

# **ADVANCE SHEET**

## **The Dauphin County Reporter**

(USPS 810-200)

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

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**No. 6251 Vol. 126**

**May 8, 2020**

**No. 254**

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

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Lynch v. The Pennsylvania State University, et. al.

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**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](http://www.dcba-pa.org)**

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**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.

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CONCLUSION

For these reasons, we enter the following:

ORDER

AND NOW, this 13<sup>th</sup> day of April, 2020,

Defendants' Motion for Summary Judgment is GRANTED.

BY THE COURT: JOHN F. CHERRY, PRESIDENT JUDGE

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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.<sup>1</sup> 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 management and return-to-play decisions related to student athletes. Thereafter, on March 1, 2019, Plaintiff

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<sup>1</sup> 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.

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.Cmwlth. 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.Cmwlt. 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.<sup>2</sup> O’Rourke, 730 A.2d at 1042.

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<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> 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

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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.

<sup>3</sup> 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.

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

<sup>5</sup> 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.<sup>6</sup> 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

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<sup>6</sup> 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:

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# **FIRST PUBLICATION**

## **ESTATE NOTICES**

**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

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**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

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**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

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**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, 12<sup>th</sup> Floor, Harrisburg, PA 17101

m8-22

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**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

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**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 MaGilton, 1515 Penn Street, Harrisburg, PA 17102

m8-22

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**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

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## **FIRST 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

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## **SECOND 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

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**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

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**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

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**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

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## **THIRD PUBLICATION**

ESTATE OF CAROL J. HILTNER, late of  
Susquehanna Township, Dauphin County, PA  
(died: January 30, 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:** Maryan G. McCormick, c/o  
Edmund G. Myers, Attorney, Johnson, Duffie,  
Stewart & Weidner, 301 Market Street, P.O.  
Box 109, Lemoyne, PA 17043 a24-m8

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ESTATE OF ARLENE M. BECK, late of the  
Township of West Hanover, 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:** Dennis L. Beck, 40 S. 24<sup>th</sup> Street,  
Harrisburg, PA 17103

**Attorney:** Theresa L. Shade Wix, Esquire,  
Wix, Wenger & Weidner, 4705 Duke Street,  
Harrisburg, PA 17109-3041 a24-m8

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ESTATE OF ROBERT P. WALLACE,  
a/k/a ROBERT PAUL WALLACE, late of  
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.

**Executrix:** Frances Findley, c/o Caram J.  
Abood, Esquire, Abood, Russell, Pappas &  
Rozich, 709 Franklin Street, Suite 200,  
Johnstown, PA 15901

**Attorney:** Caram J. Abood, Esquire, Abood,  
Russell, Pappas & Rozich, 709 Franklin Street,  
Suite 200, Johnstown, PA 15901 a24-m8

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## **FIRST PUBLICATION**

### **CORPORATE NOTICES**

NOTICE IS HEREBY GIVEN that **T3  
Wireless, Inc.**, a foreign corporation formed  
under the laws of the State of Kansas and with  
its principal office located 220 W. Main St,  
Council Grove, KS 66846, 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. m8

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NOTICE IS HEREBY GIVEN **Plivo Inc.**, a  
foreign corporation formed under the laws of the  
State of Delaware where its principal office is  
located at 340 S. Lemon Ave, #2763, Walnut,  
CA 91789 has registered to do business in  
Pennsylvania with the Department of State of  
the Commonwealth of Pennsylvania, at  
Harrisburg, PA, on 4/1/20, 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. m8

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NOTICE IS HEREBY GIVEN that Articles of  
Incorporation were filed with the Department of  
State of the Commonwealth of Pennsylvania, for  
a business corporation which has been  
incorporated under the provisions of the  
Business Corporation Law of 1988. The name of  
the corporation is: **President Merger Sub Inc.**  
m8

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NOTICE IS HEREBY GIVEN that pursuant to  
the applicable provisions of 15 Pa.C.S Section  
415 or 417, **ENC Marketing &  
Communications, Inc.**, a corporation  
incorporated under the laws of the State of  
Virginia with its registered office in PA at c/o  
Corporation Service Co., Dauphin County,  
intends to file a Statement of Withdrawal of  
Foreign Registration with the Dept. of State. m8

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, for a business corporation which has been incorporated under the provisions of the Business Corporation Law of 1988. The name of the corporation is: **Mastech Digital Solutions, Inc.** m8

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed, on 4/17/20, with the Department of State of the Commonwealth of Pennsylvania, for a non-profit corporation which has been incorporated under the provisions of the Business Corporation Law of 1988. The name of the corporation is: **See One, Be One, Teach One Company.** m8

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NOTICE IS HEREBY GIVEN that **Nutrition & Biosciences USA 4, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 3490 Winton Place, Rochester, NY 14623, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/20/20, 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. m8

