

ADVANCE SHEET

The Dauphin County Reporter

(USPS 810-200)

**A WEEKLY JOURNAL CONTAINING THE DECISIONS
RENDERED IN THE 12TH JUDICIAL DISTRICT**

No. 6252 Vol. 126

May 15, 2020

No. 255

Entered as Second Class Matter, February 16, 1898, at the Post Office at
Harrisburg, PA., under the Act of Congress of March 31, 1879.

Lynch v. The Pennsylvania State University, et. al. (corrected opinion)

457

Bar Association Page

Back Pages



**THE
DAUPHIN COUNTY REPORTER**

**Edited and published by the
DAUPHIN COUNTY
BAR ASSOCIATION
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536
www.dcba-pa.org**

PATRICE MERZANIS

Executive Director

KENDRA HEINBAUGH

Administrative Assistant/Office Manager

BRIDGETTE L. HILBISH

Dauphin County Reporter/
Legal Education Coordinator

**Printed by:
K-PRESS**

P.O. Box 1626, York, PA 17405

THE DAUPHIN COUNTY REPORTER (USPS 810-200) is published weekly by the Dauphin County Bar Association, 213 North Front Street, Harrisburg, PA 17101. Periodical postage paid at Harrisburg, PA. POSTMASTER: Send address changes to THE DAUPHIN COUNTY REPORTER, 213 North Front Street, Harrisburg, PA 17101.

TERMS: Advertisements must be received **before 12 o'clock noon on Tuesday** of each week at the office of the Dauphin County Reporter, 213 North Front Street, Harrisburg, PA 17101; Telephone: (717) 232-7536, opt #4; Email: Bridgette@dcba-pa.org. You will want to call to confirm deadline for Holiday weeks.



WE CARE ABOUT CHILDREN
See what inspires us...

DONATE NOW AT

[HTTPS://WWW.DAUPHINCOUNTYBARFOUNDATION.ORG/DONATE](https://www.dauphincountybarfoundation.org/donate)

to fund a Family Law Attorney who can provide legal support to local Dauphin County families living under the poverty level.

<https://www.dauphincountybarfoundation.org/video>

CONCLUSION

For these reasons, we enter the following:

ORDER

AND NOW, this 13th day of April, 2020,

Defendants' Motion for Summary Judgment is GRANTED.

BY THE COURT:
JOHN F. CHERRY, PRESIDENT JUDGE

(Opinion Below is a corrected Opinion)

MEMORANDUM OPINION

Currently pending before this Court are two sets of Preliminary Objections that were filed by the Defendants in the above matter. In determining these Objections, we must take all of the properly alleged facts in the Complaint as true, and we can only examine the Complaint and any exhibits attached thereto in making our decision. N. Forests II, Inc. v. Keta Realty Co., 2015 PA Super 253, 130 A.3d 19, 35 (Pa. Super. Ct. 2015).

Based on our review of the Complaint, the exhibits attached to the Complaint, and the relevant case law, we find that Plaintiff's claims for violation of the Whistleblower Law should be dismissed as untimely, thus dismissing Defendants The Pennsylvania State University, Sandy Barbour, Charmelle Green, and James Franklin (collectively referred to as the "Penn State Defendants") from the Complaint entirely. However, Plaintiff will be allowed to proceed on his claims for violations of public policy against Defendants Penn State Health, The Milton S. Hershey Medical Center and Kevin P. Black, M.D. (collectively referred to as the "HMC Defendants").

The general background of this case is as follows: Plaintiff was employed with Defendant The Milton S. Hershey Medical Center to furnish clinical orthopedic services and was directly supervised by Defendant Kevin P. Black, M.D.¹ Also, at all relevant times hereto, Plaintiff was the Intercollegiate Athletics Team Orthopedic Physician for the Penn State University football team and the Director of Athletic Medicine for Penn State University. Plaintiff made an allegedly good faith reporting of Defendant James Franklin's alleged attempts to influence and interfere with the Plaintiff's medical

¹ It was acknowledged at oral argument of this matter that Plaintiff still works for Defendant The Milton S. Hershey Medical Center and is still directly supervised by Defendant Kevin P. Black, M.D.

management and return-to-play decisions related to student athletes. Thereafter, on March 1, 2019, Plaintiff alleges that Defendants retaliated against him by causing him to be relieved from both his assignment as the Orthopedic Physician for the Penn State football team and his assignment as the Director of Athletic Medicine.

Plaintiff filed a Complaint on August 23, 2019, asserting statutory and common law causes of action against the Defendants in order to recover damages and losses that he allegedly sustained as a result of the allegedly unlawful adverse retaliatory action that was taken against him. In that Complaint, Plaintiff has specifically alleged the following facts, all of which must be taken as true for the purposes of Preliminary Objections.

Plaintiff's professional responsibility as the Orthopedic Physician for the Penn State Football Team required that he make diagnostic, therapeutic, and return-to-play decisions in connection with the best practices of medical management of the Penn State student athletes for whom he was responsible. (Complaint, ¶51). On multiple and repeated occasions, Plaintiff alleges that Defendant James Franklin attempted to interfere with the Plaintiff's autonomous authority to determine medical management and return-to-play decisions related to student-athletes. (Complaint, ¶53). Plaintiff refused Defendant Franklin's attempts to influence and interfere with his decisions and reported Defendant Franklin's wrongdoing and infraction to Defendants Kevin P. Black, M.D., Sandy Barbour, and Charmelle Green as well as Penn State University's Athletic Integrity Officer, Mr. Robert Boland. (Complaint, ¶¶ 54-58).

It is further alleged that, on January 24, 2019, Defendants Sandy Barbour and Charmelle Green communicated a demand to Defendant Kevin P. Black, M.D. that the Plaintiff be relieved from his assignment as the Orthopedic Physician for the Penn State football team and Director of Athletic Medicine for Penn State University. (Complaint ¶60). Plaintiff believes and avers that this demand arose as a result of Plaintiff's good faith reporting of Defendant Franklin's attempt to influence his medical management decisions related to student-athletes. (Complaint ¶61). On January 28, 2019, Defendant Kevin P. Black, M.D., informed the Plaintiff of the demands made by Defendants Barbour and Green (Complaint ¶66). Thereafter, effective March 1, 2019, Defendant Kevin P. Black, M.D. relieved the Plaintiff from his assignment as the Intercollegiate Athletics Team Orthopedic Physician for the Penn State football team and Director of Athletic Medicine for Penn State University. (Complaint ¶67).

