

Northampton County Reporter

(USPS 395-280)

VOL. LX

EASTON, PA March 15, 2018

NO. 11

Georgeanna Ramos, Plaintiff v. James Frasca and Federal Express Corp., Defendants

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INSERT: Green: 1. 2018 Calendar

2. "The Impeachment of Andrew Johnson"

3. "Effective Drug and Alcohol Testing in Family Law Cases"

4. Save the Date!

NOTICE TO THE BAR...

Send in your registration!

Annual Reception for the Court – Friday, March 23, 2018

**NORTHAMPTON COUNTY BAR ASSOCIATION
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The Northampton County Reporter will be published every Thursday by the Northampton County Bar Association, 155 South Ninth St., Easton, PA 18042-4399. All legal notices relating to the business of the county, are required by rule of Court, to be published in this Journal. All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser. Neither the Law Reporter nor the printer will assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes to content.

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Ralph J. Bellafatto, Esquire
Editor

NOTICE TO NCBA MEMBERS – BAR NEWS

Courthouse Library Copy Machine Cards

Copy machine cards are still available at the NCBA Office. If you make any copies on the copy machine in the Law Library you may want to consider purchasing copy cards. The cards sell for \$10.00. If you use the cards, copies are 15 cents rather than the usual 25 cents.

Save the Dates

Annual Reception for the Court – Friday, March 23, 2018

Summer Outing – Thursday, July 19, 2018

Bench Bar Conference – October 4-6, 2018

“Be more concerned with your character than your reputation, because your character is what you really are, while your reputation is merely what others think you are.” ~ John Wooden, Basketball Coach, Indiana State and UCLA

ESTATE AND TRUST NOTICES

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION**BOTHUR, BONNIE C.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executor: Reid H. Bothur, 653 Leah Ct., Bridgewater, NJ 08807

BOTTGE, MARTHA A., dec'd.

Late of the Borough of Bath, Northampton County, PA
Executor: Eric P. Bottge
Attorneys: Joseph J. Piperato, III, Esquire, Piperato Law Office, LLC, 3894 Courtney Street, Suite 105, Bethlehem, PA 18017

BREDBENNER, BRUCE Y., dec'd.

Late of 3528 Lord Byron Drive, Bethlehem, Northampton County, PA
Executrix: Wendy J. Ashby, Esquire, Ashby Law Offices, LLC, 314 West Broad Street, Suite 118, Quakertown, PA 18951
Attorneys: Wendy J. Ashby, Esquire, Ashby Law Offices, LLC, 314 West Broad Street, Suite 118, Quakertown, PA 18951

DeMARTINO, CATHERINE M., dec'd.

Late of the Township of Palmer, Northampton County, PA
Administratrix: Joanne E. Marroni c/o Goudsouzian & Associates, 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

Attorneys: Goudsouzian & Associates, 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

DILO, VASILIA a/k/a VASILIA B.**DILO a/k/a BESSIE DILO,** dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Marcia Milides Pepper a/k/a Marcia Pepper c/o Richard H. Pepper, Esquire, One West Broad Street, Suite 408, Bethlehem, PA 18018

Attorney: Richard H. Pepper, Esquire, One West Broad Street, Suite 408, Bethlehem, PA 18018

DRAPER, THERESA ANNE, dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Dana Grubb c/o Christopher T. Spadoni, Esquire, 1413 Easton Ave., P.O. Box 522, Bethlehem, PA 18018

Attorney: Christopher T. Spadoni, Esquire, 1413 Easton Ave., P.O. Box 522, Bethlehem, PA 18018

GARCIA, BETTY M., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Betty M. Garcia Trust, dated March 23, 1998

Settlor: Betty M. Garcia
Trustee: James Garcia, 3900 Post Drive, Bethlehem, PA 18017

JARVIS, CHARLES JOSEPH, dec'd.

Late of the Township of Upper Mt. Bethel, Northampton County, PA

Executrix: Constance Janine Corsetti, 733 Quaker Plain Road, Bangor, PA 18013

KOSHKO, EVELYN N. McCARROLL, dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Douglas J. Tkacik, Esquire, 18 East Market Street, P.O. Box 30, Bethlehem, PA 18016-0030

Attorney: Douglas J. Tkacik, Esquire, 18 East Market Street, P.O. Box 30, Bethlehem, PA 18016-0030

KROCHTA, PETER P., dec'd.

Late of Forks Township, Northampton County, PA

Executrix: Lisa Marie Cipriani c/o Timothy J. Duckworth, Jr., Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., 2045 Westgate Drive, Suite 404, Bethlehem, PA 18017

Attorneys: Timothy J. Duckworth, Jr., Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., 2045 Westgate Drive, Suite 404, Bethlehem, PA 18017

LACK, DAVID J., dec'd.

Late of the Township of Moore, Northampton County, PA

Administratrix: Cory Lack c/o Daniel E. Cohen, Attorney, Seidel, Cohen, Hof & Reid, L.L.C., 3101 Emrick Blvd., Suite 205, Bethlehem, PA 18020

Attorneys: Daniel E. Cohen, Attorney, Seidel, Cohen, Hof & Reid, L.L.C., 3101 Emrick Blvd., Suite 205, Bethlehem, PA 18020

MADSON, JOSEPHINE A., dec'd.

Late of Wilson Borough, Northampton County, PA

Executor: Mark J. Madson, 40 S. Fairview St., Nazareth, PA 18064

Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064-2083

MATTES, BERNICE E., dec'd.

Late of the Township of Washington, Northampton County, PA

Administrator: Joshua Aaron Mattes c/o Daniel E. Cohen, Attorney, Seidel, Cohen, Hof & Reid, L.L.C., 3101 Emrick Blvd., Suite 205, Bethlehem, PA 18020

SMITH, BLANCA E. a/k/a BLANCA C. SMITH, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executors: Blanca Rita Davis and Vaughn A. Terrinoni, Esquire, 3976 Township Line Road, Bethlehem, PA 18020

Attorney: Vaughn A. Terrinoni, Esquire, 3976 Township Line Road, Bethlehem, PA 18020

THOMSON, KELSIE LYNN, dec'd.

Late of the Borough of Northampton, Northampton County, PA

Administratrix: Ms. Nancy A. Pierson c/o Richard H. Pepper, Esquire, One West Broad Street, Suite 408, Bethlehem, PA 18018

Attorney: Richard H. Pepper, Esquire, One West Broad Street, Suite 408, Bethlehem, PA 18018

WALTER, JUANITA S., dec'd.

Late of the Township of Upper Mt. Bethel, Northampton County, PA

Executor: Fred E. Walter c/o Goudsouzian & Associates, 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283
Attorneys: Goudsouzian & Associates, 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

SECOND PUBLICATION

CASAZZA, WILLIAM T., dec'd.

Late of the Borough of Nazareth, Northampton County, PA
Executrix: Nancy E. Hratko, 28 W. High Street, Nazareth, PA 18064
Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064

DEYSHER, LeROHN D., dec'd.

Late of the Borough of Hellertown, Northampton County, PA
The LeRohn D. Deysher Living Trust dated April 2, 2002
Settlor: LeRohn D. Deysher
Successor Co-Trustees: Donna J. Rader and Daniel M. Deysher c/o Mark P. Albright, Esquire, 403 Main Street, Hellertown, PA 18055-1721
Attorney: Mark P. Albright, Esquire, 403 Main Street, Hellertown, PA 18055-1721

EAST, JOAN I., dec'd.

