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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 ANNE LESNIAK, (died: October 30, 2015), late of Londonderry Township, Dauphin County, Pennsylvania. Executrix: Nicole Marie Baker, 4682 34th Street S., Unit A-1, Arlington, VA 22206. Attorney: Jon A. Yost, Esquire, Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. j15-29

ESTATE OF KENNETH C. JAMESON, (died: December 11, 2015), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Georgia C. Harden, c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or Estate of Kenneth C. Jameson c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. j15-29

ESTATE OF PATRICIA ANN MARONIC, (died: November 1, 2015), late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Daniel R. Wohlbruck, 27101 Greenfly Orchid Lane, Leesburg, FL 37478-8391. Attorney: William J. Peters, Esquire, 2931 North Front Street Harrisburg, Pennsylvania 17110. j15-29

ESTATE OF MINDY S. NESE, (died: October 20, 2015), late of West Hanover Township, Dauphin County. Administrator: Richard M. Nese, 7558 Red Pine Rd, Harrisburg, PA 17112. Attorney: William L. Adler, 4949 Devonshire Road, Harrisburg, PA 17109. j15-29

ESTATE OF EMILY L. FOSTER, (died: December 12, 2015), late of Derry Township, Dauphin County, PA. Executor: Michael A. Foster, c/o George W. Porter, Esq., 909 East Chocolate Ave., Hershey, PA 17033. j15-29

ESTATE OF LORRAINE M. WINTERS, (died: September 9, 2015), late of the City of Harrisburg, Dauphin County, Pennsylvania. Administratrix: Mary Ellen Winters-Sellers, 1003 North 2nd Street, Harrisburg, PA 17102 or Attorney: Steven E. Grubb, Esquire, GOLDBERG KATZMAN, P.C., 4250 Crums Mill Road, P.O. Box 6991, Harrisburg, PA 17112. j15-29

# THE DAUPHIN COUNTY REPORTS

CONTAINING THE CASES DECIDED BY  
Judges of the Twelfth Judicial District of Pennsylvania

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**N.G. v. C.O.**  
**Domestic Relations - Custody - Psychological Evaluation**

Plaintiff appealed the Court's order directing that he undergo a psychological evaluation in contemplation of a custody hearing.

1. The Court may order . . . any party to submit to and fully participate in an evaluation by an appropriate expert or experts. The order . . . may be made upon the Court's own motion, upon the motion of a party with reasonable notice to the person to be examined, or by agreement of the parties. *Pa.R.C.P. 1915.8*.

2. There is no legal requirement that a party to a custody action request a mental health examination or that there be a formal allegation a party poses a risk to the child in order to trigger the authority to require such an examination. Instead, the court is granted the right, upon its own motion, to order the examination. *Id.*; see, *Jordan v. Jackson*, 876 A2d 443, 455 (Pa. Super. 2005). There is no requirement in Rule 1915.8 that a party be provided prior notice of the court's intent to order an examination.

Pa.R.A.P. 1925(a) Opinion. C.P., Dau. Co., No. 2011 CV 4775 CU.

*N.G.*, pro se.

*Nichole M. Waters*, for the Defendant

Turgeon, J., January 8, 2016.

## OPINION

N.G. has filed an appeal from an order I issued October 9, 2015, directing that he undergo a psychological evaluation in contemplation of a custody hearing to be held upon N.G.'s request for modification of an existing order. This opinion is offered in support of my order, pursuant to Pa.R.A.P. 1925(a).<sup>1</sup>

The parties N.G. (father) and C.O. (mother) were formerly married and are the parents of one daughter, E.G. (DOB 9/2010). They separated on April 30, 2011, following an incident of domestic abuse committed by father.<sup>2</sup> After mother filed a Protection From Abuse action, following a hearing, the parties entered into an agreed order issued by the Hon. Andrew Dowling evicting father from the marital home, prohibiting him from contacting mother except during custody exchanges, granting mother temporary primary physical

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<sup>1</sup> Although the law indicates that N.G.'s current appeal is interlocutory, the Superior Court has not quashed the appeal to date. See, *Miller v. Steinbach*, 681 A.2d 775, 777 (Pa. Super. 1996) (an order by the trial court directing a custody litigant to submit to and pay for a psychological evaluation pursuant to Pa.R.C.P. 1915.8 is not a final appealable order).

<sup>2</sup> The Hon. Scott Evans outlined the factual background giving rise to the abuse in an opinion issued in this case. See Mem. Opinion, pp. 4-5, No. 2011 CV 4775 CU (Feb. 1, 2012).

custody of the child pending a full hearing and directing father to undergo counseling for anger and stress management. C.G. v. N.G., No. 2011 CV 4469 AB (Dauph. Co. May 13, 2011) (Dowling, J.).<sup>3</sup>

#### Background

Father filed a formal custody complaint in this matter on May 10, 2011. Following three days of hearings, the Hon. Scott Evans issued an order November 17, 2011 granting the parties shared legal custody of the child, mother primary physical custody and father partial physical custody consisting of alternating weekends from Thursday evenings through Monday mornings. (Custody Order (Nov. 17, 2011), ¶¶ 1-3) Each party was also granted one week uninterrupted custody so long as they provided sixty days' notice. (Id. ¶ 9) Due to concerns about the child being taken out of the country, the order included a provision prohibiting her travel outside the U.S. without prior court approval and prohibiting the issuance of a passport to the child. (Id. ¶¶ 9, 17) Due to the rancor between the parties, all custody exchanges not made at her daycare facility were to take place at a local police station. (Id. ¶ 11) The order also addressed how custody was to be handled when the facility was closed or the child was unable to attend, and also required the non-custodial parent be apprised of the child's babysitter's contact information. (Id. ¶ 10) Finally, the order provided that each party was entitled to reasonable phone and email contact with the child when in the custody of the other party. (Id. ¶14) Father filed a motion seeking reconsideration of the custody order that Judge Evans denied. Father then filed an appeal to the Superior Court which he later withdrew June 2, 2012.<sup>4</sup> N.G. v. C.G., No. 13 MDA 2012 (Pa. Super. 2012).

On February 15, 2013, mother filed a petition to modify the custody order to formalize the terms of the parties' de facto custodial arrangement whereby, due to changes in father's work schedule, he was only able to exercise physical custody Saturday morning through Sunday evening on alternating weekends. On April 29, 2013, the parties entered an agreed order amending the November 17, 2011 custody order to reflect this new arrangement. The amendment also directed that mother initiate a phone call to father three times per week between 5:00 and 8:00 p.m. to allow father to speak with the child. The parties additionally agreed that father must inform mother if he intended to visit their child while at daycare.

Around October 1, 2013, father left the U.S. to visit relatives in India and to undergo a knee replacement. He did not return until approximately March 9, 2014. On March 15, 2014, upon his return, he attempted resumption of the existing custody schedule, which mother refused. On March 27, 2014, mother filed a petition to modify the custody order as well as a contempt petition claiming that father failed to provide notice of his trip, failed to make prior arrangements for his custodial time while gone and failed to accept her phone calls. She sought sole legal custody and a gradual resumption of father's custodial time to

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<sup>3</sup> Father had also filed a PFA action against mother which Judge Dowling dismissed. N.G. v. C.G., No. 2011 CV 4568 AB (May 13, 2011).

