence of benefits for such jobs, despite a lack of evidentiary basis for those conclusions. The loss by Plaintiffs of the ability to cross examine and impeach Spergel, given the speculative nature of many of Spergel's findings, and given that his report was the cornerstone upon which the Arbitrator based his decision on economic damages, denied Plaintiffs a full and fair hearing as required under the law.³ *Id.*

3. The prejudice caused to Plaintiffs by their inability to cross examine Spergel was compounded whereby, according to Plaintiffs, during the arbitration proceeding their vocational expert Bierley, who provided live testimony and was subject to cross-examination by Defendants, was prohibited by the Arbitrator from stating his opinion in regards to deficiencies in Spergel's Report.

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2. RELIANCE ON INVALID AND DEFICIENT EXPERT REPORT⁴

Plaintiffs' next argument is that the Arbitrator improperly relied upon Spergel's vocational report despite it being legally and factually deficient and that such reliance constituted an irregularity in the process before the Arbitrator, warranting modification or vacation of the Arbitration Award. Specifically, Plaintiffs assert Spergel, in determining Plaintiff was capable of finding a job in the insurance industry earning \$38,000 per year, failed to address or include in his report the availability of alternative employment in the local job market and of the availability of benefits in such alternative employment. Plaintiffs argue that the Arbitrator's decision to adopt Spergel's unsupported conclusions resulted in a gross miscalculation of damages.

Plaintiffs cite *Dobrowolsky v. Califano*, in which the Third Circuit held that "[t]o obtain the maximum benefit from a vocational expert's skill and experience, while also ensuring that the expert does not usurp the role of ultimate factfinder, it has been suggested that the expert focus on three interrelated questions: '(1) What transferable skills does the claimant have? (2) Are there jobs that can be performed with those skills, given the functional limitation resulting from his medical condition? and (3) How many jobs exist locally and in the national economy?' " 606 F.2d 403, 410 (3rd Cir. 1979). Plaintiffs maintain the Spergel Report neglected to address this third suggested area of inquiry.

Plaintiffs also cite worker's compensation decisions issued by Pennsylvania courts as instructive as to the requirements of a valid vocational report. See e.g. *Allied Products & Servs. v. W.C.A.B (Click)*, 823 A.2d 284 (Pa. Commw. 2003). Under *Allied Products*, a Pennsylvania employer seeking to modify worker's compensation benefits through a vocational expert "must ... convince the fact-finder that positions within the worker's residential capacity are actually available... [Thus,] while an employer need not submit the alternate positions to an injured worker, the employer must still persuade the fact-finder that the positions are actually available." *Id.* at 287-88. See, *Readinger v. W.C.A.B. (Epler Masonry)*, 855 A.2d 952, 955 (Pa. Commw. 2004) (citing

4. Although I found above that Plaintiffs set forth a sufficient ground for vacation or modification of the Arbitration Award, I nevertheless address their remaining arguments for the sake of judicial economy.

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Kachinski v. W.C.A.B. (Vepco Construction), 532 A.2d 374 (Pa. 1987) (“the appropriate inquiry is whether the employer shows jobs that are actually available and open”).

Defendants argue that the cases cited by Plaintiffs have no dispositive application in a third party liability action as concerns the requirements of a vocational report. This court agrees. The *Dobrowolsky* decision applied federal Social Security law and merely “suggested” the elements that should be included for a vocational report to provide maximum benefit to a court. The Pennsylvania cases also have a limited application to worker’s compensation law and Plaintiffs fail to cite any decisions extending their application beyond that context. Plaintiffs in fact admit the law set forth in the worker’s compensation cases are merely “instructive.” As such, the failure by Spergel to address in his report the availability of alternative employment in the local job market and of the availability of benefits in such alternative employment did not clearly render his report invalid. Instead, any issues as to deficiencies in the report were ultimately credibility determinations; the Arbitrator was free to accept all, some or none of the report and its conclusions. *See, Lowther v. Roxborough Mem’l Hosp.*, 738 A.2d 480, 488 (Pa. Super. 1999) (the decision of an arbitrator on issues of credibility cannot be disturbed) and *Pinchot v. Chubb Indem. Ins. Co.*, 2011 WL 865077 (E.D. Pa. Mar. 10, 2011) (applying Pennsylvania law, court held that appraisers (the legal equivalent of arbitrators for purposes of enforceability) were authorized to accept or reject conflicting experts’ findings and opinions).

Even assuming, however, that the Spergel Report was deficient and should have conformed to the requirements of the cases they cited, the acceptance by the Arbitrator of the report was not the type of irregularity in the arbitration process warranting vacation or modification of the Arbitration Award. As noted above, arbitrators are the final judges of both law and fact and an arbitration award will not be subject to reversal for a mistake of either. *Andrew v. CUNA Brokerage Servs., Inc.* at 500.

3. IMPROPER SPECULATION BY ARBITRATOR

Plaintiffs’ final claim is that the Arbitration Award must be modified or vacated because it was based upon the Spergel Report’s improper speculation and guesswork. Pennsylvania law “does not permit a damages award based on mere guesswork or speculation, but rather requires a reasonable basis to support such an award.” *Gillingham v. Consol. Energy, Inc.*, 51 A.3d 841, 864 (Pa. Super. 2012) (citation omitted). Expert testimony based on “mere conjecture” cannot be admitted into

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evidence. *Hussey v. May Dep't Stores, Inc.*, 357 A.2d 635 (Pa. Super. 1976). "While an expert's opinion need not be based on absolute certainty, an opinion based on mere possibilities is not competent evidence. This means that expert testimony cannot be based solely upon conjecture or surmise." *Viener v. Jacobs*, 834 A.2d 546, 558 (Pa. Super. 2003) (citation omitted).