Late of the Township of Palmer, Northampton County, PA
Executrix: Diane East, 1003 Wood Street, Bethlehem, PA 18018
Attorneys: Charles Bruno, Esquire, Pfeiffer & Bruno, PC, 44 N. 2nd Street, P.O. Box 468, Easton, PA 18044-0468

GOFF, BARBARA FAYE, dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Richard Lewis Fritz c/o William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

Attorney: William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

HAGEN, JAMES AUSTIN a/k/a JAMES A. HAGEN a/k/a JAMES HAGEN a/k/a JIM HAGEN, dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Executrix: Kelly Jo van Krieken c/o F. D. Hennessy, Jr., Esquire, Hennessy & Bullen, P.O. Box 217, Lansdowne, PA 19050-0217

Attorneys: F. D. Hennessy, Jr., Esquire, Hennessy & Bullen, P.O. Box 217, Lansdowne, PA 19050-0217

MARRA, LAWRENCE A., JR., dec'd.

Late of Bethlehem Township, Northampton County, PA
Executor: Scott V. Bartkus, Esquire, 1275 Glenlivet Drive, Allentown, PA 18106
Attorney: Scott V. Bartkus, Esquire, 1275 Glenlivet Drive, Allentown, PA 18106

MEASE, LOUISE P., dec'd.

Late of the Borough of Hellertown, Northampton County, PA
Executor: Marc James Mease c/o Mark P. Albright, Esquire, 403 Main Street, Hellertown, PA 18055-1721
Attorney: Mark P. Albright, Esquire, 403 Main Street, Hellertown, PA 18055-1721

PENNA, JOSEPHINE, dec'd.

Late of Palmer Township, Northampton County, PA

Executor: Gennaro Penna c/o Steven B. Molder, Esquire, 904 Lehigh St., Easton, PA 18042
Attorney: Steven B. Molder, Esquire, 904 Lehigh St., Easton, PA 18042

PINTO, JOHN, dec'd.

Late of the Borough of Bangor, Northampton County, PA
Executor: Richard L. Kresge, 277 Oak Road, Bangor, PA 18013
Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064

POLGAR, ANN, dec'd.

Late of the Borough of Nazareth, Northampton County, PA
Executrix: Phyllis E. Leibert c/o Robert V. Littner, Esquire, Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018
Attorneys: Robert V. Littner, Esquire, Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018

PUTAR, WILLIAM M., dec'd.

Late of 1867 Major Street, Bethlehem, Northampton County, PA
Executor: Timothy F. Parsons c/o Robert Van Horn, Esquire, The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102
Attorneys: Robert Van Horn, Esquire, The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102

SILFIES, CARL D., JR., dec'd.

Late of Lehigh Township, Northampton County, PA
Executrices: Donna Lyn Pavlick, 1172 Wellington Circle, Laury's Station, PA 18059 and Deborah Lyn George, 3987 Hunsicker Drive, Walnutport, PA 18088

Attorney: Kristofer M. Metzger, Esquire, 6666 Passer Rd., Suite #3, Coopersburg, PA 18036

THOMPSON, RICHARD R., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executrix: Ellen H. Thompson c/o Robert V. Littner, Esquire, Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018
Attorneys: Robert V. Littner, Esquire, Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018

VEDOMSKY, JAMES, SR., dec'd.

Late of East Allen Township, Northampton County, PA
Executrix: Debra Stasak c/o Kevin F. Danyi, Esquire, Danyi Law, P.C., 133 East Broad Street, Bethlehem, PA 18018
Attorneys: Kevin F. Danyi, Esquire, Danyi Law, P.C., 133 East Broad Street, Bethlehem, PA 18018

WEISS, PAUL H., dec'd.

Late of Williams Township, Northampton County, PA
Co-Executrices: Nancy L. Weiss and Susan Dolores Gonzalez c/o Lori Gardiner Kreglow, Esquire, 18 East Market Street, P.O. Box 1961, Bethlehem, PA 18016-1961
Attorney: Lori Gardiner Kreglow, Esquire, 18 East Market Street, P.O. Box 1961, Bethlehem, PA 18016-1961

THIRD PUBLICATION

BEATTY, MARK J., dec'd.

Late of the Township of Upper Mount Bethel, Northampton County, PA
Administratrix: Amy R. Beatty c/o Goudsouzian & Associates,

2925 William Penn Highway,
Suite 301, Easton, PA 18045-
5283

Attorneys: Goudsouzian & Asso-
ciates, 2925 William Penn
Highway, Suite 301, Easton, PA
18045-5283

BONE, CARL D., dec'd.

Late of the Township of Palmer,
Northampton County, PA
Executrix: Nancy Valerie Suter
c/o Theresa Hogan, Esquire,
Attorney-at-Law, 340 Spring
Garden Street, Easton, PA 18042
Attorney: Theresa Hogan,
Esquire, Attorney-at-Law, 340
Spring Garden Street, Easton,
PA 18042

BONE, CHARLOTTE M., dec'd.

Late of the Township of Palmer,
Northampton County, PA
Executrix: Nancy Valerie Suter
c/o Theresa Hogan, Esquire,
Attorney-at-Law, 340 Spring
Garden Street, Easton, PA 18042
Attorney: Theresa Hogan,
Esquire, Attorney-at-Law, 340
Spring Garden Street, Easton,
PA 18042

BORGER, ELIZABETH P., dec'd.

Late of the Township of Lehigh,
Northampton County, PA
Executrix: Susan Whiteman,
1104 Walnut Drive, Danielsville,
PA 18038
Attorneys: Jenny Y.C. Cheng,
Esquire, Cheng Law Offices,
P.C., 314 Delaware Avenue, P.O.
Box 195, Palmerton, PA 18071

CERULLO, FIORENTINO, dec'd.

Late of Bethlehem, Northampton
County, PA
Executrix: Antonietta Velleca c/o
Richard H. Pepper, Esquire, One
West Broad Street, Suite 408,
Bethlehem, PA 18018

Attorney: Richard H. Pepper,
Esquire, One West Broad Street,
Suite 408, Bethlehem, PA 18018

COLLINS, HARLEY L., dec'd.

Late of Moore Township, North-
ampton County, PA
Co-Executors: James H. Collins
and Allen R. Collins, 2436 Fox
Road, Nazareth, PA 18064

COMPARDO, JOHN, dec'd.

Late of the City of Bethlehem,
Northampton County, PA
Administrators: Darlene Anne
Bio and Darrell Craig Compardo
Attorneys: Joseph J. Piperato, III,
Esquire, Piperato Law Office,
LLC, 3894 Courtney Street, Suite
105, Bethlehem, PA 18017

GUIDA, ROSALIE M., dec'd.

Late of the Township of Bushkill,
Northampton County, PA
Executors: Emilio Guida a/k/a
Emilio Guido, Cerina A. Woehrle
and Alice J. Godiska c/o Alfred
S. Pierce, Esquire, Pierce &
Steirer, LLC, 124 Belvidere
Street, Nazareth, PA 18064
Attorneys: Alfred S. Pierce,
Esquire, Pierce & Steirer, LLC,
124 Belvidere Street, Nazareth,
PA 18064

GUIDON, JEANNETTE C., dec'd.

Late of the Borough of Free-
mansburg, Northampton
County, PA
Executor: David A. Guidon c/o
William P. Leeson, Esquire, 70
East Broad Street, P.O. Box
1426, Bethlehem, PA 18016-
1426
Attorney: William P. Leeson,
Esquire, 70 East Broad Street,
P.O. Box 1426, Bethlehem, PA
18016-1426

HOSZOWSKI, VERNA M., dec'd.