<sup>4</sup> Father was represented by counsel at all times from the filing of his custody complaint through initial custody hearings and the filing of his first appeal. Counsel withdrew in April 2012 and father has been self-represented since that time.

allow the child, then just 2½ years old, to reacquaint with father. In response, father filed a contempt petition citing mother's failure to make the custody exchange on March 15 and rejecting his phone calls. In later filings, mother reduced her demand to seeking sole legal custody only with regard to decisions concerning the child's daycare. She claimed that due to father's confrontational, antagonistic and aggressive behavior, the child's daycare provider (then the Goddard School in Hershey) refused to enroll her for the 2014-15 year. Father indicated in later filings that he sought shared legal custody and equal physical custody consisting of alternating weeks or a 4-3-3-4 schedule.

After resolution of extensive discovery disputes, Judge Evans held four days of hearings between July 23 and October 4, 2014. He issued an order November 25, 2014 in which he denied father's request for equal custody and denied father's contempt petition. Judge Evans granted mother's request for modification, amending Paragraph 1 of the November 17, 2011 custody order by granting mother sole legal custody to make "all decisions regarding the child's education and/or daycare..." All other legal custody remained shared. Judge Evans also directed that Paragraph 10 be stricken in its entirety from the original custody order. That Paragraph addressed custody arrangements when the daycare was closed or the child was unable to attend and communication concerning babysitters, as noted above.

Father filed an appeal to the Superior Court from the November 25, 2014 order. N.G. v. C.G., No. 2205 MDA 2014 (Pa. Super. 2014). Judge Evans later issued an opinion in support of his order including his decision to revoke father's legal custody concerning educational and childcare decisions, remarking as follows:

... It is clear that Father has created an atmosphere wherein daycare facilities no longer wish to have [the parties' child EG] enrolled.

... It is actually a shame that it has come to this. Father's refusal at self-reflection continues to exacerbate the situation.

Father's request to change the custodial schedule causes us to, upon review of the recent testimony, note that the only change in circumstances is that his emotional state, behavior, and attitude have diminished since 2011.

... In fact, Father's actions and involvement to date have hindered the best interest of [EG]. His obstreperous and antagonistic behavior has caused much upheaval whenever he is met with any resistance to what he sees as being what ought to be. Everyone who stands in his way is met with acts and statements of intimidation, outrage, and having to deal with being turned in "to some authority."

... Father only projects cooperation if it is on [his] terms, but threatens contempt and further litigation at every turn.

... At this point the best way to proceed is to place all daycare/educational decisions with the Mother, free from the angst (to say the least) created thus far by Father.

(Nov. 25, 2014, Opinion pp. 2-3)

While his Superior Court appeal was pending, father traveled to India on or about December 31, 2014. On February 9, 2015, while he was still in India, mother filed an emergency petition for special relief seeking sole legal and physical custody until father returned at which point she proposed he could petition to reinstate his custody rights. Mother claimed father again provided no advance notice of his travel plans and that phone contact with him had been difficult. She also alleged he attempted to arrange for third parties to have physical custody of the child while he was out of the country, which mother refused. Mother also produced a series of emails indicating that father planned to get married in India and wanted the child there for the ceremony, which was prohibited by the custody order without leave of court. On February 11, 2015, Judge Evans granted mother's petition awarding her sole legal and physical custody until father returned from India at which point he could petition for reinstatement of his custody rights.

Father responded by filing numerous petitions and motions: on February 24, 2015, while still in India, and despite the clear language of Judge Evans' order that father could seek reinstatement of his custody rights upon his return from India, father nevertheless filed an emergency petition for special relief seeking immediate reinstatement of his custody rights. He also claimed mother had violated custody provisions by not initiating calls and not letting the child join him in India for his wedding. Judge Evans denied his petition March 2, 2015. Father then filed, on March 4, 2015, an emergency motion for reconsideration of the February 11, 2015 order, which Judge Evans' denied. Undeterred, on March 13, 2015, father filed another emergency motion for reconsideration which Judge Evans also denied. On March 23, 2015, after father came back to the U.S., Judge Evans reinstated father's custodial rights as of his next weekend of scheduled custody.

On April 10, 2015, father filed a petition for contempt and modification of the custody order. He sought to hold mother in contempt for not providing contact information for the daycare/babysitter chosen by mother as of August 2014, not initiating phone calls to him over a forty-day period while he was in India, refusing to make the child available to attend his wedding in India, not telling father the child was enrolled in dance class or inviting him to a class performance, and refusing to make the child available for his previously scheduled weeklong vacation from April 25 through May 1, 2015. He again sought to modify custody to alternating weeks or a 4-3-3-4 schedule. While that petition was pending father filed, on April 16, 2015, an emergency petition for special relief raising issues of his vacation time not being

honored, and other *de minimis* issues about the child's dental care and daycare. On April 17, 2015, the late Hon. Bernard Coates denied his petition because it raised no emergency claims. Undeterred, father filed another emergency petition for special relief April 27, 2015, which Judge Coates denied April 28, 2015, due to lack of any emergency and directed the matter be scheduled through our normal custody conciliation procedure, stating that "upon further unmeritorious emergency filings by [father] this Court may consider ordering sanctions [against father]..."

On July 28, 2015, father filed three more petitions/applications that were assigned to me: (1) a petition for contempt and modification seeking to hold mother in contempt for failing to exchange custody on July 18, allegedly preventing him from having the child for a previously scheduled week-long vacation and again seeking to change the physical custody schedule to alternating weeks or a 4-3-3-4 schedule; (2) an emergency petition for special relief seeking that the child spend rescheduled vacation time with him; and (3) an application for emergency relief seeking that the child be enrolled in private Kindergarten.

Father's petition for contempt and modification was scheduled for conciliation August 5, 2015, to be heard along with father's April 10, 2015 petition for contempt and modification. Concerning the emergency petition for special relief (vacation time), following a telephone conference, I issued an order July 29, 2015, granting father's request for rescheduled vacation time with the child from August 1-8, 2015. Concerning the application for emergency relief (Kindergarten issue), I issued an order July 29, 2015, directing the matter for hearing. Mother thereafter filed a motion to vacate my order scheduling a hearing on the Kindergarten issue because the issue of mother's right to make all educational/daycare decisions on the child's behalf was an issue pending before the Superior Court on father's earlier appeal. I granted mother's request and vacated the order scheduling a hearing because this court lacked jurisdiction to address that issue while on appeal. Father filed a motion for reconsideration from this decision, which I denied.

Conciliation failed to resolve the issues raised by father in his April 10 and July 28, 2015 contempt and modification petitions, and thus, I scheduled a hearing on October 8, 2015. Before that hearing could be held, father filed a third contempt petition September 8, 2015, claiming mother had willfully violated Paragraph 10 of the initial custody order by not asking father if he wanted to take care of the child when her school is closed. As noted above, Paragraph 10, concerning custody arrangements when the daycare is closed / babysitter contact information, was stricken in its entirety from the custody order by Judge Evans November 25, 2014.

On September 9, 2015, the Superior Court issued a memorandum affirming Judge Evans' November 25, 2014 custody order. N.G. v. C.G., No. 2205 MDA 2014 (Pa. Super. Sept. 9, 2015) (14 pp.). The court found that father had waived all his appellate issues. Father filed a petition for allowance of appeal before our Supreme Court October 15, 2015, which was denied December 1, 2015. N.G. v. C.G., Nos. 792 MAL 2015 and 638 MT 2015 (Pa.).