On February 4, 2019, Defendant Kevin P. Black, M.D., according to the allegations in the Complaint, published and circulated a Dear Colleague Letter that is attached to Plaintiff's Complaint as Exhibit 4. This letter contains this specific language: "I write to inform you of my decision to implement

what I believe is a necessary change in the leadership of Athletic Medicine. Effective March 1, 2019, Dr. Wayne Sebastianelli will assume responsibility as Director of Athletic Medicine and football team physician.” (Complaint, Ex. 4, p. 2). Plaintiff thereafter participated in an exit interview on February 21, 2019 with Penn State University Consultant for Human Resources Ms. Kristin Wright and Penn State University’s Athletic Integrity Officer Mr. Robert Boland. (Complaint ¶¶69). During this interview, Plaintiff discussed the topic of Defendant Franklin’s attempts to interfere with Plaintiff’s autonomous authority as well as Plaintiff’s written list of recommendations regarding medical care for intercollegiate athletes. (Complaint, ¶¶70-71).

Both the Penn State Defendants and the HMC Defendants filed Preliminary Objections to Plaintiff’s Complaint. In their Objections, both sets of Defendants are seeking a demurrer to Plaintiff’s claims for Violation of the Pennsylvania Whistleblower Law (43 P.S. §1421, *et seq.*) found at Counts I-VII as well as Plaintiff’s claim for Civil Conspiracy to violate the provisions of the Pennsylvania Whistleblower Law, found at Count VIII.

Preliminary objections in the nature of a demurrer test the legal sufficiency of the complaint. When considering preliminary objections, all material facts set forth in the challenged pleadings are admitted as true, as well as all inferences reasonably deducible therefrom. Preliminary objections which seek the dismissal of a cause of action should be sustained only in cases in which it is clear and free from doubt that the pleader will be unable to prove facts legally sufficient to establish the right to relief. If any doubt exists as to whether a demurrer should be sustained, it should be resolved in favor of overruling the preliminary objections.

Feingold v. Hendrzak, 15 A.3d 937, 941 (Pa. Super. Ct. 2011) (citations omitted).

Based on the allegations in the Complaint and the documents attached to the Complaint, both the Penn State Defendants and the HMC Defendants argue that it is clear on the face of the Complaint that Plaintiff’s claims for Violation of the Pennsylvania Whistleblower Law are legally insufficient because they were brought after the statute of limitations for said claims had expired. It is ordinarily a question of law for the trial judge to determine if a statute of limitations has run on a claim. Devine v. Hutt, 863 A.2d 1160, 1167 (Pa. Super. Ct. 2004) (citations omitted).

In general, the statute of limitations is to be pled as a new matter. Pa. R.C.P. 1030(a). However, it may be raised in preliminary objections if the defense is clear on the face of the pleadings, and the Plaintiff does not file preliminary objections to Defendants’ Objections. Petsinger v. Dep’t of Labor & Indus., Office of Vocational Rehab., 988 A.2d 748, 758 (Pa.Cmwlt. 2010) (citations omitted). Even though

it is procedurally erroneous to raise substantive defenses in preliminary objections, if the Plaintiff fails to file preliminary objections to the Defendants' objections, the Plaintiff has waived any procedural defect, and the trial court can rule on the Defendants' objections. Preiser v. Rosenzweig, 614 A.2d 303, 305 (Pa. Super. 1992) (citations omitted).

In the instant case, Plaintiff did not file Preliminary Objections to the Defendants' Preliminary Objections. Thus, we can review the Defendants' assertion that the Plaintiff's claims for Violation of the Pennsylvania Whistleblower Law are clearly time-barred based on the face of the Complaint and the exhibits attached thereto.

In order to review Defendant's arguments, it is important to look at why we have statutes of limitations in the first place. Statutes of Limitations are put in place by the legislature so that the "passage of time does not damage the defendant's ability to adequately defend against claims made." Dalrymple v. Brown, 549 Pa. 217, 223, 701 A.2d 164, 167 (1997). Furthermore, statutes of limitations supply "the place of evidence lost or impaired by lapse of time, by raising a presumption which renders proof unnecessary" Id. (citations omitted). Ordinarily, limitations periods are computed from the time that the cause of action accrued, which is defined as the time when the plaintiff could have first maintained the action to a successful conclusion. Fine v. Checcio, 582 Pa. 253, 266, 870 A.2d 850, 857 (2005) (citations omitted). In other words, "the statute of limitations begins to run as soon as the right to institute and maintain a suit arises." Id.

In the instant matter, Plaintiff has brought claims for violation of the Pennsylvania Whistleblower Act, which is codified at 43 P.S. §1421, *et seq.* This Act provides a specific limitations period of 180 days after the occurrence of the alleged violation. 43 P.S. §1424(a). Furthermore, this time limit is mandatory, and courts have no discretion to extend it. O'Rourke v. Pennsylvania Dep't of Corr., 730 A.2d 1039, 1042 (Pa.Cmwlth. 1999). The term "alleged violation" is also specifically defined in the statute to include as follows:

No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste by a public body or an instance of waste by any other employer as defined in this act.

43 P.S. § 1423(a). Thus, based on a plain reading of the statute, the alleged violation can occur upon a threat to discharge an employee, and the limitations period does not necessarily start on the actual date of discharge.

There is not an abundance of case law setting forth when this 180 day limitations period begins, and most of what we have found is not precedential. However, the following cases are persuasive, based on the plain reading of the statute.