Late of the Township of Upper Nazareth, Northampton County, PA

Executors: Michael Hoszowski, 337 N. Walnut Street, Bath, PA 18014 and Sonya M. Cahill, 2 Babbit Bridge Road, Mahwah, NJ 07430

Attorney: Daniel G. Spengler, Esquire, 110 East Main Street, Bath, PA 18014

KERECZ, DOLORES H., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Dorothy Ann Midash c/o Mark P. Albright, Esquire, 403 Main Street, Hellertown, PA 18055-1721

Attorney: Mark P. Albright, Esquire, 403 Main Street, Hellertown, PA 18055-1721

KLESH, EDWARD P., dec'd.

Late of Bethlehem, Northampton County, PA

Executrices: Candace A. Klesh and Terri A. Behler c/o Douglas J. Tkacik, Esquire, 18 East Market Street, P.O. Box 30, Bethlehem, PA 18016-0030

Attorney: Douglas J. Tkacik, Esquire, 18 East Market Street, P.O. Box 30, Bethlehem, PA 18016-0030

KOEHLER, ELIZABETH H., dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executor: Michael Gerald Koehler, 495 Dianne Road, Bath, PA 18014

Attorney: Daniel G. Spengler, Esquire, 110 East Main Street, Bath, PA 18014

KOVACH, THEODORE, dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Constance Boyko c/o Charles W. Stopp, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

Attorneys: Charles W. Stopp, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

LAUBACH, STERLING H., SR., dec'd.

Late of the Township of Moore, Northampton County, PA

Co-Executors: Christopher G. Laubach and Michele L. Wagner c/o David M. Backenstoe, Esquire, 148 Main Street, Hellertown, PA 18055

Attorney: David M. Backenstoe, Esquire, 148 Main Street, Hellertown, PA 18055

MacCRINDLE, COLIN C., dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Executrix: Cameron A. MacCrindle c/o Todd H. Lahr, Esquire, Lahr & Lahr Law Offices, 3570 Hamilton Blvd., Suite 303, Allentown, PA 18103-4513

Attorneys: Todd H. Lahr, Esquire, Lahr & Lahr Law Offices, 3570 Hamilton Blvd., Suite 303, Allentown, PA 18103-4513

MASTROCOLA, JOSEPH W., dec'd.

Late of Hanover Township, Northampton County, PA

Executrix: Mary E. Ruhl c/o Theresa Hogan, Esquire, Attorney-at-law, 340 Spring Garden Street, Easton, PA 18042
Attorney: Theresa Hogan, Esquire, Attorney-at-law, 340 Spring Garden Street, Easton, PA 18042

MELHEM, JOSEPH, JR., dec'd.

Late of Forks Township, Northampton County, PA

Administratrix: Joumana J. Melhem c/o Steven B. Molder, Esquire, 904 Lehigh St., Easton, PA 18042

Attorney: Steven B. Molder, Esquire, 904 Lehigh St., Easton, PA 18042

PORZIG, BERNARD B., dec'd.

Late of Easton, Northampton County, PA

Executor: Armin C. Porzig, 1215 Jericho Road, Abington, PA 19001

Attorney: Anne Scheetz Damon, Esquire

PULLI, ANNA C., dec'd.

Late of Bethlehem Township, Northampton County, PA

Executor: Evangelos S. Papageorgiou c/o Steven B. Molder, Esquire, 904 Lehigh St., Easton, PA 18042

Attorney: Steven B. Molder, Esquire, 904 Lehigh St., Easton, PA 18042

RAUDENBUSH, JEAN L., dec'd.

Late of Hellertown, Northampton County, PA

Executor: Edward J. Chromczak, Jr. c/o William J. Fries, Esquire, The Atrium, 2895 Hamilton Boulevard, Suite 106, Allentown, PA 18104

Attorney: William J. Fries, Esquire, The Atrium, 2895 Hamilton Boulevard, Suite 106, Allentown, PA 18104

ROTHROCK, ESTHER E., dec'd.

Late of the Borough of Hellertown, Northampton County, PA
Executrix: Anna M. Tilley, 111 E. Fairmont Street, Coopersburg, PA 18036

Attorney: Kristofer M. Metzger, Esquire, 6666 Passer Rd., Suite #3, Coopersburg, PA 18036

SCHOENEBERGER, DELORES C., dec'd.

Late of the Township of Upper Nazareth, Northampton County, PA

Executor: John C. Schoeneberger, Jr. c/o Alfred S. Pierce, Esquire, Pierce & Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064

Attorneys: Alfred S. Pierce, Esquire, Pierce & Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064

SCORZAFAVA, JAMES P., SR., dec'd.

Late of the Borough of Northampton, Northampton County, PA
Executrix: Susan S. Mills, 3918 Post Drive, Bethlehem, PA 18017
Attorney: James J. Holzinger, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

SEIDENBERGER, HELEN GRACE, dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Jeffrey J. Seidenberger c/o William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

Attorney: William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

THORPE, JAMES DALE, dec'd.

Late of Freemansburg, Northampton County, PA

Executor: Cody James Thorpe c/o Leonard M. Mellon, Esquire, 151 South 7th Street, Easton, PA 18042

Attorney: Leonard M. Mellon,
Esquire, 151 South 7th Street,
Easton, PA 18042

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Pennsylvania Business Corporation Law, Act of December 21, 1988 (P.L. 1444, No. 177) as amended, by the following Corporation:

The name of the corporation is:

JFR VENTURES, INC.

Norris McLaughlin & Marcus, P.A.
515 W. Hamilton Street
Suite 502
Allentown, PA 18101
Telephone: (610) 391-1800

Mar. 15

LIMITED LIABILITY COMPANY NOTICES

NOTICE IS HEREBY GIVEN that a Certificate of Organization—Domestic Limited Liability Company has been filed with the Department of State for the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Organization under the provisions of Title 15, Corporations and Unincorporated Associations at 15 Pa. C.S.A. 8901 et seq., approved December 7, 1994, P.L. 703, No. 106(4).

The name of the domestic limited liability company is:

McELROY 65, LLC d/b/a D & J ELECTRICAL SERVICE

The Certificate of Organization was filed on February 22, 2018.

GARY A. BRIENZA, ESQUIRE
PETERS, MORITZ, PEISCHL,
ZULICK, LANDES & BRIENZA, LLP
1 South Main Street
Nazareth, PA 18064

Mar. 15

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a Domestic Limited Liability Company has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about May 18, 2016 for the purpose of creating a Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106.

The name of the Limited Liability Company is:

OLD EASTON LLC

14 S. Broad St., Nazareth, PA 18064.
Mar. 15

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a Domestic Limited Liability Company has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about February 16, 2018 for the purpose of creating a Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106.

The name of the Limited Liability Company is:

OVER THE MOUNTAIN LLC

14 S. Broad St., Nazareth, PA 18064.
Mar. 15

IN THE NORTHAMPTON COUNTY COURT OF COMMON PLEAS ORPHANS' COURT DIVISION

The following Executors, Administrators, Guardians & Trustees have filed Accounts in the Office of the Orphans' Court:

ESTATE; Accountant

LISA HUFF n/k/a LISA TILWICK;
Wilmington Trust, N.A. f/k/a
Wilmington Trust Company, FSB,
Guardian

AUDIT NOTICE

All parties interested are notified that an audit list will be made up of

all Accounts and the said list will be called for audit at the Northampton County Government Center, Easton, PA on: FRIDAY, MARCH 23, 2018 AT 9:00 A.M. IN COURTROOM #1.