On October 8, 2015, I held a hearing limited to the various contempt allegations filed by father. Mother presented evidence about father's behavior concerning childcare, noting that his actions had caused the termination of services with four previous providers between 2011 and 2014 and that was why she had been awarded sole legal custody over all daycare and educational decisions. Mother testified that in 2011 father confronted the child's first daycare provider in a church parking lot causing the provider to terminate services. (N.T. 61) The second provider, a private babysitter, refused to care for the child after father accused her of allowing the child to be bruised and then reporting her to DPW. (N.T. 61) Services were terminated with a third provider, U-Gro, due to father's disruptive attempts to visit the child and spend excessive time at the facility. (N.T. 61-62, 66) The fourth provider, the Goddard School, declined in August 2014 to allow the child to be enrolled for the 2014-15 school year. The email records submitted by mother with the school warned the school would discontinue enrollment if the father's behavior persisted. (Exbt. D-2) According to mother, father had become confrontational about not being allowed by the school to obtain custody during his non-custodial periods, about not being allowed to spend in-school time with the child and about the fact mother's husband was permitted to transport the child to and from school. (N.T. 62, 66) Father's behavior continued, including his desire to "camp out" at the school and escalation of petty arguments. (Exbt. D-2 (Email 7/30/15)) In its enrollment termination letter, the school informed mother as follows:

... We can no longer tolerate [father's] incessant demands, rude behavior, threats, harassment and unpleasantness. He has become a significant disruption and menace to our business and our staff. We have serious concerns for the safety and welfare of the 140+ other students and the productive operation of our school .... He has filed multiple complaints with the [DPW], all proven to be unfounded by the Department's own inspection, threatened to call the police, regarding information he should be obtaining directly from you, and bombarded us with demands that are counter to the instructions you have provided us ....

(Exbt. D-2 (Email 8/5/14)) Due to father's past behavior, and fearing further confrontation by him with a new provider, and a further loss by the child of continuity with peers and teachers, mother chose withhold the identity of the fifth childcare provider. (N.T. 62-63)

At the conclusion of mother's testimony, I stated on the record that I needed father to undergo a psychological evaluation in order for me to fully address all relevant issues at the upcoming custody hearing on father's petition to modify. (N.T. 67, 73) I thereafter issued an "Order Directing Examination Pursuant to Rule 1915.8." The order stated that "based upon threats, reports to police and Children & Youth Services, I determine that a psychological evaluation by a licensed psychologist is necessary for Father ... ." The order specified that the evaluation be performed to determine, among other things, whether father posed a risk of physical, emotional or psychological harm to the child or detrimentally affects appropriate co-parenting.

My reference in the order to reports having been made by father to (Dauphin County) Children & Youth was contained in a report provided by that agency to this court as required under Section 5329.1 of the Child Custody Act. 23 Pa.C.S.A. § 5329.1(a); see also § 5328(a)(2.1). The report included narrative of an incident on May 13, 2015. On that date, father called to complain why the agency was not doing something about mother's handling of the child's loose tooth and of mother's failure to get proper dental treatment for the child. He also complained his daughter was being neglected by the babysitter and mother and wanted to know why the agency was not investigating. He became very angry and yelled at the Children & Youth supervisor who ended the call, informing father to call back when he had calmed down. Father called back and eventually apologized for his conduct and the call ended amicably, though father disagreed with the agency's findings that there was no evidence of abuse or neglect.

#### Other Proceedings

In addition to this current custody litigation, I also take judicial notice of other legal proceedings relevant to my decision to direct that father undergo a psychological evaluation. I previously presided over the parties' Domestic Relations Section support action including father's claim that he was entitled to spousal support. N.G. v. C.G., 850 DR 2011 (Dauphin County). Following a hearing, I held that mother presented clear and convincing evidence that she suffered indignities during the course of their marriage and that as such, father was not entitled to spousal support. In so deciding, I noted the following behavior by father:

The record revealed a history of verbal abuse, harassment and overly controlling behavior by [father], as well as a few instances of physical abuse. The credible evidence was thus:

- On April 29, 2011, father was at home because he had been laid off from his job and also provided care for their child during the day. While [mother] was getting the child ready for the day, father yelled at her to put eye drops in for him and demanded that she make him breakfast or he would not let her go to work as a school teacher. He then refused to move his car so [mother] could get out of the driveway. She therefore took a spare set of car keys to move his car and while doing so, [father] followed her outside and threw a dish washing bottle at the car. After she left for work, [father] emailed and texted her that he was going to call the police for stealing his car (N.T. 10-12, 37)
- Upon [mother]'s return home from work later that day, [mother] walked over to say hi to their child who [father] was holding and he told her to go away. She prepared some food and returned to pick up the child. While holding her, [father] struck her with a gym bag following which she called the police. (N.T. 12, 32)
- According to the testimony of an officer who responded to the April 29, 2011 incident, [father] blamed [mother] for "locking" him in their house by going to work and leaving him with nowhere to go. He also described a lot of verbal abuse occurring

between the parties. (N.T. 32) The officer additionally noted that [father] referred to their child as property, became upset when [mother] took a car or the child, complained about [mother] not cooking for him and was unable to take any suggestion or guidance on how to resolve their arguments. (N.T. 34-36)

- In March or April of 2011, [father] threw [mother] out of their bedroom along with her personal items and she began to sleep in the guest room. (N.T. 9)
- At some point in April 2011, prior to their separation, [father] became angry at [mother] for having abruptly stopped the car in which they were driving to avoid hitting a dog. [Father] called her a bitch and upbraided her as a bad driver. He then pulled a scarf from the back seat and strangled her until she had to pull the car off the road and remove the scarf. (N.T. 7-8)
- Sometime in 2010, while [mother] was pregnant and driving [father] in their car, [father] got so angry at [mother] that he pulled on her seatbelt until she felt she was being strangled and had to pull over to the side of the road. (N.T. 7)

In addition to this evidence, I take judicial notice of the following legal proceedings, all corroborative of the nature of the parties' relationship as testified to at the *de novo* hearing and of [mother's] claim of indignities [footnote omitted]: On May 2, 2011, as a result of [the] April 29, 2011 incident, [mother] filed a petition to obtain relief under the Protection from Abuse Act. (No. 2011 CV 4469 AB) Following a hearing, the Hon. Andrew Dowling entered a PFA order May 13, 2011, under which [father] was prohibited from having any contact with [mother] except for limited contact related to custodial exchanges. [footnote omitted] On July 29, 2011, [father] pled guilty to committing indirect criminal contempt of the PFA order, the basis for was that on July 5, 2011, following a custody exchange, [father] followed [mother] in his car, circled her car and after she parked, approached and yelled at her while she sat in her car. (No. 2011 CV 4469 AB) ...

N.G. v. C.G., 850 DR 2011 pp. 4-5 (Mem. Opn. March 1, 2012).<sup>5</sup>

I also take judicial notice of criminal harassment proceedings litigated before the Hon. John Cherry. At a hearing on a collateral issue, Judge Cherry remarked about an incident in the Dauphin County Courthouse whereby father acted out in the Clerk of Courts Office and had to be escorted from the building by county sheriffs. Commonwealth v. N.G., No. 22-CR- 6369-2014 (N.T. 3/19/15 at 4).<sup>6</sup> Furthermore, Judge Evans' remarks, detailed above, noted concerns regarding father's emotional state, behavior and attitude.