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NOTICE IS HEREBY GIVEN to all persons interested or who may be affected that **Conti Cross Keys Inn, Inc.**, a Pennsylvania corporation, having a registered address at C T Corporation System 600 N. 2<sup>nd</sup> Street, Suite 401 Dauphin County Harrisburg, Pennsylvania 17101-1071, is about to file Articles of Dissolution with the Department of State of Pennsylvania and that its Board of Directors is now engaged in winding up and settling the affairs of the corporation so that its corporate existence shall be ended by the issuance of a Certificate of Dissolution under the Pennsylvania Business Corporation Law of 1988. m8

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NOTICE IS HEREBY GIVEN that **LearnZillion, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 777 6th St NW, FL. 11, Washington, DC 20001, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/16/20, 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. m8

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NOTICE IS HEREBY GIVEN that **MXR Imaging, Inc.**, a foreign corporation formed under the laws of the State of California and with its principal office located 4909 Murphy Canyon Road, Ste 120, San Diego, CA 92123, 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. m8

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NOTICE IS HEREBY GIVEN **Legacy Arconic Foundation** (f/k/a Arconic Charitable Foundation), a Pennsylvania nonprofit corporation, that said corporation is winding up its affairs in the manner prescribed by section 5975 of the Nonprofit Corporation Law of 1988, so that its corporate existence shall cease upon the filing of Articles of Dissolution in the Department of State of the Commonwealth of Pennsylvania. m8

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NOTICE IS HEREBY GIVEN **Trial Risk Index, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 1650 Market St., Ste. 4810, Philadelphia, PA 19103, 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 c/o Corporation Service Co., 251 Little Falls Dr., Wilmington, DE 19808. 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. m8

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NOTICE IS HEREBY GIVEN **Assurant Device Solutions, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 260 Interstate North Circle SE, Atlanta, GA 30339, 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. m8

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NOTICE IS HEREBY GIVEN that **Roto-Rooter Corporation**, a foreign corporation formed under the laws of the State of Iowa and with its principal office located 255 E. 5th St, Ste 2600, Cincinnati, OH 45202, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/20/20, 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. m8

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NOTICE IS HEREBY GIVEN **WHITE HAT GAMING INC.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 1013 Centre Rd., Ste. 403/B, Wilmington, DE 19805, 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 85 St. St, Valletta, VLT1165. 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. m8

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NOTICE IS HEREBY GIVEN that **Trexan Chemicals Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 710 Louis Dr, Warminster, PA 18974, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/22/20, 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. m8

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## **FICTITIOUS NAME NOTICES**

NOTICE IS HEREBY GIVEN an application for registration of the fictitious name **C.E.L.S.A. Genesis 28:17**, 903 N 16th St., Harrisburg, PA 17103 has been filed in the Department of State at Harrisburg, PA, File Date 02/24/2020 pursuant to the Fictitious Names Act, Act 1982-295. The names and address of the people who are a party to the registration are Ivelisse Lopez and Ramon Lopez, 1600 Forester St., Harrisburg, PA 17103. m8

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NOTICE IS HEREBY GIVEN that an application for registration of the assumed name **Vytal Options** for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 4711 Queen Avenue, Suite 201, Harrisburg, PA 17109 was made to the Department of State of Pennsylvania at Harrisburg, Pennsylvania, on the 15<sup>th</sup> day of April 2020, pursuant to 54 Pa.C.S. §311. The name of the entity owning or interested in the said business is PA Options for Wellness, Inc.

McNEES WALLACE & NURICK LLC  
100 Pine Street  
P.O. Box 1166

m8 Harrisburg, PA 17108-1166

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NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of Assembly No. 295, effective March 16, 1983, of the filing in the office of the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, an application for the conduct of a business in Dauphin County, Pennsylvania under the assumed or fictitious name, style or designation of Name: **Incora**, with its principal place of business at: 24911 Avenue Stanford, Valencia, CA 91355. The names and addresses of all persons or entities owning or interested in said business are: Wesco Aircraft Hardware Corp., 4911 Avenue Stanford, Valencia, CA 91355. The application has been filed on 4/6/2020. m8

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# NAME CHANGE NOTICES

IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA

DOCKET NO: 2020-CV-02941-NC

PETITION FOR CHANGE OF NAME

## NOTICE

NOTICE IS HEREBY GIVEN that on April 21, 2020, the Petition of Gabrielle Davia Brown was filed in the above named court, requesting a decree to change her name from **Gabrielle Davia Brown** to **Gabrielle Davia Vasquez**.

The Court has fixed Tuesday, June 30<sup>th</sup>, 2020 at 9:30am in Courtroom No. 9, 2nd Floor, at the Dauphin County Courthouse, 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. m8

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

**DAUPHIN COUNTY COURT SECTION**

*Opinions Not Yet Reported*

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January 2020 – Andrew H. Dowling – Scott A. Mancini v. Swatara Township Zoning Hearing Board; Dau Co. No. 2019-CV-4537-LU

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