Gina X. Gibbs
Clerk of Orphans' Court
Mar. 8, 15

**IN THE COURT OF COMMON
PLEAS OF NORTHAMPTON
COUNTY, PENNSYLVANIA
CIVIL DIVISION**

IN DIVORCE
David W. Brown
Plaintiff

vs.

Paulette L. Brown
Defendant

DOCKET NO. C-48-CV-2017-10081

Notice is given that Paulette L. Brown was named as a defendant in a civil action by plaintiff seeking a divorce from the defendant. You are notified to plead to the Complaint on or before twenty (20) days from the date of this publication or a judgment may be entered.

NOTICE

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

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

Northampton County
Lawyer Referral Service
P.O. Box 4733
Easton, PA 18043-4733
(610) 258-6333

PAUL C. HENSEL, ESQUIRE
Attorney for Plaintiff

3560 Westminster Way
Nazareth, PA 18064
(610) 837-7778

Mar. 15

**COURT OF COMMON
PLEAS OF NORTHAMPTON
COUNTY, PENNSYLVANIA**

City of Easton
vs.

Joseph V. Scorese and
Joseph Basso

NO. C48CV-2008-10042

Notice is given that the above were named as defendants in a civil action by plaintiff to recover 2005-2007 water, sewer and trash fees for property located at 614 Northampton Street, Easton, PA, Tax Parcel #L9SE1B 25 16. A Writ of Scire Facias for \$11,970.97 was filed. You are notified to plead to the Writ on or before 20 days from the date of this publication or a judgment may be entered. If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by Plaintiff. You may lose money, 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 TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service
P.O. Box 4733
Easton, PA 18043-4733
(610) 258-6333

PORTNOFF LAW ASSOC., LTD.
P.O. Box 391
Norristown, PA 19404
(866) 211-9466

Mar. 15, 22, 29

ASSOCIATE POSITION

Goudsouzian & Associates, a well-established and growing Lehigh Valley law firm has an immediate opening for an Associate in its Palmer Township office.

The ideal candidate must be self-motivated, have excellent analytical, organizational, writing and oral communication skills. The position involves substantial interaction with clients and experienced attorneys.

Please direct inquiries to:
KMinutillo@SNG-LAW.com.

Mar. 15, 22, 29

LEGAL ASSISTANT

Small civil litigation firm in Bethlehem is searching for a legal assistant with a background in family law. This is a full-time position. The candidate should have experience dealing with filing documents in multiple counties. The candidate should have the ability to work independently and show initiative as well as an attention to detail. The position also requires the ability to transcribe dictation and familiarity with Word and Excel. Please submit a resume and references to Shay, Santee and Kelhart at jkelhart@ssk-esq.com.

Mar. 15

SHERIFF'S SALE OF VALUABLE REAL ESTATE

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on APRIL 6, 2018, at ten o'clock a.m. in the COUNCIL CHAMBERS, THIRD FLOOR, of the Northampton County Government Center, within the City of Easton, County of Northampton and State of Pennsylvania, to wit:

PLEASE TAKE NOTICE that the sale price will include only the outstanding taxes certified to the Sheriff's Office. Any taxes not reported to the Sheriff are the responsibility of the purchaser.

No. C-48-CV-2008-07878

WILSON AREA SCHOOL DISTRICT
vs.

PETER T. THOMPSON,
JODY A. THOMPSON, UNITED
STATES OF AMERICA

Property Address:

630 Hexenkopf Road, Hellertown,
PA 18055

UPI/Tax Parcel Number:

P8/10/6/0836

ALL THOSE TWO CERTAIN messuages or tracts of land situate in Williams Township, Northampton County, Pennsylvania.

BEING THE SAME PREMISES granted and conveyed unto Peter T. Thompson and Jody A. Thompson, h/w, by deed recorded 8/11/1995 in Deed Book 1995-1, Page 72645.

THEREON BEING ERECTED a two-story single dwelling with stucco exterior, slate roof and a barn.

Property Address:

600 Hexenkopf Road a/k/a
Hexenkopf Road, Hellertown, PA
18055

UPI/Tax Parcel Number:

P9/5/6B/0836

ALL THAT CERTAIN messuage or tenement and lot, piece or parcel of

land situate in Williams Township, Northampton County, Pennsylvania.

BEING THE SAME PREMISES granted and conveyed unto Peter T. Thompson and Jody A. Thompson, h/w, by deed recorded 8/11/1995 in Deed Book 1995-1, Page 72663.

THEREON BEING ERECTED a two-story single dwelling with brick/wood/stucco exterior, shingle roof, an attached two-car garage and a small summer house.

Property Address:

590 Hexenkopf Road, Hellertown, PA 18055

UPI/Tax Parcel Number:

P8/10/6A/0836

THEREON BEING vacant land.

No. C-48-CV-2011-06498

TD BANK, N.A.

vs.

JUAN AND SANDRA RODRIGUEZ, LLC, ANTILLANA SUPERMARKET, LLC

Property Address:

c/o Juan Rodriguez, 1310-1360 Pembroke Road, Bethlehem, PA 18017

UPI/Tax Parcel Number:

N7SW4C/2/2/0212

ALL THOSE CERTAIN lots or pieces of ground situate in Freemansburg Borough, Northampton County, Pennsylvania.

BEING THE SAME PREMISES conveyed to Juan and Sandra Rodriguez, LLC by deed from Drakos Klados and Christine Klados, h/w, by deed recorded 12/31/2008 in Deed Book 2008-1, Page 333630.

THEREON BEING ERECTED a one-story commercial building with stucco exterior and flat roof.

No. C-48-CV-2013-00995

U.S. BANK, NATIONAL ASSOCIATION, AS TRUSTEE ET AL.

vs.

ELSA DIAZ

Property Address:

640 William Street, Bethlehem, PA 18015

UPI/Tax Parcel Number:

P7SW1A/21/5A/0204

ALL THOSE TWO CERTAIN tracts of land at 'Oberly Terrace' in Bethlehem City, Northampton County, Pennsylvania.

BEING THE SAME PREMISES granted and conveyed unto Elsa Diaz f/k/a Elsa Poniktera, a married woman, by deed from Elsa Diaz f/k/a Elsa Poniktera and Alexander L. Diaz, Ajtwtros, said deed recorded 10/28/2005 in Deed Book 2005-1, Page 428684.

THEREON BEING ERECTED a 3-story apartment building with brick/stone exterior and shingle roof.

No. C-48-CV-2013-02184

WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE ET AL.

vs.

LISA S. CLARK

Property Address:

333 South Oak Street, Freemansburg, PA 18017-7068

UPI/Tax Parcel Number:

P7/2/3-40/0212

ALL THAT CERTAIN lot or tract or parcel of ground situated in Freemansburg Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Lisa S. Clark, unmarried, by deed from Nic Zawarski and Sons Builders, Inc., said deed recorded 11/7/2005 in Deed Book 2005-1, Page 443541.

THEREON BEING ERECTED a 3-story townhouse dwelling with brick exterior, shingle roof and an attached one-car garage.

No. C-48-CV-2013-02852

WATERFALL VICTORIA GRANTOR TRUST II SERIES G

vs.

GERDA ALEXANDRE,
JAMES DELBRUNE

Property Address:

118 McNair Circle, Northampton,
PA 18067

UPI/Tax Parcel Number:

M4/3/4-32/0501

ALL THAT CERTAIN piece or
parcel of land situate in Allen
Township, Northampton County,
Pennsylvania.

BEING THE SAME PREMISES
granted and conveyed unto Gerda
Alexandre by deed from Gerda
Alexandre and James Delbrune, h/w,
said deed recorded 4/23/2013 in
Deed Book 2013-1, Page 102319.