The United States Court of Appeals for the Third Circuit has stated, with respect to a claim of unlawful age discrimination, that “[i]t is well established that for purposes of filing a charge claiming unlawful discharge, the limitations period must be measured from the date on which the employee was advised of the decision to terminate his or her employment.” Bailey v. United Airlines, 279 F.3d 194, 198 (3d Cir. 2002) (citations omitted). Based on this, the Third Circuit Court held that the limitations period on a claim for wrongful discharge begins to run when the employer has reached a definitive conclusion to terminate the individual’s employment and the employee has received unequivocal notice of the adverse employment decision. Id. at 199 (citations omitted).

More recently, the United States District Court for the Eastern District of Pennsylvania stated:

It is well-settled that when determining the timeliness of claims brought under the PHRA and the ADEA, “the proper focus must be the date on which the employer’s decision to terminate is made and communicated to the employee and not the date when the consequences of this illegal act occurred or became painful.” Consequently, “an adverse employment action occurs, and the statute of limitations therefore begins to run, at the time the employee receives notice of that action and termination is a delayed but inevitable result.”

Koller v. Abington Mem’l Hosp., 251 F.Supp.3d 861, 864-65 (E.D. Pa. 2017) (internal citations omitted). Based on this, the Pennsylvania Eastern District Court found that the allegedly discriminatory conduct occurred when the notice of termination was sent to the Plaintiffs on March 21, 2013, and their claims were thus time barred for not filing within the applicable limitations period. Id. at 865.

Neither of the above cases deals specifically with the limitations period in the Pennsylvania Whistleblower Act, but they are instructive as to how limitations periods usually are computed in wrongful discharge cases. O’Rourke gives us some guidance on the commencement of the limitations period in the Whistleblower Act by granting summary judgment as to any alleged acts of retaliation that occurred prior to July 25, 1996, which was exactly 180 days prior to the time that Plaintiff filed his Complaint.² O’Rourke, 730 A.2d at 1042.

² O’Rourke was not a discharge case, but instead involved various alleged acts of retaliation that occurred over a period of time after the Plaintiff made an allegedly good faith reporting of wrongdoing. Id. at 1041.

The case that is most instructive to the instant matter is Kreiss v. Main Line Health, Inc., 2019 WL 2305747 (Pa. Super. Ct., May 29, 2019) which is an unpublished, non-precedential decision.³ In Kreiss, the Plaintiff was told on April 23, 2014 that his employment had been terminated, effective April 24, 2014. Id. at *2. Plaintiff initiated an action in the Philadelphia County Court of Common Pleas on October 21, 2014, which was exactly 180 days from April 24, 2014.⁴ Id.

In Kreiss, Defendants ultimately argued that Plaintiff's claims were time barred under the applicable statute of limitations, which began to run on the date that Plaintiff was informed of his termination, that is, April 23, 2014. Id. at *5. Plaintiff thus initiated his action, 181 days after the alleged violation occurred. Id. The Pennsylvania Superior Court agreed with this argument, and found that Plaintiff's cause of action began to run on April 23, 2014, the date that he learned of his discharge from Defendant Paoli Hospital. Id. at *6. In holding this, the Court reviewed the plain language of the Whistleblower Act and concluded that the alleged violation is not necessarily the effective date of the employee's termination. Id. at *7. Rather, the alleged violation is when the alleged retaliatory action occurred. Id. As a result, the Court found that Plaintiff's claim was time-barred, by one day. Id. at *10.

Applied to the instant case, it is clear from the face of the Complaint that the "alleged violation" for purposes of the Whistleblower Act occurred when Plaintiff received the Dear Colleague letter from Defendant Kevin P. Black, M.D. This is when he was, at the very least, threatened with being discharged from his duties as Orthopedic Physician for the Penn State football team and Director of Athletic Medicine at Penn State.⁵ This letter was sent on February 4, 2019, but it is not clear on the face of the Complaint as to when Plaintiff received it. However, Plaintiff alleged in the Complaint that he participated in an exit interview on February 21, 2019. Plaintiff's Complaint ¶69. Thus, it is evident that Plaintiff knew that he was definitively being discharged from his duties at Penn State no later than February 21, 2019, and

Only those alleged acts of retaliation that occurred within 180 days from the filing of the Complaint were allowed to proceed to a trial. Id. at 1042.

³ Pursuant to Superior Court I.O.P. 65.37(B), since Kreiss was filed after May 1, 2019, it may be cited for its persuasive value.

⁴ Plaintiff alleged that his termination was in retaliation for his reporting of an incident involving one of the doctors at the Defendant Hospital. Id.

⁵ A plain reading of this letter shows that Defendant Black had made the unequivocal decision to discharge Plaintiff from his duties at Penn State. See Plaintiff's Complaint, Exhibit 4, p. 2. However, the Whistleblower Act does not require actual discharge in order to constitute an "alleged occurrence" See 43 P.S. § 1423(a) ("No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment...").

likely knew prior to this date.⁶ As a result, the 180 day limitations period began no later than February 21, 2019, and Plaintiff was required to file his claim no later than August 20, 2019. Since Plaintiff filed his claim on August 23, 2019, his claims for violation of the Pennsylvania Whistleblower Act are time-barred, and he may not pursue them. Moreover, Plaintiff's claims for Conspiracy to violate the Pennsylvania Whistleblower Act are also time-barred because "it 'is well-settled that the statute of limitations for conspiracy is the same as that for the underlying action which forms the basis of the conspiracy.'" Rice v. Diocese of Altoona-Johnstown, 212 A.3d 1055, 1062 (Pa. Super. Ct. 2019) (citations omitted).

It might appear that this is a harsh result, but, as noted above, the 180 day limitations period is mandatory and may not be extended by the Court by even one day. O'Rourke, 730 A.2d at 1042; See also Kreiss, 2019 WL 2305747 at *10 (finding that a claim that was filed one day after the 180 day limitations period was time-barred). Moreover, if we were to forgive one day of lateness, would we then have to forgive five days of lateness? Or ten? Where would we draw the line? Simply put, we do not have to draw that line as the legislature has done it for us by providing a clear cut, bright line limitations period of 180 days, no more, no less.

The fact that Plaintiff's Whistleblower claims are time-barred does not necessarily throw the Plaintiff completely out of Court. Plaintiff still has pending claims against the HMC Defendants for violations of public policy. The HMC Defendants have preliminarily objected to these claims as well, asserting that they are legally insufficient and that Plaintiff did not suffer an adverse employment action.