#### Legal Discussion

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<sup>5</sup> The Superior Court later quashed father's appeal from the spousal support order as interlocutory. C.G. v. N.G., 5 MDA 2012 (Feb. 24, 2012).

<sup>6</sup> That action is still pending as of this date.

In his statement or errors complained of on appeal, father raises the following issues: (1) the Court ordered a psychological evaluation on father even though mother did not raise a concern about father posing a risk of physical, emotional or psychological harm to the child; and (2) the Court ordered father to undergo a psychological evaluation during a hearing scheduled to address mother's contempt of court order without any prior notice to father.

The authority to order a party to undergo a psychological evaluation in a custody proceeding arises under Rule 1915.8 of the Rules of Civil Procedure. Pa.R.C.P. 1915.8. That Rule states as follows:

**Rule 1915.8. Physical and Mental Examination of Persons**

(a) The court may order the child(ren) and/or any party to submit to and fully participate in an evaluation by an appropriate expert or experts. The order, which shall be substantially in the form set forth in Rule 1915.18, may be made upon the court's own motion, upon the motion of a party with reasonable notice to the person to be examined, or by agreement of the parties. The order shall specify the place, manner, conditions and scope of the examination and the person or persons by whom it shall be made and to whom distributed. In entering an order directing an evaluation pursuant to this rule, the court shall consider all appropriate factors including the following, if applicable:

- (1) the allocation of the costs, including insurance coverage, if any, attendant to the undertaking of the evaluation and preparation of the resultant report and court testimony of any appointed expert;
- (2) the execution of appropriate authorizations and/or consents to facilitate the examination;
- (3) any deadlines imposed regarding the completion of the examination and payment of costs;
- (4) the production of any report and of underlying data to counsel and/or any unrepresented party upon the completion of the examination; and
- (5) any additional safeguards that are deemed appropriate as a result of the alleged presence of domestic violence and/or child abuse.

(b) Unless otherwise directed by the court, the expert shall deliver to the court, to the attorneys of record for the parties, to any unrepresented party, and to the guardian ad litem and/or counsel for the child, if any, copies of any reports arising from the evaluation setting out the findings, results of all tests

made, diagnosis and conclusions. No reports shall be filed of record or considered evidence unless and until admitted by the court. Any report which is prepared at the request of a party, with or without a court order, and which a party intends to introduce at trial, must be delivered to the court and the other party at least thirty days before trial. If the report or any information from the evaluator is provided to the court, the evaluator shall be subject to cross-examination by all counsel and any unrepresented party without regard to who obtains or pays for the evaluation.

(c) If a party refuses to obey an order of court made under subdivision (a) of this rule, the court may make an order refusing to allow the disobedient party to support or oppose designated claims or defenses, prohibiting the party from introducing in evidence designated documents, things or testimony, prohibiting the party from introducing evidence of physical or mental condition, or making such other order as is just. The willful failure or refusal of a party to comply with an order entered pursuant to this rule may also give rise to a finding of contempt and the imposition of such sanctions as may be deemed appropriate by the court, including, but not limited to, an adverse inference against the non-complying party.

(d) A petition for contempt alleging failure to comply with an order entered pursuant to subdivision (a) of this rule shall be treated in an expedited manner.

Pa.R.C.P. 1915.8.

In his first claim on appeal, father essentially argues that I lacked authority to direct him to undergo a psychological examination because mother did not request it nor allege he posed some physical, emotional or psychological harm to the child. Father notes that the record suggests he poses no risk to the child since he has been exercising non-supervised physical custody over her since May 2011.

As set forth above, there is no legal requirement that a party to a custody action request a mental health examination or that there be a formal allegation a party poses a risk to the child in order to trigger the authority to require such an examination. Instead, the court is granted the right, upon its own motion, to order the examination. *Id.*; see, *Jordan v. Jackson*, 876 A.2d 443, 455 (Pa. Super. 2005) (“It is clearly within the court’s discretion whether to order an evaluation.”) In any event, the record set forth above in great detail is replete with evidence that father may have mental health and anger management issues and that such issues may or may not be causing harm to the child. A psychological evaluation will be highly beneficial to the court in assessing this risk and in ultimately determining the best interest of the parties’ child.

Father's other claim is that I improperly ordered him to undergo a psychological evaluation during the contempt hearing without any prior notice to father. There is no requirement in Rule 1915.8 that a party be provided prior notice of the court's intent to order an examination. With regard to the reasoning behind my decision, although I stated that it was "based upon threats, reports to police and Children & Youth Services," it was additionally based upon the complete record before this court concerning father's behavior over the past number of years, outlined above.

Accordingly, I issued my order October 9, 2015, directing that father undergo a psychological evaluation pursuant to Pa.R.C.P. 1915.8.

**FIRST PUBLICATION**

**Estate Notices**

ESTATE OF VIOLET J. MOORE, (died: December 10, 2015), late of Hummelstown Borough. Executor: Bradley J. Moore, 7740 Devonshire Heights Road, Hummelstown, PA 17036. Attorney: Chad J. Julius, Esq., 8150 Derry Street, Suite A, Harrisburg, PA 17111. j15-29

ESTATE OF ROSE MARIE GARRISON, (died: December 18, 2015), late of the Township of Susquehanna, Dauphin County, Pennsylvania. Executrix: Debra Jo Lauer, 107 Elm Road, Pennsylvania Furnace, PA 16885 or Attorney: Leonard Tintner, Esquire, Boswell, Tintner & Piccola, 315 N. Front Street, Harrisburg, PA 17101. j15-29

ESTATE OF RITA L. LOBDELL A/K/A RITA LOUISE LOBDEL, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executrix: Mable Ruth Wray, 4305 Winthrop Drive, Harrisburg, PA 17112 or Attorney: Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043. j15-29

ESTATE OF ZELMA B. FREEDMAN, late of Susquehanna Township, Dauphin County, Pennsylvania. Co-Executor: Dennis B. Freedman, Co-Executor: Eric R. Freedman; Estate of Zelma B. Freedman c/o Wix, Wenger & Weidner, 508 North Second Street, P.O. Box 845, Harrisburg, PA 17108-0845, (717) 234-4182. j15-29

ESTATE OF THOMAS J. DOUGHERTY A/K/A THOMAS J. DOUGHERTY, (died: November 6, 2015), late of Harrisburg, Pennsylvania. Executor: Kathleen C. Dougherty, 6475 Gallop Road, Harrisburg, PA 17111. Attorney: Susan E. Lederer, Esquire, 5011 Locust Lane, Harrisburg, PA 17109. j15-29

ESTATE OF JOHN R. QUINN, III A/K/A JOHN R. QUINN, (died: August 4, 2015), late of Middletown, Pennsylvania. Executrix: Ann Bratina Quinn, 1541 Farmhouse Lane, Middletown, PA 17057. Attorney: Susan E. Lederer, Esquire, 5011 Locust Lane, Harrisburg, PA 17109. j15-29

ESTATE OF RICHARD S. SCHWAB (died: December 11, 2015), late of Lower Paxton Township, Harrisburg. Dauphin County, Pennsylvania. Co-Executors: Elizabeth P. Schwab and Michael Kunisky. Attorney: Elizabeth P. Mullaugh, Esquire, McNees Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166, Telephone: 717-237-5243. j15-29