Plaintiffs correctly note that the Spergel Report does not contain any inventory of available, supposedly suitable jobs for Mrs. Morrill. The report only identifies occupations, but does not factually present any open employment opportunities. Although the Spergel Report was devoid of these facts, the Arbitrator relied on these assumptions that specific employment exists and is available to Plaintiff that would employ her at \$38,000 per year. The Arbitrator also speculated that the supposed employment opportunities would provide "fairly liberal employee benefits," providing no evidentiary basis for this generalization. Plaintiffs assert that the Arbitrator's reliance upon both the speculations of available employment opportunities and liberal employee benefits constitute an irregularity, resulting in an unjust and equitable result in the Arbitration Award.

Plaintiffs' claim here concerning improper speculation about job opportunities and employment benefits is a criticism of the Arbitrator's alleged mistake of law or fact. Under the law, an arbitration award is not subject to reversal for a mistake of either. *Andrew v. CUNA Brokerage Servs., Inc.* at 500. The arbitrator was free to make credibility determinations concerning the opinions and conclusions set forth in the Spergel Report. *See, Lowther v. Roxborough Mem'l Hosp.*, and *Pinchot v. Chubb Indem. Ins. Co.*, *supra*.

Accordingly, I enter the following:

ORDER

AND NOW, this 20th day of January, 2015, Plaintiffs' Application to Vacate the economic damages portion of the Arbitration Award is hereby GRANTED.

— o —

FIRST PUBLICATION

Estate Notices

ESTATE OF KIMBERLY ANN REESE, AKA KIMBERLY A. REESE, (died: January 9, 2015), late of Hummelstown, Dauphin County, Pennsylvania. Executor: Thomas F. Reese, c/o James, Smith, Dietterick & Connelly, LLP, 134 Sipe Avenue, Hummelstown, PA 17036 or to Attorney: Gregory K. Richards, Esquire, James, Smith, Dietterick & Connelly, LLP, 134 Sipe Avenue, Hummelstown, PA 17036, (717) 533-3280. f13-27

ESTATE OF DOROTHY M. SMECK, late of Washington Township, Dauphin County, Pennsylvania. Co-Executors: Benjamin E. Crabb, 5411 Route 209, Elizabethtown, PA 17023; Robert E. Crabb, 5324 Route 209, Elizabethtown, PA 17023 or to Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. f13-27

ESTATE OF BELLA C. SEES, (died: January 18, 2015), late of Lower Paxton Township, Dauphin County, PA. Executrix: Pamela S. Beardsell Attorney: Diane S. Baker, P.O. Box 6443, Harrisburg, PA 17112-0443. f13-27

ESTATE OF K. DONAHUE A/K/A KATHLEEN S. DONAHUE, (died: December 27, 2014), late of Derry Township, Dauphin County, Pennsylvania. Representative: Kathleen O. Donahue, Edward Donahue, Jr. and Charles O'Shea Donahue c/o Pyfer, Reese, Straub, Gray & Farhat P.C., 128 North Lime Street, Lancaster, PA 17602. Attorney: PYFER, REESE, STRAUB, GRAY & FARHAT, P.C., 128 North Lime Street, Lancaster, PA 17602. f13-27

ESTATE OF ROBERT M. LANDY, (died: January 6, 2015), late of Swatara Township, Dauphin County, Pennsylvania. Executor: Very Rev. Robert M. Gillelan, Jr., 4800 Union Deposit Road, Harrisburg, PA 17111. Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 27 North Front Street, Harrisburg, PA 17101. f13-27

ESTATE OF SIDNEY R. WINSLOW, (died: January 27, 2015), late of the Township of Halifax, Dauphin County, Pennsylvania. Co-Administrator: Cynda L. Winslow, 1634 Crottletown Road, Chambersburg, Pennsylvania 17202; Co-Administrator: Richard S. Winslow, 1634 Crottletown Road, Chambersburg, Pennsylvania 17202; Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. f13-27

SECOND PUBLICATION

Estate Notices

ESTATE OF KATHRYN M. MACNICHOLAS, A/K/A KATHRYN MACNICHOLAS, late of Derry Township, Dauphin County, Pennsylvania. Executrix: Karen A. Alexander, 10463 Jonestown Road, Apt. 10, Annville, PA 17003. Attorney: Edward J. Coyle, Esquire, Buzgon Davis Law Offices, P.O. Box 49, 525 South Eighth Street, Lebanon, PA 17042. f6-20

ESTATE OF GEORGE E. WILLIAMSON, SR., (died: November 12, 2014), late of Lower Paxton Township, Dauphin County, Pennsylvania. Administrator: George E. Williamson, Jr., 3416 Belair Road, Harrisburg, PA 17109 Elizabeth H. Feather, Esquire, Caldwell & Kearns, P.C., 3631 North Front Street, Harrisburg, PA 17110, (717) 232-7661. f6-20

ESTATE OF IRVIE DELLINGER, (died: December 28, 2014), late of Londonderry Township, Dauphin County, Pennsylvania. Co-Executors: Brian C. Dellinger and Janice Hippensteel, c/o Linda J. Olsen, Esquire 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. Attorney: Linda J. Olsen, Esquire, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. f6-20