The argument that Plaintiff did not suffer an adverse employment action is clearly belied by even a cursory review of the Complaint, the allegations of which we must accept as true for purposes of Preliminary Objections. As noted above, Plaintiff was discharged from both his position as the Athletic Director at Penn State and his position as the Orthopedic Physician for the Penn State football team. This clearly constitutes an adverse employment action, despite the fact that he remains employed by HMC.

As to the HMC Defendants' remaining objections, Plaintiff has alleged sufficient facts to set forth claims against both Defendant Black and Defendant The Milton S. Hershey Medical Center for violation of public policy at this point in the proceedings. Plaintiff has alleged that Defendant Black

⁶ There is an email that is attached to Plaintiff's Complaint that appears to be an email to Plaintiff enclosing the Dear Colleague letter. This email is dated February 6, 2019. See Plaintiff's Complaint, Exhibit 4, p. 1. Thus, it appears that Plaintiff received this letter on or around February 6, 2019. However, since it is not clear on the face of the Complaint, we will limit our analysis to the facts that have been alleged in the Complaint, specifically with respect to Plaintiff participating in an exit interview on February 21, 2019. Plaintiff's Complaint ¶69.

personally participated in the alleged violations. Furthermore, Plaintiff, as a licensed medical doctor, must comply with the procedures set forth in the Medical Practice Act, codified at 63 P.S. §422.1, *et seq.* He has sufficiently alleged that he lost both of his positions at Penn State as a result of his attempts to comply with the Medical Practice Act. This is sufficient to state a claim for violation of public policy, and this issue is better left to the dispositive motion stage.

For the foregoing reasons, we enter the following Order:

ORDER

AND NOW, this 29th day of April, 2020, upon consideration of the Preliminary Objections filed by Defendants The Pennsylvania State University, Sandy Barbour, Charmelle Green, and James Franklin (collectively referred to as the “Penn State Defendants”) and the Preliminary Objections filed by Defendants Penn State Health, the Milton S. Hershey Medical Center, and Kevin P. Black, M.D. (collectively referred to as the “HMC Defendants”) and Plaintiff’s responses thereto, and having heard oral argument on December 18, 2019, for the reasons set forth in the attached Memorandum Opinion, it is hereby ORDERED as follows:

1. Counts I-VIII of Plaintiff’s Complaint are hereby DISMISSED with prejudice due to being untimely filed;
2. The Penn State Defendants are hereby DISMISSED from the above-captioned matter as there are no remaining viable claims against them;
3. HMC Defendants’ Objections to the remaining counts in Plaintiff’s Complaint are DENIED.
4. Plaintiff is hereby GRANTED twenty (20) days from the date of this Order to file an Amended Complaint that eliminates all allegations specific to the Penn State Defendants and/or Plaintiff’s claims for violation of the Pennsylvania Whistleblower Act.

BY THE COURT:
Andrew H. Dowling, J.

FIRST PUBLICATION

ESTATE NOTICES

ESTATE OF LESTER F. KENFIELD, late of Lower Swatara Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: John R. Zonarich, SkarlatosZonarich, LLC, 320 Market Street, Suite 600 West, Harrisburg, PA 17101

Attorney: Jennifer M. Merx, Esq. SkarlatosZonarich, LLC, 320 Market Street, Suite 600 West, Harrisburg, PA 17101 m15-29

ESTATE OF RUTH BROWN GREENE, late of Harrisburg, Dauphin County, PA, (died: March 27, 2018)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Suzanne Greene, PO Box 73395, San Clemente, CA 92673 m15-29

ESTATE OF KERRY ANNE DRAYTON a/k/a KERRY A. DRAYTON WALLACE, late of Harrisburg City, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administrator: Stephen Drayton, 100 Oaklea Road, Harrisburg, PA 17110

Attorney: Elizabeth B. Place, Esq., SkarlatosZonarich, LLC, 320 Market Street, Suite 600 West, Harrisburg, PA 17101 m15-29

ESTATE OF GEORGE H. VAN WAGNER late of Middle Paxton Township, Dauphin County, PA (died: February 23, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to

the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: G. Michael and Wendy J. Van Wagner, 1300 Overlook Street, Dauphin, PA 17018

Attorney: Nicholas A. Fiaschetti, Esq., McCarthy Tax Law, P.C., 2041 Herr Street, Harrisburg, PA 17103 m15-29

ESTATE OF ELKE POTTEIGER, late of the Township of Lower Paxton, Dauphin County, PA (died: February 20, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Ruth M. Jarvis, 600 Valley St., Marysville, PA 17053

Attorney: Madelaine N. Baturin, Esquire, BATURIN & BATURIN, 2604 North Second Street, Harrisburg, PA 17110, (Attorneys for the Estate) m15-29

ESTATE OF JOSEPH S. MEIZEN, late of Derry Township, Dauphin County, PA, (died: April 18, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: David J. Meizen, c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, Pennsylvania 17033. m15-29

ESTATE OF CHARLES R. PEGUESE, late of Harrisburg City, Dauphin County, PA (died: March 23, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Nathaniel Hench, 256 Herr Street, Harrisburg, PA, 17102

Attorney: Catherine E. Rowe, Esq., 132 State Street, Harrisburg, PA, 17101 m15-29

SECOND PUBLICATION

ESTATE OF TAMA MAE LAHR, a/k/a TAMA M. LAHR, late of Wayne Township, Dauphin County, PA (died: March 24, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Co-Executors: Linda M. Lahr Kulp, 200 Rivervista Drive, Halifax, Pennsylvania 17032; Larry G. Lahr, Jr., 1200 Matamoras Road, Halifax, Pennsylvania 17032

Attorney: Gregory M. Kerwin, Esquire, 4245 State Route 209, Elizabethtown, PA 17023.

m8-22

ESTATE OF MELVIN THOMAS JOHNSON, late of Susquehanna Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Kia R. Johnson, 1406 Emerson Street NW, Washington, D.C. 20011

m8-22

ESTATE OF GERALDINE INGAGLIO, late of Derry Township, Dauphin County, PA (died: March 20, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Co-Executrix: Francene I. Shiffler, Paul L. Shiffler, 1225 Stonegate Road, Hummelstown, PA 17036