THEREON BEING ERECTED a
two-story single dwelling with vinyl
siding/stone exterior, shingle roof and
an attached two-car garage.

No. C-48-CV-2014-10438

THE BANK OF
NEW YORK MELLON ET AL.

vs.

JAMES LEWIS, LOUADA LEWIS

Property Address:

1404 Fairmount Street,
Bethlehem, PA 18017

UPI/Tax Parcel Number:

N7SW1C/6/1/0204

ALL THAT CERTAIN lot or piece of
ground situate in the 15th Ward in
Bethlehem City, Northampton
County, Pennsylvania.

TITLE TO SAID PREMISES is
vested in James Lewis and Louada
Lewis, h/w, by deed from James
Lewis, said deed recorded 3/2/2005
in Deed Book 2005-1, Page 75035.

THEREON BEING ERECTED a
ranch-style single dwelling with
brick/shingle exterior and shingle
roof.

No. C-48-CV-2015-07739

LSF9 MASTER
PARTICIPATION TRUST

vs.

STEPHEN C. PASTOR, JR.,
JONAIRE PASTOR

Property Address:

189 Rutt Road, Bangor, PA 18013

UPI/Tax Parcel Number:

E10NW1/1/8/0134

ALL THAT CERTAIN tract, piece
or parcel of land situate in Washing-
ton Township, Northampton County,
Pennsylvania.

TITLE TO SAID PREMISES is
vested in Stephen C. Pastor, Jr. by
deed from Philip Henry a/k/a Philip
J. Henry, widower and unmarried,
said deed recorded 3/2/2000 in Deed
Book 2000-1, Page 24310.

THEREON BEING ERECTED a
ranch-style single dwelling with vinyl
siding, shingle roof and an attached
two-car garage.

No. C-48-CV-2015-11108

MTGLQ INVESTORS, LP

vs.

STEVE A. DiVIETRO

Property Address:

3800 Farmersville Road, Easton,
PA 18045

UPI/Tax Parcel Number:

L8SE1/7/1/0324

ALL THAT CERTAIN lot or parcel
of land situate in Palmer Township,
Northampton County, Pennsylvania.

BEING THE SAME PREMISES
granted and conveyed unto Steve A.
DiVietro by deed from Steve A.
DiVietro and Lisa B. DiVietro, h/w,
said deed recorded 10/20/2004 in
Deed Book 2004-1, Page 407160.

THEREON BEING ERECTED a
two-story single dwelling with vinyl
siding/brick exterior, shingle roof, an
attached two-car garage, an in-ground
pool and an additional two-car
detached garage.

No. C-48-CV-2015-11924

DEUTSCHE BANK
NATIONAL TRUST COMPANY, AS
TRUSTEE ET AL.

vs.

KENNETH J. BOZZI, JR.,
MINDA J. BOZZI

Property Address:

2182 Ridge Road a/k/a 2178-2182
Ridge Road, Bangor, PA 18013

UPI/Tax Parcel Number:

C10/17/23/0131

ALL THAT CERTAIN tract or piece of land situate in Upper Mount Bethel Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Kenneth J. Bozzi, Jr. and Minda J. Bozzi by deed from Lawrence H. Ott and Lisa Ott, said deed recorded 7/27/2006 in Deed Book 2006-1, Page 304064.

THEREON BEING ERECTED a two-story single dwelling with aluminum siding and shingle roof.

No. C-48-CV-2016-05836

U.S. ROF IV LEGAL
TITLE TRUST ET AL.

vs.

ELIZABETH GISELE GONZALEZ,
SCOTT RAYMOND GONZALEZ

Property Address:

9696 North Delaware Drive,
Bangor, PA 18013

UPI/Tax Parcel Number:

G10/6/2/0117

ALL THAT CERTAIN lot, parcel or tract of land situate along Route 611 in Lower Mount Bethel Township, Northampton County, Pennsylvania.

BEING THE SAME PREMISES granted and conveyed unto Elizabeth Gonzalez and Scott Gonzalez, w/h, by deed from Elizabeth G. Gonzalez, a married woman, said deed recorded 8/27/2004 in Deed Book 2004-1, Page 337129.

THEREON BEING ERECTED a ranch-style single dwelling with brick exterior, shingle roof and an attached two-car garage.

No. C-48-CV-2016-07166

FEDERAL NATIONAL
MORTGAGE ASSOCIATION

vs.

TERRY C. DAUBERT, JR.,
ELAINA M. DAUBERT

Property Address:

26 South 16th Street, Easton, PA
18042

UPI/Tax Parcel Number:

L9SW2C/1/18/0837

ALL THAT CERTAIN lot or piece of land located on the east side of 16th Street in Wilson Borough, Northampton County, Pennsylvania.

BEING THE SAME PREMISES granted and conveyed unto Terry C. Daubert, Jr. and Elaina M. Daubert, h/w, by deed from John E. Black and Jeffrey D. Black, said deed recorded 11/18/2005 in Deed Book 2005-1, Page 463762.

THEREON BEING ERECTED a two-story half-double dwelling with brick exterior and shingle roof.

No. C-48-CV-2016-08989

MIDFIRST BANK

vs.

CHERYL L. SMALLBERGER,
SECRETARY OF HOUSING AND
URBAN DEVELOPMENT,
RAYMOND H. SMALLBERGER, III

Property Address:

838 West Milton Street, Easton,
PA 18042

UPI/Tax Parcel Number:

M9NE1A/18/4/0310

ALL THAT CERTAIN house and lot of land situated on the south side of Milton Avenue in Easton City, Northampton County, Pennsylvania.

BEING THE SAME PREMISES granted and conveyed unto Raymond H. Smallberger, III and Cheryl L. Smallberger by deed from Harry J. and Jean H. Sliker, said deed recorded 6/24/1986 in Deed Book 703, Page 172.

THEREON BEING ERECTED a two-story half-double dwelling with vinyl siding and slate roof.

No. C-48-CV-2016-09883

BETHLEHEM AREA
SCHOOL DISTRICT

vs.

RICHARD W. KOLOSKY

Property Address:

3521 Lord Bryon Drive, Bethlehem,
PA 18017

UPI/Tax Parcel Number:

M5SE3/2/3/0214

ALL THAT CERTAIN lot or piece of
ground situate in Hanover Township,
Northampton County, Pennsylvania.

BEING THE SAME PREMISES
granted and conveyed unto Richard
W. Kolosky by deed recorded
7/31/2008 in Deed Book 2008-1,
Page 221613.

THEREON BEING ERECTED a
ranch-style single dwelling with brick
exterior, shingle roof and an attached
one-car garage.

No. C-48-CV-2017-00575

BRANCH BANKING AND TRUST
COMPANY ET AL.

vs.

WILLIAM J. HARGREAVES,
MARYANN R. HARGREAVES

Property Address:

1140 Quince Road, Walnutport,
PA 18088-9430

UPI/Tax Parcel Number:

H2/21/7A/0516

ALL THAT CERTAIN lot, tenement
or piece of ground situate on the east
side of Quince Road in Lehigh
Township, Northampton County,
Pennsylvania.

TITLE TO SAID PREMISES is
vested in William J. Hargreaves and
Maryann R. Hargreaves, h/w, by deed
from Ethel Chimics, an unmarried
widow, said deed recorded 9/29/2005
in Deed Book 2005-1, Page 378015.

THEREON BEING ERECTED a
two-story single dwelling with vinyl
siding/brick and stucco exterior and
shingle roof.

No. C-48-CV-2017-00739

JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION

vs.