ESTATE OF JEAN ANNE LAPRISE, A/K/A JEAN A. LAPRISE, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Mary E. Boyer, 6158 Spring Knoll Drive, Harrisburg, PA 17111. Attorney: Jennifer M. Merx, Esquire, Buzgon Davis Law Offices, P.O. Box 49, 525 South Eighth Street, Lebanon, PA 17042.

j15-29

**SECOND PUBLICATION**

**Estate Notices**

ESTATE OF EMMA D. POTICHER, late of Pillow, Dauphin County, Pennsylvania. Co-Executors: Charles H. Poticher, Jr., 1400 Longview Drive, Harrisburg, PA 17111; John E. Poticher, 6700 Blue Ridge Avenue, Harrisburg, PA 17112. Attorney: RICHARD G. SCHEIB, Esquire, Attorney for the Estate, 4813 Jonestown Road, Suite 102, Harrisburg, PA 17109. j8-22

ESTATE OF BETTY J. SIMMONS, late of Harrisburg, County of Dauphin, Commonwealth of Pennsylvania. Executrix: Sandra J. Cassel, 771 North Chestnut Street, Palmyra, PA 17078 or to Attorney: Melissa VanEck, Esquire, SMIGEL, ANDERSON & SACKS, LLP, 4431 North Front Street, Harrisburg, PA 17110. j8-22

ESTATE OF JUDITH R. SHUMAKER, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Lori L. Tully, 2308 Abbey Lane, Harrisburg, PA 17112 or to Attorney: Richard L. Placey, Esquire, PLACEY & WRIGHT, 3621 North Front Street, Harrisburg, PA 17110. j8-22

ESTATE OF DAVID G. MAASS A/K/A DAVID GERALD MAASS, (died: December 11, 2015), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Daniel David Maass. Attorney: Bruce J. Warshawsky, Esquire, Cunningham, Chernicoff & Warshawsky, P.C., 2320 North Second Street, Harrisburg, PA 17110. j8-22



**THIRD PUBLICATION**

**Estate Notices**

ESTATE OF JOYCE LORRAINE McNEAL A/ K/A JOYCE L. McNEAL FETTRROW, late of Lower Paxton Township, Dauphin County, Pennsylvania. Administrator: Robert E. McNeal, Jr., 141 Millers Gap Road, Marysville, PA 17053 or to Attorney: Elizabeth B. Place, Esq., SkarlatosZonarich, LLC, 17 S. 2nd St., Floor 6, Harrisburg, PA 17101. j1-15

ESTATE OF KEVIN E. BRECKENMAKER, late of the Township of Derry, County of Dauphin and Commonwealth of PA. Executrix: Sherry L. Breckenmaker, c/o Gingrich, Smith, Klingensmith & Dolan, 222 S. Market Street, Suite 201, Elizabethtown, PA 17022 Jeffrey S. Shank, Esq. j1-15

ESTATE OF LOU ANNE LONG, (died: November 23, 2015), late of Derry Township, Dauphin County, Pennsylvania. Executrix: Karen Marie Johnston. Attorney: Susan H. Confair, Esquire, Reager & Adler, PC, 2331 Market Street, Camp Hill, PA 17011, (717) 763-1383. j1-15

ESTATE OF VERA CAROL SIMRELL A/K/A VERA C. SIMRELL A/K/A VERA M. SIMRELL, late of Derry Township, Dauphin County, Pennsylvania. Executrix: Ginger L. Narehood, 20 Pebble Lane, New Bloomfield, PA 17068 or Joseph M. Farrell, 201/203 South Railroad Street, P.O. Box 113, Palmyra, PA 17078, Attorney for Estate. j1-15

ESTATE OF OTIS D. POWELL A/K/A OTIS DONALD POWELL, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executrix: Lue Ethel Croom, 916 S. 16th Street, Harrisburg, PA 17104 or to Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043. j1-15

ESTATE OF MIRIAM M. WITMER, (died: October 13, 2015), late of the Borough of Millersburg, Dauphin County, Pennsylvania. Executor: David Witmer, 251 North Street, Millersburg, Pennsylvania 17061; Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. j1-15

ESTATE OF SHARRY A. DANIELS, late of Harrisburg, Dauphin County, Pennsylvania. Co-Executors: James P. Croce and Kim K. Garcia c/o E. Ralph Godfrey, Esquire, Cipriani & Werner, P.C., 1011 Mumma Road, Suite 201, Lemoyne, PA 17043. j1-15

**FIRST PUBLICATION**

**Corporate Notices**

NOTICE IS HEREBY GIVEN that **MPR Associates, Inc.**, d/b/a MPR Associates of Virginia, Inc., a foreign corporation formed under the laws of the State of Delaware where its principal office is located at 320 King St., Alexandria, VA 22314, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on January 5, 2016, 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. j15

NOTICE IS HEREBY GIVEN that **Eichleay, Inc.**, a foreign corporation formed under the laws of the State of California where its principal office is located at 1390 Willow Pass Rd., #600, Concord, CA 94520, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 29, 2015, 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. j15

NOTICE IS HEREBY GIVEN that **Nlyte Software Americas Limited**, a foreign corporation formed under the laws of the United Kingdom where its principal office is located at River House, 26 Osiers Rd., London, UK SW18 1NH, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on January 4, 2016, 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. j15

NOTICE IS HEREBY GIVEN that **T. Rowe Price Investment Services, Inc.**, a foreign corporation formed under the laws of the State of Maryland where its principal office is located at 100 E. Pratt St., Baltimore, MD 21202, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 14, 2015, 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. j15

**FIRST PUBLICATION**

**Corporate Notices**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on December 28, 2015, for **TELL Tours, Inc.**, a business corporation which was organized under the Business Corporation Law of the Commonwealth of Pennsylvania, approved December 21, 1988, Act 177, 15 Pa.C.S. § 501, et seq. The name and address of the corporation is TELL Tours, Inc., 1288 N. Mountain Road, Suite A, Harrisburg, PA 17112.

J. Stephen Feinour, Esquire  
NAUMAN, SMITH, SHISSLER & HALL, LLP  
200 North Third Street, 18th Floor  
P. O. Box 840  
Harrisburg, PA 17108-0840

j15

NOTICE IS HEREBY that **The Doctors' Management Company**, a foreign business corporation incorporated under the laws of California, with its princ. office located at 185 Greenwood Rd., Napa, CA 94558, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The street address in the association's jurisdiction of formation is 185 Greenwood Rd., Napa, CA 94558. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County.

j15

NOTICE IS HEREBY GIVEN that **Building Hope Broad Street Co.**, a foreign nonprofit corporation incorporated under the laws of Delaware, with its princ. office located at 910 17th St. NW, Ste. 1100, Washington, DC 20006, has applied for a Certificate of Authority in Pennsylvania under the PA Bus. Corp. Law of 1988. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County.

j15

NOTICE IS HEREBY GIVEN that **HMSHost Foundation, Inc.**, a foreign nonprofit corporation incorporated under the laws of Maryland, with its princ. office located at HMSHost, 6905 Rockledge Dr., Bethesda, MD 20817, has applied for a Certificate of Authority in Pennsylvania under the PA Bus. Corp. Law of 1988. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County.

j15

NOTICE IS HEREBY GIVEN that **SGS Accutest Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 201 Route 17 North, Rutherford, NJ 07070, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County.