Attorney: Christa M. Aplin, Esquire, JSDC Law Offices, 11 East Chocolate Avenue, Suite 300, Hershey, PA 17033, (717) 533-3280

m8-22

ESTATE OF HARRIET L. EPLER, late of Swatara Township, County of Dauphin, PA (died: April 1, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to

the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Sharon D. Sanderson, 401 Bonnymead Avenue, Harrisburg, PA 17111

Attorney: Stanley A. Smith, Esquire, Barley Snyder, 213 Market Street, 12th Floor, Harrisburg, PA 17101

m8-22

ESTATE OF ELLEN B. MUSSAF, late of Susquehanna Township, Dauphin County, PA (died: December 27, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Joshua Mussaf, c/o Hynum Law, P.O. Box 5620, Harrisburg, PA 17110

Attorney: Brian K. Zellner, Esquire, Hynum Law, P.O. Box 5620, Harrisburg, PA 17110, (717) 774-1357

m8-22

ESTATE OF MICHAEL A. MAGILTON late of Harrisburg, Dauphin County, PA, (died: February 20, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: CJ McGilton, 1515 Penn Street, Harrisburg, PA 17102

m8-22

ESTATE OF TED B. WINDSOR a/k/a THEODORE B. WINDSOR, TED BACON WINDSOR late of Susquehanna Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Laurel Windsor c/o James D. Bogar, Esq., One West Main Street, Shiremanstown, PA 17011

m8-22

ESTATE OF WARREN W. BRUBAKER, late of Derry Township, Hershey, Dauphin County, PA, (died: April 10, 2020).

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby

given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: David B. Brubaker or Elaine O'Neal, c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, Pennsylvania 17033. m8-22

SECOND PUBLICATION

TRUST NOTICES

TRUST ESTATE OF THEODORE B. DELUCA, late of Elizabethtown, Dauphin County, PA (died: April 6, 2020).

All persons having claims against said Trust Estate are required to make such claims known to the undersigned. Those persons indebted to the decedent are requested to make payment without delay to:

Trustee: Gregorio DeLuca, 6 West Schoolside Drive, Mechanicsburg, PA 17055

Attorney: William R. Kaufman, Esquire, 940 Century Drive, Mechanicsburg, PA 17055 m8-22

THIRD PUBLICATION

ESTATE OF RODNEY F. PYFER, late of Lower Paxton Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: James Douglass Pyfer, 911 Bradford Road, Harrisburg, PA 17112

Attorney: Earl Richard Etzweiler, Esquire, Etzweiler and Withers, LLC, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600 m1-15

ESTATE OF SHERWOOD C. MEREDITH, late of Middle Paxton Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Susan K. Douma, 3032 Fishing Creek Valley Road, Harrisburg, PA 17112

Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101 (717) 234-5600 m1-15

ESTATE OF RAYMOND C. WILLIAMS, late of Harrisburg, Dauphin County PA.

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administratrix: Darlene Williams Humphries, c/o David W. Crosson, Esq., Crosson & Richetti, LLC, 609 W. Hamilton St., Suite 100, Allentown, PA 18101

Attorney: Crosson & Richetti, LLC, 609 W. Hamilton St., Suite 100, Allentown, PA 18101 m1-15

ESTATE OF WILLIAM F. LYONS, III, late of Harrisburg, Dauphin County, PA (died: March 22, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Catharine E. Lyons, 400 Davis Road, Harrisburg, PA

Attorney: Arthur F. McNulty, Esq., Arthur F. McNulty, Attorney at Law, 602 Park Avenue, New Cumberland, PA 17070 m1-15

FIRST PUBLICATION

CORPORATE NOTICES

NOTICE IS HEREBY GIVEN **Quadiant CXM USA, Inc.**, a foreign business corporation incorporated under the laws of Massachusetts, with its princ. office located at 470 Atlantic Ave., 4th Fl., Boston, MA 02210, 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. m15

NOTICE IS HEREBY GIVEN **WellSky Corporation**, a foreign business corporation incorporated under the laws of New York, with its princ. office located at 11300 Switzer Rd., Overland Park, KS 66210, 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. m15

NOTICE IS HEREBY GIVEN **nThrive, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 200 North Point Center East, Ste. 600, Alpharetta, GA 30022, 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. m15

NOTICE IS HEREBY GIVEN that **Red Bull Media House North America, Inc.**, a foreign corporation formed under the laws of the State of California and with its principal office located 1630 Stewart St, Santa Monica, CA 90404, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/8/20, 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. m15

NOTICE IS HEREBY GIVEN that **CSG Forte Payments, Inc**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 500 W. Bethany Drive, Suite 200, Allen, TX 75013, will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, 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. m15

NOTICE IS HEREBY GIVEN that, pursuant to the Business Corporation Law of 1988, **Ellison Plumbing & Piping, Inc**, a corporation incorporated under the laws of the State of

Alabama has withdrawn from doing business in Pennsylvania on 2/25/20. The address of its principal office in its jurisdiction of incorporation is 4360 Dawes Ln E, Mobile, AL 36619-9024 and the name of its commercial registered office provider in Pennsylvania is C T Corporation System. m15

NOTICE IS HEREBY GIVEN that **Falcon Correctional and Community Services, Inc.**, a foreign corporation formed under the laws of the State of Illinois and with its principal office located 155 N. Wacker Drive, Suite 4250, Chicago, IL 60606, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/13/20, 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. m15

NOTICE IS HEREBY GIVEN that **OpenTable, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 1 Montgomery St, Ste 700, San Francisco, CA 94104, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/9/20, 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. m15

NOTICE IS HEREBY GIVEN that **SunnyHill Financial, Inc.** filed a foreign registration statement to do business in the Commonwealth of Pennsylvania on April 21, 2020. The street and mailing address of the association's principal office is 655 Montgomery St., 6th Floor, San Francisco, CA 94111. The commercial registered office provider is in c/o Paracorp Incorporated in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412. m15

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about April 20, 2020, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **TKM United States, Inc.** c/o Incorporating Services, Ltd.