ESTATE OF ROGER R. SEIP, (died: October 30, 2014), late of Swatara Township, Dauphin County, Pennsylvania. Executor: Roger M. Seip, 63 N. 10th Street, Lemoyne, PA 17043 or to Attorney for Estate: Christa M. Aplin, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, 717-541-5550. f6-20

ESTATE OF MABEL WEIDA A/K/A MABEL I. WEIDA, (died: January 8, 2015), late of the Borough of Millersburg, County of Dauphin, Pennsylvania. Executrix: Melissa Weida Ventresca, 12184 Mentzer Gap Road, Waynesboro, Pennsylvania 17268; Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, Pennsylvania 17023. f6-20

ESTATE OF ANNA E. ROWE, (died: January 5, 2015), late of Williams Township, Dauphin County, Pennsylvania. Co-Executrix: Joanne G. Adams, 621 West Market Street, Williamstown, or Co-Executrix: Jill C. Shuttlesworth, 517 East Market Street, Williamstown, PA 17098. Attorney: Gregory M. Kerwin, Esquire, Kerwin & Kerwin, LLP, Attorneys at Law, 4245 State Route 209, Elizabethtown, PA 17023. f6-20

ESTATE OF LOUIS J. ANDRIONE, SR., late of the County of Dauphin and Commonwealth of Pennsylvania. Executor: James C. Andrione, 7727 Hanoverdale Dr., Harrisburg, PA 17078. Attorney: Daryl J. Gerber, Esquire, The Law Office of Daryl J. Gerber, 46 E. Main Street, Palmyra, PA 17078. f6-20

SECOND PUBLICATION

Estate Notices

ESTATE OF ASHER S. HALBLEIB, late of Middletown Borough, Dauphin County, Pennsylvania. Executrix: Julie Lee, 322 Conewago Street, Middletown, PA 17057 or to Attorney: Kathleen B. Murren, Esquire, SkarlatosZonarich LLC, 17 South 2nd Street, 6th Floor, Harrisburg, PA 17101. f6-20

ESTATE OF HELEN WASHOCK, (died: January 3, 2015), late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Richard Chubb, 212 North Third Street, Suite 301, Harrisburg, Pennsylvania 17101; Attorney, BECKLEY & MADDEN, Post Office Box 11998, Harrisburg, PA 17108, (717) 233-7691. f6-20

ESTATE OF JOHANNA D. SAURMAN, late of the Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Lee A. Saurman, 35 Highland Drive, Camp Hill, PA 17011 or to Attorney: Theresa L. Shade Wix, Esq, Wix, Wenger & Weidner, 4705 Duke Street, Harrisburg, PA 17109 -3041. f6-20

ESTATE OF PHYLLIS ANN WEAVER, late of Washington Township, Dauphin County, Pennsylvania. Executrix: Kim M. Womer and Executrix: Tammy L. Calhoun, c/o Turo Robinson Attorneys at Law, 129 South Pitt Street, Carlisle, PA 17013. Attorney: James M. Robinson, Esquire, Attorney for the Estate of Phyllis Ann Weaver, 129 South Pitt Street, Carlisle, PA 17013. f6-20

ESTATE OF JOHN E. LINCOLN, (died: December 13, 2014), late of Jefferson Township, Dauphin County, Pennsylvania. Executor and Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. f6-20

ESTATE OF CLARA J. BOWMAN, late of the Borough of Elizabethville, County of Dauphin and Commonwealth of Pennsylvania. Executrix: AMY S. SNYDER, P. O. Box 665, Elizabethville, PA 17032 or Attorney: JOSEPH C. MICHETTI, JR., ESQUIRE, DIEHL, DLUGE, JONES & MICHETTI, 921 Market Street, Trevorton, PA 17881. f6-20

ESTATE OF LILLIAN F. RUSSELL, late of Hummelstown Borough, Dauphin County, Pennsylvania. Executor: Harold M. Stopfel, Jr., c/o Craig A. Hatch, Esquire, HALBRUNER, HATCH & GUISE, LLP, 2109 Market Street, Camp Hill, PA 17011. f6-20

ESTATE OF MICHAEL L. KERWIN, A/K/A MICHAEL L. KERWIN, JR., (died: January 15, 2015), late of Lykens Borough, Dauphin County, Pennsylvania. Executrix: Michelle M. Herr, 808 Pottsville Street, Lykens, PA 17048. Attorney: Gregory M. Kerwin, Esquire, Kerwin & Kerwin, LLP, Attorneys at Law, 4245 State Route 209, Elizabethville, PA 17023. f6-20

ESTATE OF RANDY LEE GEHRET, (died: November 30, 2014), late of Harrisburg, Dauphin County, Pennsylvania. Executor: Mark Gehret, 191 Old Boston Post Road, Old Saybrook CT 06475. Attorney: Mark A. Mateya, Esquire, 55 W. Church Avenue, Carlisle, PA 17013, (717) 241 -6500. f6-20

ESTATE OF CHARLES J. NEWKAM, (died: 12/25/14), late of Lower Paxton Twp., Dauphin County, PA. Administratrix: Colleen A. Newkam, 6103 Nassau Rd., Harrisburg, PA 17112 or to her Attorney: John B. Zonarich, Skarlatos Zonarich LLC, 17 S. 2nd St., 6th Fl., Harrisburg, PA 17101-2039. f6-20