j15

NOTICE IS HEREBY GIVEN that the Certificate of Organization of Domestic Limited Liability Company was filed under the Pennsylvania Business Corporation Law of 1988 in the Department of State of the Commonwealth of Pennsylvania on January 5, 2016 by **R. HANNA ENTERPRISES, LLC**. The purpose of the limited liability company is to engage in all lawful business. The business office is located at 2303 Norwalk Drive, Harrisburg, PA 17112.

j15

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on or before 10/14/2015, with respect to a proposed nonprofit corporation, **COURTS OF PRAISE INC.**, which has been incorporated under the Nonprofit Corporation Law of 1988. The name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County. A brief summary of the purpose or purposes for which said corporation is organized is: Charitable/church.

j15

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 12/01/2015 by **Dr.'s Own, Inc.**, a business corporation formed under the laws of the jurisdiction of CA with its principal office located at 5923 Farnsworth Ct., Carlsbad, CA 92008, 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.

j15

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 11/17/2015 by **GE Capital EFS Financing, Inc.**, a business corporation formed under the laws of the jurisdiction of DE with its principal office located at 800 Long Ridge Road, Stamford, CT 06927, 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.

j15

**FIRST PUBLICATION**

**Corporate Notices**

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **SSC US Inc.**, a corporation of the State of Delaware with principal office at 113 Bayberry Court, Chalfont, PA 18914 and having a Commercial Registered Office Provider and county of venue as follows: CT Corporation System, Dauphin County, which on 05/03/2013 was registered to transact business in the Commonwealth, intends to file a Statement of Withdrawal with the PA Department of State.

j15

NOTICE IS HEREBY GIVEN that **PARTNERS IN SCHOOL INNOVATION** filed a Foreign Registration for a non-profit corporation with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 1060 Tennessee St. Fl. 2, San Francisco, CA 94107.

The name of this corporation's commercial registered office provider is National Registered Agents, Inc. in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 412.

j15

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on December 11, 2015, with respect to a proposed non-profit corporation **SKH Community Outreach Services, Inc.** which has been incorporated under the nonprofit Corporation Law of 1988.

A brief summary of the purposes for which said corporation is organized is: to provide training, employment and supportive services in the field of bridge maintenance and other related vocational skill sets.

j15

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on December 18, 2015, with respect to a proposed non-profit corporation **Shekinah Glory Outreach Ministries, Inc.** which has been incorporated under the nonprofit Corporation Law of 1988. A brief summary of the purposes for which said corporation is organized is: to provide human, social, educational and spiritual services to individuals in the community.

j15

NOTICE IS HEREBY GIVEN to all creditors and claimants of **ASPEN DENTAL ASSOCIATES OF WESTERN PA, P.C.**, a Pennsylvania (PA) business corporation, that said corporation has filed Articles of Dissolution under the provisions of PA Business Corporation Law on 12/30/2015.

j15

NOTICE IS HEREBY GIVEN that Articles of Amendment were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on the 22nd of December 2015, on behalf of **NEW WINE GATEWAY MINISTRIES INTERNATIONAL**, under the Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, No. 177, as amended.

Michael Cherewka, Esquire  
624 North Front Street  
Wormleysburg, PA 17043

j15

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on or before 1/5/2016, with respect to a proposed non-profit corporation, **NDINGWA IN USA AND CANADA, INC.**, which has been incorporated under the Nonprofit Corporation Law of 1988. The name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County. A brief summary of the purpose or purposes for which said corporation is organized is: A charitable organization formed for the purpose of providing education and support for the principles of democratic government, and corruption-free governance; and for generating and providing the resources needed to propagate these principles.

j15

NOTICE IS HEREBY GIVEN that **Retalix USA, Inc.**, a foreign business corporation incorporated under the laws of Texas, with its princ. office located at 6100 Tennyson Pkwy., Ste. 150, Plano, TX 75024, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The street address in the association's jurisdiction of formation is 211 E. 7th St., Ste. 620, Austin, TX 78701-3136. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. This is effective as of 12/31/2015.

j15

NOTICE IS HEREBY GIVEN that **CLIMECO CORPORATION**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 10 N. Reading Ave., Boyertown, PA 19512, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County.

j15

**FIRST PUBLICATION**

Corporate Notices

NOTICE IS HEREBY GIVEN that **Tool Shed of America, Inc.** has been incorporated under the provisions of the Business Corporation Law of 1988.

GINGRICH, SMITH, KLINGENSMITH  
& DOLAN

j15

Kevin D. Dolan, Esquire

**FIRST PUBLICATION**

Fictitious Name Notices

NOTICE IS HEREBY GIVEN that an application for registration of the fictitious name, **Landis Repair**, for conduct of business in the Commonwealth of Pennsylvania, with its principal place of business at 2806 Waltonville Road, Hummelstown, Pennsylvania 17036, was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on January 4, 2016, pursuant to the Fictitious Names Act of December 16, 1982, Act 295 (54 Pa.C.S.A. §301 et seq.).

The name and address of the person owning or interested in said business is G & P, LLC.

John S. Davidson, Esquire  
Yost & Davidson  
320 West Chocolate Avenue  
Hershey, PA 17033

j15

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Wild by Design** for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 1073 South River Road, Halifax, PA 17032 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 21st day of December, 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: Heather Miller of 1040 Powells Valley Road, Halifax, PA 17032.

j15

NOTICE IS HEREBY GIVEN, pursuant to the Fictitious Names Act, the act of December 16, 1982 (P.L. 1309, No. 295), 54 Pa.C.S. § 301 et seq., as amended, of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, on January 4, 2016, an application for the conduct of a business in Dauphin County, Pennsylvania, under the assumed or fictitious name of **A Faithful Dad**, with its principal place of business at 1907Grist Mill Circle, Hershey, PA 17033.

The name of the entity owning or interested in the aforesaid business whose residence is: Speak My Word Ministries, 1907 Grist Mill Circle, Hershey, PA 17033. j13

NOTICE IS HEREBY GIVEN that **TEAMGOV, INC.**, a foreign business corporation incorporated under the laws of District of Columbia, with its princ. office located at 1231-B Good Hope Rd. SE, Washington, DC 20020, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The street address in the association's jurisdiction of formation is 1090 Vermont Ave. NW, Washington, DC 20005. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. j15

**FIRST PUBLICATION**

Miscellaneous Notices

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

**NO. 2013 CV 8820-MF**

**CIVIL ACTION – LAW**

**NOTICE OF ACTION  
IN MORTGAGE FORECLOSURE**

**CITIMORTGAGE, INC., PLAINTIFF  
VS.  
NOAH C. REHM AND RACHAEL L. REHM,  
DEFENDANTS**

NOTICE

To: Noah C. Rehm & Rachael L. Rehm, Defendants, whose last known address is 418 Lincoln Street, Steelton, PA 17113.

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

TAKE NOTICE that the real estate located at 418 Lincoln Street., Steelton, PA 17113, is scheduled to be sold at Sheriff's Sale on March 3, 2016 at 10:00 A.M., at Sheriff's Office Dauphin County Admin. Bldg., Commissioners Hearing Rm., 4th Fl., Market Sq., Harrisburg, PA 17101, to enforce the Court Judgment of \$89,746.08 obtained by CITIMORTGAGE, INC against you.

Property Description: Prop. sit in the BOROUGH OF STEELTON, DAUPHIN COUNTY.