MONICA L. FLICK

Property Address:

8 Concord Court, Easton, PA
18040

UPI/Tax Parcel Number:

L9NE1/1/2-4/0311

ALL THAT CERTAIN tract of land
situate partially in Forks Township
and partially in Easton City,
Northampton County, Pennsylvania.

BEING THE SAME PREMISES
granted and conveyed unto Monica
L. Flick, unmarried, by deed from
Nicholas Jurisko, unmarried, by deed
recorded 5/17/2010 in Deed Book
2010-1, Page 92277.

THEREON BEING ERECTED a
two-story row home dwelling with
vinyl siding, shingle roof and an
attached one-car garage.

No. C-48-CV-2017-01502

BRANCH BANKING &
TRUST COMPANY

vs.

ROSANNE D. SILVOY

Property Address:

209 East 5th Street, Bethlehem,
PA 18015-1716

UPI/Tax Parcel Number:

P6SE1B/27/18A/0204

ALL THAT CERTAIN messuage,
tenement and lot or piece of ground
situate on the northern side of Fifth
Street in Bethlehem City, Northamp-
ton County, Pennsylvania.

TITLE TO SAID PREMISES is
vested in Ronald J. Silvoy and
Roseanne D. Silvoy, h/w, by deed
from Andrew T. Silvoy, Executor of
the Estate of Anna Silvoy a/k/a Anna
V. Silvoy, deceased, said deed
recorded 2/16/2011 in Deed Book
2011-1, Page 35724. Ronald J. Silvoy
was a co-record owner of the

mortgaged premises as a tenant by the entirety. By virtue of Ronald J. Silvoy's death on or about 1/25/2013, his ownership interest was automatically vested in the surviving tenant by the entirety.

THEREON BEING ERECTED a two-story row home dwelling with brick exterior and shingle roof.

No. C-48-CV-2017-02176

BANK OF AMERICA, N.A. ET AL.

vs.

RONALD R. CAPLETTE,
PATTI J. CAPLETTE

Property Address:

1235 Vera Drive, Easton, PA
18040-5828

UPI/Tax Parcel Number:

K9/10/6-210/0311

ALL THAT CERTAIN message, tenement and lot or parcel of land situate in Forks Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Ronald R. Caplette and Patti J. Caplette, h/w, by deed from Sandy A. Aaron, said deed recorded 2/9/2005 in Deed Book 2005-1, Page 51456.

THEREON BEING ERECTED a two-story single dwelling with vinyl siding/brick exterior, shingle roof and an attached two-car garage.

No. C-48-CV-2017-02842

THE DIME BANK

vs.

DAVID J. LORING,
DONNA M. LORING

Property Address:

3103 Scherman Boulevard,
Bethlehem, PA 18020

UPI/Tax Parcel Number:

M7SE1/31/8/0205

ALL THAT CERTAIN place, parcel or tract of land situate in Bethlehem Township, Northampton County, Pennsylvania.

BEING THE SAME PREMISES conveyed to David J. Loring and Donna M. Loring, his wife, by deed from George Pandich and Diane Pandich, his wife, said deed recorded 10/20/2003 in Deed Book 2003-1, Page 435602.

THEREON BEING ERECTED a two-story single dwelling with vinyl siding/brick exterior, shingle roof and an attached two-car garage.

No. C-48-CV-2017-03089

WELLS FARGO BANK, N.A.

vs.

PHILIP F. MICHELS,
COLLEEN C. MICHELS

Property Address:

3885 Cypress Lane, Bethlehem,
PA 18020-7601

UPI/Tax Parcel Number:

M7SE1/10/5/0205

ALL THAT CERTAIN parcel of ground situate on the west side of Cypress Lane in Bethlehem Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Philip F. Michels and Colleen C. Michels, h/w, by deed from Thomas E. Hood and Rebecca J. Hood, said deed recorded 2/9/2001 in Deed Book 2001-1, Page 19249.

THEREON BEING ERECTED a two-story single dwelling with vinyl siding, shingle roof and an attached two-car garage.

No. C-48-CV-2017-04340

DEUTSCHE BANK TRUST
COMPANY AMERICAS, AS
TRUSTEE ET AL.

vs.

LAUREN M. DAVIS,
SHANE N. DAVIS

Property Address:

136 Jeffrey Lane, Northampton,
PA 18067-1057

UPI/Tax Parcel Number:

L3/4/3-72/0522

ALL THAT CERTAIN tract of land located in Northampton Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Shane N. Davis by deed from Shane N. Davis and Lauren M. Davis, h/w, said deed recorded 6/21/2017 in Deed Book 2017-1, Page 130373.

THEREON BEING ERECTED a two-story half-double dwelling with vinyl siding/stone exterior, shingle roof and an attached one-car garage.

No. C-48-CV-2017-04502

CIT BANK, N.A.

vs.

JACKIE VAN NORMAN, DORIS LYNCH, DENISE STEPHAN, DIANE SCHEIRER, DONNA KLEINTOP, UNKNOWN SURVIVING HEIRS OF EARL VAN NORMAN, JR.

Property Address:

1465 Sullivan Trail, Easton, PA 18040

UPI/Tax Parcel Number:

K9SE4/4/23/0311

ALL THAT CERTAIN tract or piece of land situate in Forks Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Earl Van Norman, Jr. and Mary Ann Van Norman, h/w, by deed from Earl Van Norman, Jr. and Mary Ann Van Norman, h/w, said deed recorded 6/29/1992 in Deed Book 867, Page 125. The said Mary Ann Van Norman died on 6/29/2001 thereby vesting title in her surviving spouse Earl Van Norman, Jr., by operation of law. The said Earl Van Norman, Jr. died on 9/28/2016 without a will or appointment of an administrator.

THEREON BEING ERECTED a 3-story single dwelling with vinyl siding, shingle roof and a detached two-car garage.

No. C-48-CV-2017-04811

LAKEVIEW LOAN SERVICING, LLC

vs.

MICHAEL A. JEANETTE

Property Address:

2669 Northwood Avenue, Easton, PA 18045-2121

UPI/Tax Parcel Number:

K8SE3/8/2/0324

ALL THAT CERTAIN messuage or tenement and lots or pieces of land situate in Palmer Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Michael A. Jeanette by deed from Melanie L. Beauclerk, said deed recorded 7/31/2009 in Deed Book 2009-1, Page 196921.

THEREON BEING ERECTED a cape cod-style single dwelling with aluminum siding, shingle roof and a detached one-car garage.

No. C-48-CV-2017-05373

DEUTSCHE BANK NATIONAL

TRUST COMPANY, AS

TRUSTEE ET AL.

vs.

PHILLIP T. GIARDINA

Property Address:

1008 Greenleaf Street, Easton, PA 18040

UPI/Tax Parcel Number:

K9SW2/30/2/0311

ALL THAT CERTAIN tract or parcel of land situated in Forks Township, Northampton County, Pennsylvania.

BEING THE SAME PROPERTY conveyed to Phillip T. Giardina by deed from Phillip T. Giardina and Brenda C. Giardina, h/w, said deed recorded 11/18/2004 in Deed Book 2004-1, Page 451423.

THEREON BEING ERECTED a two-story single dwelling with brick exterior, shingle roof and an attached two-car garage.

No. C-48-CV-2017-06197

ARVEST CENTRAL

MORTGAGE COMPANY

vs.

PAUL LAZARO

Property Address:

630 Atlantic Street, Bethlehem, PA
18015

UPI/Tax Parcel Number:

P6SE2D/10/6/0204

ALL THAT CERTAIN message, tenement and lot or piece of ground situate in Bethlehem City, Northampton County, Pennsylvania.