THIRD PUBLICATION

Estate Notices

ESTATE OF ELEANOR R. HIVNER, (died: October 18, 2014), late of Swatara Township, Dauphin County, Pennsylvania. Executor/Administrator: Susan Kennedy, 439 Hivner Road, Harrisburg, PA 17111. j30-f13

ESTATE OF VAN BICH THI NGUYEN, (died: November 1, 2014), late of Lower Paxton Township, Dauphin County, Pennsylvania. Administrator: Thomas Wynn, 872 Ramblewood Drive, Easton, PA 18040. Attorney: Elizabeth H. Feather, Esquire, Caldwell & Kearns, P.C., 3631 North Front Street, Harrisburg, PA 17110, (717) 232-7661. j30-f13

ESTATE OF FLORENCE M. BELL A/K/A FLORENCE MAE BELL, (died: January 9, 2015), late of Middletown Borough, Dauphin County, Pennsylvania. Personal Representative: Virginia Lerew, 1020 North Union Street, Apt. 203, Middletown, PA 17057 OR Catherine Eshenour, 9 Peter A. Beet Drive, Cortlandt Manor, NY 10567 OR Jean D. Seibert, Esquire, Caldwell & Kearns, P.C., 3631 North Front Street, Harrisburg, PA 17110. j30-f13

ESTATE OF CARL J. HOKE, (died: December 22, 2014), late of Upper Paxton Township, Dauphin County, Pennsylvania. Administrator: Marvin E. Hoke, Jr., 708 Lentz Avenue, Milersburg, Pennsylvania 17061; Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. j30-f13

THIRD PUBLICATION

Estate Notices

ESTATE OF JOAN L. SHUEY, (died: December 2, 2014), late of Dauphin County, PA. Administrator: Jodi L. Shuey; Attorney: Patricia Carey Zucker, Esquire, Daley Zucker Meilton & Miner, LLC, 635 N. 12th Street, Suite 101, Lemoyne, PA 17043. j30-f13

ESTATE OF ANA L. SPAEDER, (died: December 18, 2014), late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Mary M. Spaeder, of Hershey, Pennsylvania. Attorney: Jacqueline A. Kelly, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, 717-541-5550. j30-f13

ESTATE OF CHARLOTTE L. HORVATH, (died: November 1, 2014), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Elizabeth K. Zeiders, 2718 Colonial Road, Harrisburg, PA 17112 or to Attorney: Christa M. Aplin, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, 717-541-5550. j30-f13

ESTATE OF MILDRED K. MACOMBER A/K/ A MILDRED MAE MACOMBER, (died: November 17, 2014), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: James R. Clippinger, 3631 North Front Street, Harrisburg, PA 17110. Attorney: Elizabeth H. Feather, Esquire, CALDWELL & KEARNS, PC, 3631 North Front Street, Harrisburg, PA 17110. j30-f13

ESTATE OF FAYE E. MULLEN, A.K.A. FAYE ELIZABETH MULLEN, late of Lower Paxton Township, Dauphin County, Pennsylvania. Personal Representative/Executor: EVELYN J. PUTT 363 Equus Drive, Camp Hill, PA 17011 or to Attorney: ELIZABETH B. PLACE, ESQUIRE, SkarlatosZonarich LLC., 17 South 2nd Street, Floor 6, Harrisburg, PA 17101. j30-f13

ESTATE OF JAMES E. JACKSON JR., (died: November 4, 2014), late of Swatara Township, Dauphin County, Pennsylvania. Executrix: Marissa M. Jackson, c/o Jan L. Brown & Associates, 845 Sir Thomas Court Suite 12, Harrisburg, PA 17109, Telephone: 717-541-5550. j30-f13

ESTATE OF FRAN B. DONLAN, late of Middletown Borough, Dauphin County, Pennsylvania. Executor: Dennis C. Withey, 3508 Ridge Top Court, Louisville, KY 40241. Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. j30-f13

NOTICE OF TRUST ADMINISTRATION OF THE VIOLA SHORT DAVISON LIVING TRUST dated 11/9/1994, as amended (the "Trust"), following the death of Viola Short Davison, late of Derry Township, Dauphin County, Pennsylvania on January 6, 2015 (the Decedent), is hereby-given. Successor Death Trustee: Timothy A. Short, c/o JSDC Law Offices, P.O. Box 650, Hershey, PA 17033 or to Attorney: Gary L. James, Esquire, JSDC Law Offices, P.O. Box 650, Hershey, PA 17033, (717) 533-3280. j30-f13

NOTICE OF TRUST ADMINISTRATION OF THE KUHN FAMILY TRUST dated 3/28/1997, as amended (the "Trust"), following the death of Ruth H. Kuhn, late of Derry Township, Dauphin County, Pennsylvania on November 28, 2014 (the "Decedent"), is hereby given.