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 1845 Airport Exchange Blvd., Suite 150, Erlanger, KY 41018.

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

m15

NOTICE IS HEREBY GIVEN that **RETIREMENT FINANCIAL SERVICES, INC.**, a foreign business corporation incorporated under the laws of the State of Delaware, received a Certificate of Authority/Foreign Registration in Pennsylvania on December 21, 1995, and will surrender its Certificate of Authority/Foreign Registration to do business in Pennsylvania.

The address of its principal office is 2005 Market Street, Philadelphia, PA 19103.

Its last registered office in this Commonwealth was located at: c/o Corporation Service Company and the last registered office shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania.

m15

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about April 24, 2020, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Alpha Agricultural Builders, Inc.** c/o Registered Agent Solutions, Inc.

This corporation is incorporated under the laws of Texas.

The address of its principal office is 111 5th Avenue, Rochelle, IL 61068.

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

m15

NOTICE IS HEREBY GIVEN **NEXUS MEDIA INC.**, a foreign business corporation incorporated under the laws of New York, with its princ. office located at 28 Church St., Ste. 2A, Warwick, NY 10990, 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 INCORP SERVICES, INC., and shall be deemed for venue and official publication purposes to be located in Dauphin County.

m15

NOTICE IS HEREBY GIVE **Chart Energy & Chemicals, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 3055 Torrington Dr., Ball Ground, GA 30107, 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 251 Little Falls Dr., Wilmington, DE. 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.

m15

NOTICE IS HEREBY GIVEN **Oceanview Life and Annuity Company**, a foreign business corporation incorporated under the laws of Colorado, with its princ. office located at 410 N, 44th St., Ste. 210, Phoenix, AZ 85008, 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 1819 Wazee St., 2nd Fl., Denver, CO 80202. 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.

m15

NOTICE IS HEREBY GIVEN that **Interchange Express, Inc.**, DBA Interchange Express of Virginia, Inc., a foreign corporation formed under the laws of the State of Virginia and with its principal office located 1346 Pleasants Drive, Ste 6, Harrisonburg, VA 22801, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/30/20, 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.

m15

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

KAPLIN, STEWART, MELOFF, REITER &
STEIN, P.C., Solicitors
910 Harvest Dr.
Blue Bell, PA 19422

m15

NOTICE IS HEREBY GIVEN that, on 4/29/20, Articles of Incorporation were filed with the Department of State for **Emergency Communications Facilities Foundation**, a nonprofit corporation organized under the Pennsylvania Nonprofit Corporation Law of 1988, exclusively for charitable purposes.

FAMIGLIO & ASSOC., P.C., Solicitors
P.O. Box 1999
m15 Media, PA 19063

NOTICE IS HEREBY GIVEN that, pursuant to the Business Corporation Law of 1988, **Commodity Metals Management Company**, a corporation incorporated under the laws of the State of Maryland withdrew from doing business in Pennsylvania. The address of its principal office in its jurisdiction of incorporation is Ste 4102000, Corporate Dr, Wexford, PA, 15090-7605 and the name of its commercial registered office provider in Pennsylvania is C T Corporation System. m15

NOTICE IS HEREBY GIVEN that **Zylo, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 55 Monument Circle, FL. 6, Indianapolis, IN 46204, will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, 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. m15

NOTICE IS HEREBY GIVEN that **Carley Corporation**, dba Carley Custom Training Solutions Corporation, a foreign corporation formed under the laws of the State of Florida and with its principal office located 12802 Science Dr., Ste 300, Orlando, FL 32826, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/29/20, 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. m15

NOTICE IS HEREBY GIVEN that **Goldberg Kohn Ltd.**, a foreign corporation formed under the laws of the State of Illinois and with its principal office located 55 East Monroe St, Ste 3300, Chicago, IL 60603, has registered to do

business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/10/20, 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. m15

NOTICE IS HEREBY GIVEN that **Kahler Automation Corporation**, a foreign corporation formed under the laws of the State of Minnesota and with its principal office located 808 Timberlake Rd, Fairmont, MN 56031, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/9/20, 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. m15

NOTICE IS HEREBY GIVEN that **Ready Responders, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 1320 Magazine St, Ste 203, New Orleans, LA 70130, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/24/20, 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. m15

FICTITIOUS NAME NOTICES

NOTICE IS HEREBY GIVEN an application for registration of the fictitious name **Crissie's Creations**, 307 Angle Ave., Steelton, PA 17113 has been filed in the Department of State at Harrisburg, PA, File Date 03/10/2020 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Crystal L. Hailey, 307 Angle Ave., Steelton, PA 17113. m15

**MISCELLANEOUS
NOTICES**

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

TERM NO. CV-2019-7505

CIVIL ACTION - LAW

ACTION OF EJECTMENT

NOTICE OF ACTION IN EJECTMENT

**BAYVIEW LOAN SERVICING LLC, A
DELAWARE LIMITED LIABILITY
COMPANY, PLAINTIFF
VS.
CYNTHIA JOHNSTON & KEVIN
JOHNSTON
AND/OR ANY AND ALL CURRENT
OCCUPANTS, DEFENDANT**

TO CYNTHIA JOHNSTON & KEVIN
JOHNSTON and/or Any and All Current
Occupants, DEFENDANT whose last known
address is 5701 River Road Harrisburg, PA
17110.

THIS FIRM IS A DEBT COLLECTOR AND
WE ARE ATTEMPTING TO COLLECT A
DEBT OWED TO OUR CLIENT. ANY
INFORMATION OBTAINED FROM YOU
WILL BE USED FOR THE PURPOSE OF
COLLECTING THE DEBT.

You are hereby notified that Plaintiff
BAYVIEW LOAN SERVICING LLC, A
DELAWARE LIMITED LIABILITY
COMPANY, has filed an Ejectment Complaint
endorsed with a notice to defend against you in
the Court of Common Pleas of Dauphin County,
Pennsylvania, docketed to No. CV-2019-7505
wherein Plaintiff seeks to request Judgment for
possession of the property located, 5701 River
Road Harrisburg, PA 17110.