FEE SIMPLE TITLE vested in Paul Lazaro by deed from Alphonso Jackson, Secretary of Housing and Urban Development of Washington D.C., said deed recorded 1/23/2007 in Deed Book 2007-1, Page 30737.

THEREON BEING ERECTED a 3-story half-double dwelling with brick exterior and shingle roof.

No. C-48-CV-2017-06198

U.S. BANK NATIONAL
ASSOCIATION, AS
TRUSTEE ET AL.

vs.

KEVIN S. CHRISTMAN

Property Address:

1132 3rd Street, North Catasauqua, PA 18032

UPI/Tax Parcel Number:

M4SE4D/6/8/0923

ALL THAT CERTAIN message or tenement and lot or piece of ground, hereditaments and appurtenances, situate in North Catasauqua Borough, Northampton County, Pennsylvania.

BEING THE SAME PREMISES granted and conveyed unto Kevin S. Christman by deed from Kevin S. Christman and Karen A. Christman, h/w, said deed recorded 8/3/2004 in Deed Book 2004-1, Page 300149.

THEREON BEING ERECTED a two-story half-double dwelling with vinyl siding and shingle roof.

No. C-48-CV-2017-06364

DEUTSCHE BANK NATIONAL
TRUST COMPANY ET AL.

vs.

JENNIFER DOTEL-QUINN

Property Address:

1282 Main Street, Northampton,
PA 18067

UPI/Tax Parcel Number:

M4NW2A/11/3/0522

ALL THAT CERTAIN message, tenement, and lot or piece of ground situate on the westerly side of Main Street in Northampton Borough, Northampton County, Pennsylvania.

BEING THE SAME PREMISES granted and conveyed unto Carol A. Johnson and Jennifer Dotel-Quinn, as joint tenants with right of survivorship, by deed from Equitis Group, L.P., said deed recorded 10/10/2006 in Deed Book 2006-1, Page 420779. The said Carol A. Johnson having departed this life on or about 12/13/2013 whereby operation of law title vested in surviving tenant, Jennifer Dotel-Quinn.

THEREON BEING ERECTED a two-story half-double dwelling with attic, asbestos shingles exterior and shingle roof.

No. C-48-CV-2017-06538

NATIONSTAR MORTGAGE LLC

vs.

ANDREW P. BUBBA, JR.

Property Address:

1132 South 25th Street, Easton,
PA 18042

UPI/Tax Parcel Number:

M9NW1C/6/5A/0837

ALL THAT CERTAIN message, tenement and tract of land situate in Wilson Borough, Northampton County, Pennsylvania.

BEING THE SAME PREMISES conveyed to Andrew P. Bubba, Jr., an adult individual, by deed from Andrew P. Bubba, Jr., an adult individual, and Sandra Plant, an adult individual, as tenants in common, said deed recorded 9/21/2007 in Deed Book 2007-1, Page 348638.

THEREON BEING ERECTED a two-story row home dwelling with brick exterior and shingle roof.

No. C-48-CV-2017-06999

U.S. BANK NATIONAL
ASSOCIATION, AS
TRUSTEE ET AL.

vs.

JOHN N. ELLIS, HEIDI F. ELLIS

Property Address:

2312 Birch Street, Easton, PA
18042-5341

UPI/Tax Parcel Number:

L9SW4C/8/3/0837

ALL THAT CERTAIN lot or piece of ground situated on the south side of Birch Street in Wilson Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in John N. Ellis and Heidi F. Ellis, h/w, by deed from Richard G. Morris and Kay E. Morris, h/w, and Michael J. Birk and Jane D. Birk, h/w, said deed recorded 1/17/2007 in Deed Book 2007-1, Page 21208.

THEREON BEING ERECTED a two-story half-double dwelling with vinyl siding and slate roof.

No. C-48-CV-2017-07385

FEDERAL NATIONAL
MORTGAGE ASSOCIATION

vs.

ANN LYDIA GELBERT

Property Address:

2942 Sunset Drive, Bethlehem, PA
18020

UPI/Tax Parcel Number:

M7SW3/12/1/0205

ALL THAT CERTAIN piece or parcel of land situate in Bethlehem Township, Northampton County, Pennsylvania.

BEING THE SAME PREMISES conveyed unto Howard W. Gelbert and Ann Lydia Gelbert, h/w, by deed from Robert L. Lambert by Doris B. Lambert, agent, under POA and Doris B. Lambert, h/w, said deed recorded

8/4/2008 in Deed Book 2008-1, Page 223918. The said Howard W. Gelbert departed this life on 1/19/2017, whereby vesting title solely to Ann Lydia Gelbert.

THEREON BEING ERECTED a ranch-style single dwelling with field-stone/wood exterior, shingle roof and an attached two-car garage.

No. C-48-CV-2017-07567

US BANK NATIONAL
ASSOCIATION, AS
TRUSTEE ET AL.

vs.

JEFFREY A. ACHENZIE

Property Address:

332 East Wall Street a/k/a 332
Wall Street, Bethlehem, PA 18018-
6141

UPI/Tax Parcel Number:

P6NE3A/1/5/0204

ALL THAT CERTAIN messuage, tenement and lot or piece of land situate in Bethlehem City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Jeffrey A. Achenzie by deed from Beverly R. Bringenberg, said deed recorded 5/4/2004 in Deed Book 2004-1, Page 165578.

THEREON BEING ERECTED a two-story half-double dwelling with vinyl siding, shingle roof and a detached one-car garage.

No. C-48-CV-2017-07785

THE BANK OF NEW YORK
MELLON ET AL.

vs.

JOHN E. CZIPOTH, JR.,
LORRI A. CZIPOTH

Property Address:

527 Selfridge Street, Bethlehem,
PA 18015

UPI/Tax Parcel Number:

P6SE2D/9/10/0204

ALL THAT CERTAIN messuage, tenement and lot or parcel of land situate on the northwesterly side of

Selfridge Street in Bethlehem City, Northampton County, Pennsylvania.

BEING THE SAME PREMISES granted and conveyed unto John E. Czipoth, Jr. and Lorri A. Czipoth by deed from John E. Czipoth, Jr. and Lorri A. Czipoth f/k/a Lorri A. Krammerer, said deed recorded 12/18/2006 in Deed Book 2006-1, Page 518603.

THEREON BEING ERECTED a 3-story half-double dwelling with aluminum siding, shingle/slate roof and a detached two-car garage.

No. C-48-CV-2017-08107

U.S. BANK NATIONAL
ASSOCIATION, AS
TRUSTEE ET AL.

vs.

ANTHONY T. TRIANO

Property Address:

139 Pinehurst Lane, Easton, PA
18042-6984

UPI/Tax Parcel Number:

M10/3/41-139/0836

ALL THE REAL PROPERTY located in Williams Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Anthony T. Triano by deed from Country Classics at Morgan Hill LLC, said deed recorded 6/7/2005 in Deed Book 2005-1, Page 211122.

THEREON BEING ERECTED a two-story townhouse dwelling with brick exterior/vinyl siding, shingle roof and an attached one-car garage.

No. C-48-CV-2017-08331

WELLS FARGO BANK, N.A.

vs.

SHEILA M. LA BAR,
GLENN A. LA BAR

Property Address:

14 Blue Valley Drive, Bangor, PA
18013-1502

UPI/Tax Parcel Number:

E9NW2/6/12/0134

ALL THAT CERTAIN piece, parcel or tract of land situate in Washington Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Glenn A. LaBar and Sheila M. LaBar, as tenants by the entireties, by deed from Harold Anglemeyer and Mary E.E. Anglemeyer, his wife, said deed recorded 4/27/1973 in Deed Book 456, Page 190.