ESTATE OF RUTH H. KUHN, (died: November 28, 2014), late of Derry Township, Dauphin County, Pennsylvania. Successor Death Trustee and Executrix: Lucie K. Doyle, c/o JSDC Law Offices, P.O. Box 650, Hershey, PA 17033 or to Attorney: Gary L. James, Esquire, JSDC Law Offices, P.O. Box 650, Hershey, PA 17033, (717) 533-3280. j30-f13

ESTATE OF RODGER T. FAILL, (died: December 10, 2014), late of Paxtang Borough, Dauphin County, Pennsylvania. Executrix: Carol E. Faill. Attorney: David M. Watts, Jr., Esq., McNeese Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108, (717) 232-8000. j30-f13



FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Altra Industrial Motion Corp.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 300 Granite St., Ste. 201, Braintree, MA 02184, 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.

f13

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **Pappas & Pappas Consulting, Inc.**, a corporation incorporated under the laws of the State of Massachusetts with its principal office located at 260 Boston Post Rd., #1, Wayland, MA 01778 and a registered office in PA at c/o: CSC, Dauphin County, which on 4/14/2011, 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.

f13

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on January 22, 2015, by **Blackrock Logistics Inc.**, a foreign corporation formed under the laws of the State of Nevada, where its principal office is located at 311S. Division St., Carson City, NV 89703, 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 Business Filings Incorporated, Dauphin County.

f13

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on January 29, 2015, by **A LA MODE TECHNOLOGIES, INC.**, a foreign corporation formed under the laws of the State of Florida, where its principal office is located at 2210 Vanderbilt Beach Rd., Ste. 1205, Naples, FL 34109, 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.

f13

NOTICE IS HEREBY GIVEN that **Impact Effect Systems Inc.**, a foreign business corporation incorporated under the laws of British Columbia, Canada, with its princ. office located at 1087 Adderley St., Vancouver, British Columbia V7L 1T4, 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.

f13

NOTICE IS HEREBY GIVEN that **ObjectFrontier, Inc.**, a foreign business corporation incorporated under the laws of Georgia, with its princ. office located at 3025 Windwood Plaza, Ste. 25, Alpharetta, GA 30005, 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.

f13

NOTICE IS HEREBY GIVEN that **DTI USA Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 31 Affleck Rd., Perth Airport, WA 6105, Australia, 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.

f13

NOTICE IS HEREBY GIVEN that **Livedrive Internet Inc.**, a foreign business corporation incorporated under the laws of Delaware, intends to withdraw from doing business in this Commonwealth. The address, including street and number, if any, of its principal office under the laws of its jurisdiction is 6922 Hollywood Blvd., Ste. 500, Los Angeles, CA 90028.

Its last registered office in this Commonwealth is c/o Corporation Service Company and is deemed for venue and official publication purposes to be located in Dauphin County.

f13

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 1/13/2015 under the Domestic Business Corporation Law, for **MOONBEAM PARTNERS, INC.**, and the name and county of the commercial registered office provider is Corporation Service Co., Dauphin County.

f13

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 October 24, 2014, for **OUT-SOURCING STORAGE, INC.**, of 100 Church Street, Millersburg, PA 17061. The corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988, as amended.

TERRENCE J. KERWIN, ESQUIRE
KERWIN & KERWIN, LLP
Attorneys-at-Law
4245 State Route 209
Elizabethville, P A 17023
f13 (717) 362-3215

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 1/26/2015 under the Domestic Business Corporation Law, for **LOCKWIRED, INC.**, and the name and county of the commercial registered office provider is Corporation Service Co., Dauphin County. f13

NOTICE IS HEREBY GIVEN that **Squirro Americas Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 1215 W. Baltimore Pike, Ste. 5 Media, Philadelphia, PA 19063, 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. f13

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on February 6, 2015 by **Care Cam Blockco, Inc.**, a foreign corporation formed under the laws of the State of North Dakota where its principal office is located at 210 Broadway Ste 301, Fargo, ND 58102-4771, 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, in Dauphin County. f13

NOTICE IS HEREBY GIVEN that **GEM Fabrication of North Carolina, Inc.** filed a Certificate of Authority with the Commonwealth of Pennsylvania. The address of the principal office under the laws of its jurisdiction is 10230 Statesville Blvd., Cleveland, NC 27013. The commercial registered office provider is 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). f13

NOTICE IS HEREBY GIVEN that **Yankelovich Holdings Inc.** with a registered agent in care of United Corporate Services, Inc. in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth. The address to which any proceeding may be sent before this filing is c/o WPP Group, 100 Park Ave., 4th Fl., New York NY 10017. This shall serve as official notice to creditors and taxing authorities. f13

NOTICE IS HEREBY GIVEN that **Delite Outdoor USA Inc** with a registered agent in care of Capitol Corporate Services, Inc. in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth. The address to which any proceeding may be sent before this filing is 5321 Corporate Blvd., Baton Rouge LA 70808. This shall serve as official notice to creditors and taxing authorities. f13

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority was filed with the PA Dept. of State on 01/21/2015 by **BNSF Logistics International, Inc.**, a foreign corporation formed under the laws of the jurisdiction of TX with its principal office located at 1600 Lakeside Pkwy., Suite 100, Flower Mound, TX 75028, 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. f13

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority was filed with the PA Dept. of State on 02/03/2015 by **Cargill International AM S.a.r.l.**, which will be known in PA as Cargill International AM S.a.r.l., Inc., a foreign corporation formed under the laws of the jurisdiction of Luxembourg with its principal office located at 11-13 Boulevard de la Foire, Luxembourg, L -1528, 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. f13

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority was filed with the PA Dept. of State on 02/05/2015 by **East Market Development 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. f13

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on January 30th, 2015 by **Ohio Valley Supply, Inc.**, which will do business as Ohio Valley Building Products, a foreign corporation formed under the laws of the State of Georgia where its principal office is located at 100 Crescent Centre Parkway, Suite 800, Tucker, GA 30084, 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 in Dauphin County. f13