NOTICE

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 the 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 claim in the Complaint of 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 OR CANNOT
AFFORD ONE, GO TO OR TELEPHONE
THE OFFICE SET FORTH BELOW. THIS
OFFICE CAN PROVIDE YOU WITH
INFORMATION ABOUT HIRING A
LAWYER.

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

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 N. Front Street
Harrisburg, PA 17101
717-232-7536

Michael T. McKeever
Attorney for Plaintiff
KML Law Group, P.C., PC
Suite 5000, BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

m15

**NAME CHANGE
NOTICES**

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY,
PENNSYLVANIA
DOCKET NO.: 2020-CV-03031-NC**

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on March
7, 2020, the Petition of Mary Theresa
Sambrosky was filed in the above named court,
requesting a decree to change her name from
Mary Theresa Sambrosky to **Siera
Sambrosky**.

The Court has fixed June 30, 2020 at 9:30 a.m.
in Courtroom No. 9, Second Floor, at the
Dauphin County Courthouse, 101 Market Street,
Harrisburg, Pennsylvania 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.

INDEX

A.H. and B.P.M., S.W. v.	190
Adoption of Baby Boy London (Father's Appeal)	70
Adoption of Baby Boy London (Mother's Appeal)	76
Adoption of M.D.L.	178
Adoption of M.E.L.	178
Adoption of M.L.M.	60
Amos v. Amos	62
Amos, Amos v.	62
A.T, S.T.E. v.	194
Auringer, In re.	297
A.V.G. v. J.D.L.	402
 B.L., J.B. v. G.L., T.W.,	187
B.P.M., S.W. v. A.H. and	190
Baby Boy London, Adoption of (Father's Appeal)	70
Baby Boy London, Adoption of (Mother's Appeal)	76
Bears Creek Hershey Hotel II, LLC v. Board of Supervisors of Derry Township v. PJL Realty, LLC	419
Board of Supervisors of Derry Township v. PJL Realty, LLC, Bears Creek Hershey Hotel II, LLC v.	419
 C.O., N.G. v.	1
C.S., V.H., and R.D., T.S. v.	81
City of Harrisburg, McFarland LP v.	121
Commonwealth v. Forde	11
Commonwealth, Haymaker v.	26
Commonwealth (PennDOT), Kane v.	407
Commonwealth, Kline v.	131
Commonwealth v. Lee.....	48
Commonwealth v. McLeod	202
Commonwealth v. New Vision Management, LLC	121
Commonwealth v. Walker	358
Commonwealth v. Williams	318
 D.D.G., S.R.G. v.	305
Dept. of Transp., Bureau of Driver Licensing, Diaz v.....	254
Dept. of Transp., Bureau of Driver Licensing, Hoffman v..	250
Dep't of Transp., Bureau of Driver Licensing, Vazquez-Santiago v.	437
 Diaz v. Dept. of Transp., Bureau of Driver Licensing	254
Dickerson, et al. v. Lower Swatara Twp. Zoning Hearing Board v. Lower Swatara Twp.	286
 Edwards v. PennDOT.	232
Eisenhour v. Eisenhour.	38
Eisenhour, Eisenhour v.	38
E.W.L. v. L.V.D.G.	344
 F.B., M.R. v.	239
Forde., Commonwealth v.	11
 Garland v. PennDOT	161
GAT Distribution Corp., et al., Mumma, et al. v.	112
G.L., T.W., B.L., J.B. v.	187
 H.E. Rohrer, Inc. et.al, Kuhns v.	55
Harrisburg Housing Authority v. Lane	210
Haymaker v. Commonwealth	26
Hoffman v. Dept. of Transp., Bureau of Driver Licensing.	250
Hoffman Ford Sales, Inc., Shoemaker v. Lower Paxton Township Board of Supervisors and.	222
Howard & Monique Henry and Howard Tire & Auto v. The McFarland, L.P. v. Spring Village Apartments, LLC.	312

INDEX

Howard & Monique Henry and Howard Tire & Auto, Inc. v. The McFarland, L.P., et al. v. Spring Village Apartments, LLC, et al.	335
In re: Auringer.	297
J.B. v. G.L., T.W., B.L.	187
J.D., M.S. v.	99
J.D.L., A.V.G. v.	402
J.S. v. R.S.S..	265
J.S. v. R.S.S..	383
K.P., T.J. v. W.H., Jr. and	106
Kane v. Commonwealth (PennDOT).....	407
Kapp v. Kapp v. Updegraff.....	64
Kapp, Kapp v. Updegraff.....	64
Kline v. Commonwealth	131
Kuhns v H.E. Rohrer, Inc. et.al.....	55
L.V.D.G., E.W.L. v.	344
Lane, Harrisburg Housing Authority v.	210
Lee, Commonwealth v.....	48
Lower Paxton Township Board of Supervisors and Hoffman Ford Sales, Inc., Shoemaker v.	222
Lower Swatara Twp., Dickerson, et al. v. Lower Swatara Twp. Zoning Hearing Board v.....	286
Lower Swatara Twp. Zoning Hearing Board v. Lower Swatara Twp., Dickerson, et al. v.....	286
Lynch v. The Pennsylvania State University, et. al.....	457
M.D.L., Adoption of	178
M.E.L., Adoption of	178
M.L.M., Adoption of	60
M.R. v. F.B..	239
M.S. v. J.D.	99
McFarland LP v. City of Harrisburg.....	121
McFarland, L.P, The v. Spring Village Apartments, LLC, Howard & Monique Henry and Howard Tire & Auto v.	312
McFarland (The) L.P., et al. v. Spring Village Apartments, LLC, et al., Howard & Monique Henry and Howard Tire & Auto, Inc. v..	335
McLeod, Commonwealth v.	202
Mumma, et al. v. GAT Distribution Corp., et al.	112
N.G. v. C.O.	1
New Vision Management, LLC v. Commonwealth.....	121
PennDOT, Edwards v..	232
PennDOT, Garland v.....	161
PennDOT, Bureau of Driver Licensing, Yost v.	431
Penn National a/s/o Gerald and Michelle Thompson v. Sam's Club	449
Pennsylvania (The) State University, et. al.	457
PJL Realty, LLC, Bears Creek Hershey Hotel II, LLC v., Board of Supervisors of Derry Township v.	419
R.D., T.S. v. C.S., V.H., and	81
R.S. v. S.Z and M.Z.	168
R.S.S., J.S. v..	265
R.S.S., J.S. v.	383
S.T.E. v. A.T.	194
S.R.G. v. D.D.G.	305
S.W. v. A.H. and B.P.M.	190
S.Z and M.Z., R.S. v.	168
v. Sam's Club, Penn National a/s/o Gerald and Michelle Thompson	449