BEING prem.: 418 Lincoln Street, Steelton, PA 17113. Tax Parcel: #59-003-018.

**FIRST PUBLICATION**

**Miscellaneous Notices**

Improvements consist of residential property.

Sold as the property of Noah C. Rehm & Rachael L. Rehm.

TERMS OF SALE: The purchaser at sale must pay the full amount of his/her bid by two o'clock P.M. on the day of the sale, and if complied with, a deed will be tendered by the Sheriff at the next Court of Common Pleas for DAUPHIN County conveying to the purchaser all the right, title, interest and claim which the said defendant has in and to the said property at the time of levying the same. If the above conditions are not complied with on the part of the purchaser, the property will again be offered for sale by the Sheriff at three o'clock P.M., on the same day. The said purchaser will be held liable for the deficiencies and additional costs of said sale.

TAKE NOTICE that a Schedule of Distribution will be filed by the Sheriff on a date specified by the Sheriff not later than thirty (30) days after sale. Distribution will be made in accordance with the schedule unless exceptions are filed thereto within 10 days after the filing of the schedule.

Powers, Kirm & Associates, LLC  
Attys. for Plaintiff  
Eight Neshaminy Interplex, Ste. 215  
Trevose, PA 19053  
(215) 942-2090

j15

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

**2015-CV-8782-NT**

**CIVIL ACTION - LAW**

**PENNSYLVANIA STATE EMPLOYEES  
CREDIT UNION, PLAINTIFF  
VS.**

**DAVID J. UHERICK, DEFENDANT**

**IMPORTANT NOTICE**

To: DAVID J. UHERICK,

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE FOLLOWING 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 N. Front St.  
Harrisburg, PA 17101  
Telephone: (717) 232-7536

Shawn M. Long, Esquire  
I.D. No. 83774  
Barley Snyder  
126 East King Street  
Lancaster, PA 17602-2893  
(717) 299-5201

j15

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

**NO. 2015-CV-4549-MF**

**CIVIL ACTION-LAW**

**NOTICE OF ACTION  
IN MORTGAGE FORECLOSURE**

**NATIONSTAR MORTGAGE LLC,  
PLAINTIFF  
VS.**

**JUDY A. THOMPSON AND JUDY  
CLARENCENE THOMPSON, DEFENDANTS**

To the Defendants, Judy A. Thompson and Judy Clarencene Thompson:

TAKE NOTICE THAT THE Plaintiff, Nationstar Mortgage LLC has filed an action Mortgage Foreclosure, as captioned above.

**NOTICE**

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSES OR OBJECTIONS 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

**FIRST PUBLICATION**

Miscellaneous Notices

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 Local Counsel/  
Dauphin County Lawyer Referral Service  
213 N. Front St.,  
Harrisburg, PA 17101

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

j15

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

**ORPHANS' COURT DIVISION**

**NO. 1610 OF 2014**

**IN RE: CHAN'LER LEE SWANN**

**NOTICE**

**TO: MAURICE ANDREW SWANN**

NOTICE IS HEREBY GIVEN that the Lancaster County Children & Youth Social Service Agency has presented to Orphans' Court Division, Court of Common Pleas of Lancaster County, PA, a Petition for termination of any rights you have or might have concerning the child known as Chan'ler Lee Swann, born on February 17, 2014.

The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom Number TBA, at the Lancaster County Courthouse, 50 North Duke Street, Lancaster, PA, on Thursday, February 25, 2016 at 9:00 a.m. prevailing time. You are warned that even if you fail to appear at the scheduled hearing, the

hearing will go on without you and your rights to your child may be ended by the court without your being present. You have a right to be represented at the hearing by a lawyer.

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

Lancaster Bar Association  
Lawyer Referral Service  
28 East Orange Street  
Lancaster, PA 17602  
(717) 393-0737

NOTICE REQUIRED BY ACT 101 OF 2010 - 23 Pa. C.S. §§2731-2742 You are hereby informed of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact with your child following an adoption.

LANCASTER COUNTY CHILDREN &  
YOUTH SOCIAL SERVICE AGENCY  
150 NORTH QUEEN STREET, SUITE 111  
LANCASTER, PA 17603  
(717) 299-7925

j15-22

**FIRST PUBLICATION**

Name Change Notices

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

**DOCKET NO: 2015 CV 09874 NC**

**PETITION FOR CHANGE OF NAME**

**NOTICE**

NOTICE IS HEREBY GIVEN that on 30th day of December, 2015, the Petition of Name change matter was filed in the above named court, requesting a decree to change his/her name from **Samara Ashleigh Brooks** to **Samara Ashleigh David**.

The Court has fixed Friday, February 23, 2016 at 9:30 a.m. in Courtroom No. #12 7th Floor, at the Human Services Building, 25 S. Front 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.

j15

**FIRST PUBLICATION**

Name Change Notices

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

**DOCKET NO: 2015 CV 09875 NC**

**PETITION FOR CHANGE OF NAME**

**NOTICE**

NOTICE IS HEREBY GIVEN that on 30th day of December, 2015, the Petition of Name change matter was filed in the above named court, requesting a decree to change his/her name from **Shania Nicole Brooks** to **Shania Nicole David**.

The Court has fixed Friday, February 23, 2016 at 9:30 a.m. in Courtroom No. #12 7th Floor, at the Human Services Building, 25 S. Front 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. j15

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

**DOCKET NO. 2015 CV 00021 NC**

**PETITION FOR CHANGE OF NAME**

**NOTICE**

NOTICE IS HEREBY GIVEN that on January 6, 2016, the Petition of Kelly L. Rucker on behalf of minor child, Kara L. Rucker was filed in the above named court, requesting a decree to change minor child's name from **Kara L. Rucker** to **Kara Lin Thrush**.

The Court has fixed Tuesday, February 23, 2016, at 9:30 a.m. in Courtroom No. 12 7th Floor, Juvenile Justice Center (Human Services Building), 25 South Front 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. j15

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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.

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**DAUPHIN COUNTY COURT SECTION**  
*Opinions Not Yet Reported*

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**Dauphin County Bar Association**  
**Annual Membership Meeting**

The Annual Dinner Meeting of the Dauphin County Bar Association will be held **Wednesday, January 27, 2016**, at 6:30 p.m. at the Hilton Harrisburg. The meeting will be preceded by a Social Hour beginning at 5:30 p.m. The cost of the dinner is \$35.00 per person.

The Nominating Committee of the Dauphin County Bar Association, in accordance with Article V, Section 2 of the By-Laws, submits the following nominations for officers and directors of the Board for the term of one year or as otherwise indicated, beginning February 1, 2016:

President Elect:	Matthew M. Haar
Vice President:	Peter M. Good
Secretary:	Brooks R. Foland
Treasurer:	Thomas P. Gacki
Directors (2-year term):	Salvatore A. Darigo Jr. Gerald S. Robinson Margaret M. Simok Ronald T. Tomasko

By virtue of Article V, Section 1 of the By-Laws, Edward F. Spreha, Jr., will automatically succeed to the office of President.