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **ANV Global Services, Inc.**, a corporation of the State of New Jersey, with principal office located at 101 Hudson St., Ste. 3606, Jersey City, NJ 07302, and having a Commercial Registered office Provider and county of venue as follows: National Registered Agents, Inc., Dauphin County, which on December 10, 2013, was granted a Certificate of Authority, to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State. f13

FIRST PUBLICATION

Fictitious Name Notices

NOTICE IS HEREBY GIVEN, pursuant to the provisions of 54 Pa.C.S., that an Application for Registration of Fictitious Name for the conduct of a business in Dauphin County, PA, under the assumed or fictitious name, style or designation of **Watkins Insurance Group** was filed in the office of the Secy. of the Commonwealth of Pennsylvania (PA), Dept. of State, on 1/21/2015. Purpose: Any lawful activity. Principal place of business: 3834 Spicewood Springs Rd., #100, Austin, TX 78759. The name and address of the person/entity owning or interested in said business is Patrick L. Watkins & Rodney Watkins, 3834 Spicewood Springs Rd., #100, Austin, TX 78759. f13

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Hershey Presbyterian Church (PCA)**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 1525 Sand Hill Road, Hummelstown, PA 17036, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 2nd day of February 2015, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the entity owning or interested in said business is: Trinity Presbyterian Church in America of Harrisburg, 6098 Locust Lane, Harrisburg, Dauphin County, PA 17109. f13

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Speedway** for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 1100 Market Street, Harrisburg, PA 17103 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on or about the 16th day of March, 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: Hess Retail Operations LLC One Hess Plaza, Woodbridge, NJ 07095. f13

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Hershey PCA**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 1525 Sand Hill Road, Hummelstown, PA 17036, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 2nd day of February 2015, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the entity owning or interested in said business is: Trinity Presbyterian Church in America of Harrisburg, 6098 Locust Lane, Harrisburg, Dauphin County, PA 17109. f13

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Trinity Presbyterian Church (PCA)**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 6098 Locust Lane, Harrisburg, PA 17109, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 2nd day of February 2015, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the entity owning or interested in said business is: Trinity Presbyterian Church in America of Harrisburg, 6098 Locust Lane, Harrisburg, Dauphin County, PA 17109. f13

FIRST PUBLICATION

Fictitious Name Notices

NOTICE IS HEREBY GIVEN that a Registration of Fictitious Name was filed in the Commonwealth of Pennsylvania on January 27, 2015 for **MRS Associates** with a principal place of business at 1930 Olney Ave., Cherry Hill NJ 08003. The individuals interested in this business are Jeffrey Freedman and Saul Freedman with an address also listed at 1930 Olney Ave., Cherry Hill NJ 08003. The entity interested in this business is MRS BPO, L.L.C. with a registered office provider in c/o National Corporate Research, Ltd. in Dauphin County. This is filed in accordance with 54 Pa.C.S. 311. f13

FIRST PUBLICATION

Miscellaneous Notices

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

CIVIL ACTION – LAW

CIVIL ACTION NUMBER: 2015-CV-314-MF

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

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

TO: THE UNKNOWN HEIRS, ADMINISTRATORS, EXECUTORS and DEVEISEES OF THE ESTATE OF THEODORE A. DEITRICH, DECEASED, Defendant(s), whose last known address is 1125 Red Hill Road, Dauphin, PA 17018-9718.

You have been sued in mortgage foreclosure on premises: 1125 RED HILL ROAD, DAUPHIN, PA 17018-9718 based on defaults since April 2014. You owe \$264,004.20 plus interest.

NOTICE

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

the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS 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 THE 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 AND
INFORMATION SERVICE
Dauphin County Bar Assoc.
213 N. Front St.,
Harrisburg, PA 17101
(717) 232-7536**

**Stern & Eisenberg, PC, Attys. for Plaintiff
The Shops at Valley Square
1581 Main St., Ste. 200
Warrington, PA 18976
(215) 572-8111**

f13

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

NUMBER 2012-CV-1629-MF

CIVIL ACTION LAW

**THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS FOR
THE CWABS, INC., ASSET-BACKED CER-
TIFICATES, SERIES 2005-7, PLAINTIFF
VS.**

LISA J. VANINWEGEN, DEFENDANT

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

TO: Lisa J. Vaninwegen

Your house (real estate) at **1853 Spencer Street, Harrisburg, Pennsylvania 17104** is scheduled to be sold at Sheriff's Sale on **April 16, 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 \$74,326.91 obtained by The Bank of New York Mellon FKA The Bank of New York as Trustee for the Certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2005-7 against you.

FIRST PUBLICATION

Miscellaneous Notices

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 The Bank of New York Mellon FKA The Bank of New York as Trustee for the Certificateholders for the CWABS, Inc., Asset-Backed Certificates, Series 2005-7 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.

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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

f13

IN THE COURT OF COMMON PLEAS
DAUPHIN COUNTY
PENNSYLVANIA

NUMBER 2014-CV-2356-MF

CIVIL ACTION LAW

ONEWEST BANK, FSB

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
MORTGAGOR AND REAL OWNER, AND
UNKNOWN SURVIVING HEIRS OF LOUISE
LATIMORE, DECEASED MORTGAGOR
AND REAL OWNER

NOTICE OF SHERIFF'S SALE
OF REAL PROPERTY

TO: Noeli Y. 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 **April 16, 2015 at 10:00 a.m.** at the Sheriff's Office, Civil Division, Dauphin County Courthouse, 1st Floor, Room 104,

FIRST PUBLICATION

Miscellaneous Notices

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.)