INDEX

Shoemaker v. Lower Paxton Township Board of Supervisors and Hoffman Ford Sales, Inc.222

Spring Village Apartments, LLC., Howard & Monique Henry and Howard Tire & Auto v. McFarland, L.P.
The v.312

Spring Village Apartments, LLC, et al., Howard & Monique Henry and Howard Tire & Auto, Inc. v. The
McFarland, L.P., et al. v.335

T.J. v. W.H., Jr. and K.P.106

T.L. f/k/a T.D., W.T.D. v.150

T.S. v. C.S., V.H., and R.D. 81

T.W., B.L., J.B. v. G.L.,187

Updegraff, Kapp v. Kapp v. 64

V.H., and R.D., T.S. v. C.S., 81

Vazquez-Santiago v. Dep't of Transp., Bureau of Driver Licensing437

W.H., Jr. and K.P., T.J. v.106

W.T.D. v. T.L. f/k/a T.D.150

Walker, Commonwealth v.358

Williams, Commonwealth v.318

Yost v. PennDOT, Bureau of Driver Licensing431

Johanna H. Rehkamp, Esquire
Cunningham, Chemicoff & Warshawsky, P.C.
P.O. Box 60457
Harrisburg, PA 17106
(717) 238-6570
Attorney for Petitioner

m15

Mediation and ADR Solutions

provided by

The Honorable Thomas I. Vanaskie (Ret.)



- 24 years on the Federal bench (Third Circuit Court of Appeals and Middle District of Pennsylvania)
- Unmatched credentials and experience makes him uniquely qualified to assist parties resolve disputes with guidance that is informed, impartial, fair and objective
- Available to resolve disputes in business and commercial, class action and mass tort, employment, ERISA, insurance, antitrust, securities, intellectual property, civil rights and personal injury cases
- Serves as a Special Master in complex litigation and is highly experienced in the area of e-discovery and privilege review

STEVENS & LEE LAWYERS & CONSULTANTS

A STEVENS & LEE/GRIFFIN COMPANY 

215.568.7560 • tiv@stevenslee.com

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

Board of Directors

Officers

Lisa M. Benzie
President

Paula J. McDermott
President-Elect

Scott B. Cooper
Vice-President

Kimberly A. Selemba
Secretary

Thomas P. Gacki
Treasurer

Brooks R. Foland
Past President

Fawn E. Kehler
Young Lawyers' Chair

Anthony J. Gabriel
Young Lawyers' Vice Chair

Directors

William L. Adler
Carolyn M. Anner
Michael R. Dimino
Jonathan D. Koltash
Jonathan W. Kunkel
Tilman P. Larson
Tracey S. Lewis
Teresa C. Marino
Christopher J. Marzzacco
Alexis M. Miloszewski
Mark J. Powell
Kenneth A. Rapp
Jonathan P. Spadea
Leonard Tintner
Tracy L. Updike

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.

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

DAUPHIN COUNTY COURT SECTION
Opinions Not Yet Reported (cont)

McNally, J., May 4, 2020; Scott v. Families United Network, Inc.; Motion for Summary Judgement, C.P., Dau. Co. No. 2017-CV-5295-CV; Motion Granted

Dowling, J., May 5, 2020; Mancini v. Swatara Township Zoning Hearing Board; Land Use Appeal; C.P., Dau. Co. No. 2019-CV-4537-LU; Appeal Denied

Tully, J., April 20, 2020; Commonwealth v. Anderson; Motion to Suppress; C.P., Dau. Co. No. CP-22-CR-0004013-209; Motion Granted

Tully, J., April 6, 2020; Commonwealth v. Weathers; Motion to Suppress; C.P. Dau. Co. No. CP-22-CR-0002937-2017; Motion Granted

Tully, J., April 28, 2020; Commonwealth v. O'Brian; Pa.R.A.P. 1925 (A) Opinion; C.P. Dau. Co. No. CP-22-CR-0003612-2018

Dowling, J., March 26, 2019 and affirmed April 27, 2020; HPT TA Properties Trust v. Township of West Hanover; Dau. Co. No. 2013-CV-10597-CV

ATTORNEY DISCIPLINARY / ETHICS MATTERS

Representation, consultation and expert testimony in disciplinary matters and matters involving ethical issues, bar admissions and the Rules of Professional Conduct

James C. Schwartzman, Esq.

Judge, Court of Judicial Discipline • Former Chairman, Judicial Conduct Board of Pennsylvania • Former Chairman, Disciplinary Board of the Supreme Court of PA • Former Chairman, Continuing Legal Education Board of the Supreme Court of PA • Former Chairman, Supreme Court of PA Interest on Lawyers Trust Account Board • Former Federal Prosecutor • Named by his peers as Best Lawyers in America 2015 Philadelphia Ethics and Professional Responsibility Law "Lawyer of the Year"

17 North Second Street, 16th Fl., Harrisburg, PA 17101 • (717) 255-7388

INTELLECTUAL PROPERTY LAW

- * Patents
- * Trademarks
- * Copyrights
- * Unfair Competition
- * Trade Secrets
- * Internet Matters

Hooker & Habib, P.C.

150 Corporate Center Drive, Suite 203

Camp Hill, PA 17011

Telephone: 717-232-8771

Facsimile: 717-232-8773

E-mail: hhpc@ptd.net

Website: www.h-hpc.com

Serving Central Pennsylvania for over 47 years