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The Judges have completed the DECEMBER 2015 civil jury term. One civil case reached verdict during the December civil term and the summary is as follows:

**JAMES A. ANDERSON, JR., as Administrator of the Estate of VICKIE L. ANDERSON, deceased v. PIRELLI TIRE LLC and LEMANS CORPORATION d/b/a DRAG SPECIALTIES; AGV LAZER USA, LLC; HARLEY-DAVIDSON MOTOR CO. GROUP, LLC; SUSQUEHANNA VALLEY HARLEY-DAVIDSON a/k/a and/or d/b/a FAT WILLIE'S CYCLES INC. – 2011 CV 08581 CV**

Factual Background

On May 29, 2005, Mr. and Mrs. Anderson were on a motorcycle ride in the state of New York. Mr. Anderson was operating a Harley Davidson Ultra Classic tour bike with Mrs. Anderson as a passenger. Mr. Anderson was operating the motorcycle at approximately 50 miles per hour when the rear tire blew and he lost control. Mrs. Anderson was thrown from the motorcycle and died as a result of head trauma.

By the time the case got to trial, Plaintiff was pursuing a claim against Pirelli, Lemans & Susquehanna Valley on a theory of a manufacture defect of the motorcycle tire; a claim against AGV Lazer, Harley Davidson Motor Co. and Susquehanna Valley on a theory of a design defect of the motorcycle helmet and negligence claim against Susquehanna Valley on a theory of selling an "inappropriate" helmet for Mrs. Anderson.

Mr. Anderson had purchased the Harley Davidson motorcycle from Susquehanna Valley some years before the accident. The motorcycle had Dunlap tires on it when purchased. After the rear tire became worn, Mr. Anderson replaced it with a Metzler (Pirelli) tire. The Metzler tire had approximately 7, 000 on it at the time of the accident. Mrs. Anderson purchased the AGV Lazer helmet known as a shorty (one-half) helmet from Susquehanna Valley Harley Davidson and was wearing it for a few years before the accident.

On the morning of the accident, Mr. Anderson noticed that the motorcycle was shaking and that the handle bar was vibrating. He claims to have inspected the rear tire and saw what had been characterized as either a blemish,

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bubble or bulge on the side wall. At approximately lunch time (an hour before the accident) Mr. Anderson noticed, as he was slowing down, the same type of vibration. At the time of the accident, the Plaintiff argued that after Mrs. Anderson was thrown from the motor cycle, the helmet, due to a design defect, moved forward exposing the back of her head. She died from a skull fracture.

Legal Theories and Trial Issues

The Plaintiff and tire Defendants both had tire experts. The Plaintiff and Susquehanna Valley both had helmet experts. The Plaintiff and Defendants both had conscious pain and suffering experts. In addition to other experts, the Plaintiff had Andrew Verzilli testify on Mrs. Anderson's lost earning capability.

With the respect to the tire, the Plaintiff claimed that during the process of manufacturing the tire, some foreign object got into the rubber and eventually worked its way to the point where the tire failed after 7,000 miles. Tire Defendants claimed that the tire was properly manufactured and that the tire failed because the tire was run under-inflated/over-deflected. Both experts claimed their testimony was based on the physical examination of the actual failed tire which was in the Court Room during trial.

There were approximately 15 pre-trial motions and 10 motions during trial which were ruled upon. One of the interesting issues during the trial was Plaintiff's assertion that Defendants were prohibited from introducing issues of Mr. Anderson's negligence in their strict liability claims. The Defense argued that they were not introducing issues of negligence but showing that the tire failed due to under-inflation/over-deflection and that this was the cause of the tire failure, not the manufacture defect.

At trial, Plaintiff pursued strict liability claims against the tire defendants in terms of the manufacture defect and implied warranty. The Plaintiff pursued strict liability claims against helmet defendants in terms of the design defect, failure to warn and negligent misrepresentation. The Plaintiff pursued negligence claims against Susquehanna Valley claiming they sold an "inappropriate" helmet to Mrs. Anderson. Their claim of inappropriate helmet was due to the fact that the helmet would ride forward even though properly strapped.

The Court attempted to settle the case during the trial but was unsuccessful, however, the helmet defendants did enter into a confidential partial settlement with the Plaintiff prior to the case going to the jury.

The case was tried for 9 days with the jury returning a defense verdict as to all defendants. The jury answered No as to the manufacture defect of the tire; answered No as to any breach of implied warranty with respect to the tire defendants; answered No with respect to any designed defect as to the helmet defendants and answered No as to the negligence claim against Susquehanna Valley.

Plaintiff has filed Post Trial Motion.

Counsel for Plaintiff:

- Steven M. Mezrow, Esquire, PANSINI & MEZROW (Trial Counsel for Plaintiff)
- Matthew L. Owens, Esquire (Local Counsel for Plaintiff)

Counsel for Defendants:

- Peter Q. Ezzell, APC (National Counsel for Pirelli Tire LLC and Lemans Corporation d/b/a Drag Specialties)
- William C. Stubits, Esquire, GERMAN GALLAGHER & MURTAGH (Counsel for Pirelli Tire LLC and Lemans Corporation d/b/a Drag Specialties)
- Richard J. Perr, Esquire, FINEMAN KREKSTEIN & HARRIS (Counsel for AGV Lazer USA, LLC. and Co-Counsel for Harley-Davidson Motor Co. Group, LLC.)
- Maureen A. Jordan, Esquire, HENDRZAK & LLOYD (Counsel for Susquehanna Valley Harley-Davidson a/k/a and/or d/b/a Fat Willie's Cycles Inc.)

Judge: Judge Andrew H. Dowling  
Verdict: Defendants

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**SUPREME COURT OF PENNSYLVANIA**  
**CIVIL PROCEDURAL RULES COMMITTEE**

**Rule 238. Damages for Delay in an Action for Bodily Injury, Death or**

**Property Damage**

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**Addendum to Explanatory Comment (2016)**

The prime rate as set forth in the first edition of the Wall Street Journal for a particular year is the basis for calculating damages for delay under Pa.R.C.P. No. 238 as revised November 7, 1988. The prime rate published in the first edition of the Wall Street Journal for each of the years specified is as follows:

<b>Date of Publication</b>	<b>Prime Rate Percentage</b>
January 4, 2016	3 ½
January 2, 2015	3 ¼
January 2, 2014	3 ¼
January 2, 2013	3 ¼
January 3, 2012	3 ¼
January 3, 2011	3 ¼
January 4, 2010	3 ¼
January 2, 2009	3 ¼
January 2, 2008	7 ¼
January 2, 2007	8 ¼
January 3, 2006	7 ¼
January 3, 2005	5 ¼
January 2, 2004	4
January 2, 2003	4 ¼
January 2, 2002	4 ¾
January 2, 2001	9 ½
January 3, 2000	8 ½
January 4, 1999	7 ¾
January 2, 1998	8 ½

NOTE: The prime rate for the years 1980 through 1997 may be found in the Addendum to the Explanatory Comment published in the Pennsylvania Bulletin, volume 33, page 634 (2/1/03) and on the web site of the Civil Procedural Rules Committee at <http://www.pacourts.us>.

By the Civil Procedural Rules Committee  
Peter J. Hoffman , Chair

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DAUPHIN COUNTY REPORTS  
**TABLE OF CASES**

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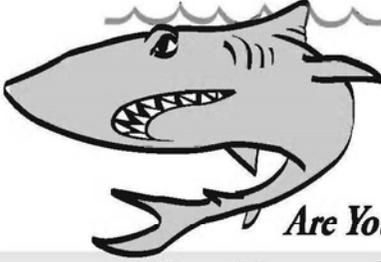
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