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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.

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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.

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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

f13

IN THE COURT OF COMMON PLEAS
DAUPHIN COUNTY
PENNSYLVANIA

NUMBER 2013-CV-2323-MF

CIVIL ACTION LAW

THE BANK OF NEW YORK MELLON F/K/A
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE HOLDERS OF THE CERTIFI-
CATES, FIRST HORIZON MORTGAGE
PASS-THROUGH CERTIFICATES SERIES
FHAMS 2006-FA8, BY FIRST HORIZON
HOME LOANS, A DIVISION OF FIRST TEN-
NESSEE BANK NATIONAL ASSOC,
PLAINTIFF
VS.
SHOMARI SAEED, DEFENDANT

NOTICE OF SHERIFF'S SALE
OF REAL PROPERTY

TO: Shomari Saeed

FIRST PUBLICATION

Miscellaneous Notices

Your house (real estate) at **32 Chestnut Street, Steelton, Pennsylvania 17113** is scheduled to be sold at Sheriff's Sale on **April 16, 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 \$32,692.11 obtained by The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the holders of the Certificates, First Horizon Mortgage Pass-Through Certificates Series FHAMS 2006-FA8, by First Horizon Home Loans, a division of First Tennessee Bank National Assoc 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 The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the holders of the Certificates, First Horizon Mortgage Pass-Through Certificates Series FHAMS 2006-FA8, by First Horizon Home Loans, a division of First Tennessee Bank National Assoc 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.

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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.

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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

f13

IN THE COURT OF COMMON PLEAS OF
DAUPHIN COUNTY,
PENNSYLVANIA

CIVIL DIVISION

NO. 2014-CV-10333-CV

MICHAEL M. BROOKHART AND
KIMBERLY BROOKHART, PLAINTIFF
PLAINTIFFS
VS.
LATECE MILLER, DEFENDANT

FIRST PUBLICATION

Miscellaneous Notices

COMPLAINT

Nature of Action: This is a court proceeding requesting that the Court enter judgment against you. You have been sued in court. If you wish to defend against the claims set forth in the following pages 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, this 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 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.

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Dauphin County Bar Association
Lawyer Referral Service
213 N. Front Street,
Harrisburg, PA 17101
Telephone: 717-232-7536

f13

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

NO. 2014-CV-8386-MF

NOTICE OF SHERIFF'S SALE

**LSF8 MASTER PARTICIPATION TRUST,
PLAINTIFF
VS.**

CHERYL N. BARTKE, DEFENDANT

NOTICE TO: CHERYL N. BARTKE

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

Being Premises: 6136 SPRING KNOLL
DRIVE, HARRISBURG, PA 17111-6801

Being in LOWER PAXTON TOWNSHIP, County of DAUPHIN, Commonwealth of Pennsylvania, 35-108-019-000-0000

Improvements consist of residential property.

Sold as the property of CHERYL N. BARTKE Your house (real estate) at 6136 SPRING KNOLL DRIVE, HARRISBURG, PA 17111-6801 is scheduled to be sold at the Sheriff's Sale on 04/16/2015 at 10:00 AM, at the DAUPHIN County Courthouse, 101 Market Street, Room 104, Harrisburg, PA 17107-2012, to enforce the Court Judgment of \$179,934.77 obtained by, LSF8 MASTER PARTICIPATION TRUST (the mortgage), against the above premises.

PHELAN HALLINAN DIAMOND
& JONES, LLP

f13

Attorney for Plaintiff

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

NO. 2013-CV-07298-MF

NOTICE OF SHERIFF'S SALE

PENNYMAC CORP., PLAINTIFF

VS.

ALLEN L. LAKE, IN HIS CAPACITY AS CO-ADMINISTRATOR AND HEIR OF THE ESTATE OF MAMIE LEE LAKE, BARBARA LAKE, IN HER CAPACITY AS CO-ADMINISTRATOR AND HEIR OF THE ESTATE OF MAMIE LEE LAKE AND UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER MAMIE LEE LAKE, DECEASED, DEFENDANT

NOTICE TO: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER MAMIE LEE LAKE, DECEASED

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

Being Premises: 1723 PENN STREET, HARRISBURG, PA 17102-2331

Being in 12th Ward of the City of Harrisburg, County of DAUPHIN, Commonwealth of Pennsylvania, 12-002-026-000-0000

Improvements consist of residential property.

Sold as the property of ALLEN L. LAKE, IN HIS CAPACITY AS CO-ADMINISTRATOR AND HEIR OF THE ESTATE OF MAMIE LEE LAKE, BARBARA LAKE, IN HER CAPACITY AS CO-ADMINISTRATOR AND HEIR OF THE

FIRST PUBLICATION

Miscellaneous Notices

ESTATE OF MAMIE LEE LAKE and UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER MAMIE LEE LAKE, DECEASED

Your house (real estate) at 1723 PENN STREET, HARRISBURG, PA 17102-2331 is scheduled to be sold at the Sheriff's Sale on 04/16/2015 at 10:00 AM, at the DAUPHIN County Courthouse, 101 Market Street, Room 104, Harrisburg, PA 17107-2012, to enforce the Court Judgment of \$45,198.32 obtained by, PENNYMAC CORP. (the mortgagee), against the above premises.

PHELAN HALLINAN DIAMOND
& JONES, LLP
Attorney for Plaintiff

f13

FIRST PUBLICATION

Name Change Notices

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

DOCKET NO: 2014-CV-748S-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on February 4, 2015, the Petition of Sean Patrick Gordon a/k/a Erika Autumn Gordon was filed in the above named court, requesting a decree to change his/her name from **Sean Patrick Gordon** to **Erika Autumn Gordon**.

The Court has fixed Tuesday, March 24, 2015 at 11:00 A.M. in Courtroom No.2, at 3rd Floor, 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.

f13

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

REPORTING OF ERRORS IN ADVANCE SHEET

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

DAUPHIN COUNTY COURT SECTION

Opinions Not Yet Reported

Associate Attorney: Marshall Dennehey Warner Coleman & Goggin, a large defense litigation firm, seeks Associate Attorney with 3+ yrs exp with insurance defense litigation for Harrisburg office. PA Bar required. Send resume to hrecruiter@mdwgc.com f6-20

BAR ASSOCIATION PAGE
Dauphin County Bar Association
213 North Front Street, Harrisburg, PA 17101-1493
Phone: (717) 232-7536 Fax: (717) 234-4582

The Judges have completed the DECEMBER 2014 civil jury term. Two civil cases reached verdict during the December civil term and the summary is as follows:

VRSM MANAGEMENT, INC. v. INTEGRATED REHABILITATION MANAGEMENT SERVICES, INC. t1d/b Compass Rehabilitation (2011 CV 5651)

In March 2009, plaintiff VRSM Management (VRSM) (owner and president Thomas Carlock) and defendant IRMS d/b/a Compass Rehabilitation ("Compass") (owner and President, Michael Ness) entered into an Agreement ("contract"). Michael Ness, previously a long-term senior management employee of Vocational Rehabilitation Services, Inc. (VRS Inc.), the predecessor of VRSM, created his new company "Compass" because of Carlock and VRSM's financial problems and imminent closure, and to continue employing VRSM's employees to perform the business of analyzing individuals with disabilities and finding them appropriate job placements.

Under the agreement, Compass agreed to pay VRSM (Carlock) approximately \$10,000 per month through March 2016, under which, inter alia, VRSM would provide newly formed Compass with 1) computer services/IT support and 2) produce a case management software system that was comparable or functionally equivalent to the existing software system VRSM had been using. Due to Plaintiff's reduction in payments to its subcontracted IT person, he stopped providing Compass necessary standard IT support, which detrimentally affected Compass by causing repeated problems with computers working or being able to print necessary reports. Also, VRSM, through its independent contract, failed to complete creating the case management software system. Therefore, Compass ceased making those monthly payments in March 2011 claiming VRSM was in breach primarily due to its alleged failure to provide computer services as required under the agreement, as well as failing to produce the new case management system software. In response, VRSM filed suit alleging two counts for breach of contract seeking the amount owed under the contract, \$531,075 through the first trial date. VRSM also argued Compass waited or released VRSM from its obligation under the contract to produce a case management software system because it had continued to make payments under the contract, despite the fact the software had not been timely produced. VRSM also argued Compass provided inadequate notice to VRSM that it considered the failure to produce the software system a "material breach" and therefore could have timely "cured" the breach.

The jury found VRSM committed a material breach under the contract by failing to provide Compass with "computer services/IT support" under the contract and that Compass had not released VRSM from its obligations to produce the software system. The jury also found that Compass provided adequate notice to VRSM so that it knew or should have known that Compass considered VRSM's failure to provide the functionally equivalent software system to be a material breach of VRSM's contractual obligations, and that breach was a "material breach" under the contract. Accordingly, VRSM "materially breached" the contract, and Compass owed no more monies to VRSM under the contract.

Counsel for Plaintiff	Jeffrey Clark, Esquire
Counsel for Defendant	Thomas Weber, Esquire
Judge	Jeannine Turgeon
Verdict	Defendant

BAR ASSOCIATION PAGE
Dauphin County Bar Association
213 North Front Street, Harrisburg, PA 17101-1493
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DAVID BERMAN, M.D. AND MARINA BERMAN v. HERSHEY ENTERTAINMENT & RESORTS COMPANY (2012 CV (525))

On August 26, 2010, Plaintiff David Berman, M.D. and his family were guests at HersheyPark. At approximately 11:00 a.m., Dr. Berman, and his two children were standing in line for the Balloon Flite Ride. Dr. Berman claimed that he became aware of a young girl who was unrelated and unknown to Dr. Berman and was standing seven to ten people in front of him crying. Dr. Berman left his own children and went to see why the girl was crying. The young girl had her knee stuck in the bars of the queue line fence. Dr. Berman alleged that he tried to free the girl's knee from the fence first by trying to pull the welded steel bars apart with his hands and then by using his hands and his foot to try to pull the bars apart. Dr. Berman claimed he strained his abdomen and sustained a core muscle injury that required surgical repair. Defendant denied that the accident occurred and if it did occur that it had any liability for the injuries allegedly sustained by Dr. Berman.

Counsel for Plaintiff	Michael C. Ksiazek
Counsel for Defendant	Kimberly Selemba
Judge	William T. Tully
Verdict	Defendant

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