THEREON BEING ERECTED a two-story single dwelling with aluminum siding, shingle roof and a detached two-car garage.

No. C-48-CV-2017-08460

DITECH FINANCIAL LLC ET AL.

vs.

PHILIP W. OVERBY,
CONSTANCE G. OVERBY

Property Address:

1914 Northampton Street, Easton,
PA 18042

UPI/Tax Parcel Number:

L9SW2D/1/5/0837

ALL THAT CERTAIN piece of ground situate in Wilson Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Philip W. Overby and Constance G. Overby, h/w, by deed from Kenneth W. Johnson, Jr. and Allison G. Johnson, h/w, said deed recorded 9/11/2014 in Deed Book 2014-1, Page 157953.

THEREON BEING ERECTED a two-story single dwelling with vinyl siding/brick exterior and shingle roof.

No. C-48-CV-2017-08461

BANK OF AMERICA, N.A.

vs.

PAUL A. BELONY

Property Address:

724 Itaska Street, Bethlehem, PA
18015

UPI/Tax Parcel Number:

P6SW3B/4/1/0204

ALL THAT CERTAIN messuage, lot or piece of land situate on the southward side of Itaska Street in Bethlehem City, Northampton County, Pennsylvania.

THEREON BEING ERECTED a three-story residential dwelling with brick exterior and slate roof.

Property Address:

Bastian Street, Bethlehem, PA 18015

UPI/Tax Parcel Number:

P6SW3B/4/30/0204

ALL THAT CERTAIN lot or piece of land lying on the northwesterly side of Bastian Street in Bethlehem City, Northampton County, Pennsylvania.

THEREON BEING ERECTED a wooden shed with shingle roof.

BEING THE SAME PROPERTY conveyed to Paul Belony by deed from Remy Dure and Carolle Dure, h/w, said deed recorded 11/22/2004 in Deed Book 2004-1, Page 452112.

No. C-48-CV-2017-08771

NAVY FEDERAL CREDIT UNION

vs.

CORNELIA A. GONZALEZ,
PHILLIP D. GONZALEZ

Property Address:

411 Riverview Drive, Walnutport, PA 18088

UPI/Tax Parcel Number:

K2/2/9/0516

ALL THOSE THREE CERTAIN parcels of land or lot situated in Lehigh Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Phillip D. Gonzalez and Cornelia A. Gonzalez by deed from Federal Home Loan Mortgage Corporation by its attorney in fact Phelan Hallinan LLP, by Power of Attorney, said deed recorded 9/5/2014 in Deed Book 2014-1, Page 153143.

THEREON BEING ERECTED a two-story single dwelling with

aluminum siding, detached one-car garage and 3 barns.

Property Address:

Washington Drive, Walnutport, PA 18088

UPI/Tax Parcel Number:

K2/8/2A/0516

THEREON BEING vacant land.

Property Address:

Riverview Drive, Walnutport, PA 18088

UPI/Tax Parcel Number:

K2/6/5/0516

THEREON BEING vacant land.

No. C-48-CV-2017-08958

PENNYMAC LOAN SERVICES, LLC

vs.

ROODGARD DEMESYEUX

Property Address:

1178 Arcadia Street, Bethlehem, PA 18018

UPI/Tax Parcel Number:

N6SE3B/12/5/0204

ALL THAT CERTAIN lot or piece of land situate on the northeasterly side of Arcadia Street in the 15th Ward of Bethlehem City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Roodgard Demesyeux by deed from Jennifer A. Quinn n/b/m Jennifer A. Pierson, said deed recorded 7/22/2014 in Deed Book 2014-1, Page 121864.

THEREON BEING ERECTED a two-story row home dwelling with brick exterior, shingle roof and a detached two-car garage.

No. C-48-CV-2017-09012

THE BANK OF NEW YORK
MELLON TRUST COMPANY,
NATIONAL ASSOCIATION

vs.

ROSA P. VASQUEZ

Property Address:

4010 Killarney Drive, Bethlehem, PA 18020-7675

UPI/Tax Parcel Number:

M7SE1/10/32/0205

ALL THAT CERTAIN lot or parcel of land situate on the east side of Killarney Drive in Bethlehem Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Rosa P. Vasquez by deed from Cendant Mobility Relocation Company, a Delaware Corporation, said deed recorded 12/7/2005 in Deed Book 2005-1, Page 495285.

THEREON BEING ERECTED a two-story single dwelling with vinyl siding, shingle roof and an attached two-car garage.

A Schedule of Distribution will be filed by the Sheriff thirty days from the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten days from the date of filing the Schedule of Distribution.

RICHARD H. JOHNSTON

Acting Sheriff

Northampton County,

Pennsylvania

DAVID J. CERAUL, ESQUIRE

Solicitor to the Sheriff

Mar. 15, 22, 29

APPOINTMENT OF NEW MEMBERS TO THE PENNSYLVANIA JUDICIAL CONDUCT BOARD

The Judicial Conduct Board of Pennsylvania is pleased to announce that Governor Tom Wolf has recently appointed three new members to the Board: Judge Nina Wright Padilla of the Philadelphia Court of Common Pleas, Mandi L. Culhane, Esquire, of Allegheny County, and Mr. Michael P. Martin of Erie County.

The Judicial Conduct Board is an independent body of Pennsylvania citizens comprised of three judges, three lawyers and six non-lawyer, lay members. Half of the Board members are appointed by the Governor and half by the Pennsylvania Supreme Court. The Board's members serve four-year terms, without pay. No more than half of its appointed members may be from the same political party.

Judge Padilla has served on the Court of Common Pleas since 2003. She currently sits in the Civil Trial Division, Motions and Statutory Appeals Program. In addition, she also presides over Class Actions and Conservatorships, and is frequently assigned to Election Court. Judge Padilla sat in Philadelphia Family Court, Domestic Relations Branch from August 2003 until June of 2012 where she presided over matters of Divorce, Support, Custody, Domestic Violence and Criminal Abuse. In June 2012, she was reassigned to the Criminal Trial Division where she presided over criminal jury trials.

Throughout her tenure on the bench, she has continually served as a panelist in numerous continuing legal education programs, including programs for the Pennsylvania Bar Institute, the Philadelphia Bar Association and the Hispanic Bar Association of Pennsylvania. Judge Padilla currently serves as Committee Chair of the Board of View and Board of Revision of Taxes Committee for the Court of Common Pleas Board of Judges.

Prior to her judicial tenure, Judge Padilla maintained a private law practice with her husband, Edward C. Wright, who is presently a Judge assigned to the Civil Trial Division of the Philadelphia County Court of Common Pleas. While engaged in private law practice for ten years, her area of

concentration was Consumer Bankruptcy, as well as general civil litigation and criminal law. Throughout her years in private practice, Judge Padilla served as a legal analyst on both the Greater Media and Comcast Cable Programs, “Today’s Law” and “Legaline.”

Judge Padilla obtained her Juris Doctor from the University of Maryland School of Law, and her Bachelor of Science Degree from the University of Maryland, College Park.

Judge Padilla was appointed to fill the unexpired term of then-Common Pleas Court Judge Christine Fizzano Cannon who resigned her Board seat in 2017 when she was a candidate for the Commonwealth Court. Judge Padilla’s term will run until October 30, 2018. At that time, the Governor may reappoint her for the balance of a four-year term. Under the Constitution, Board Members may not serve more than four consecutive years. Judge Padilla serves as the Common Pleas Court Judge Member of the Board.

Mrs. Culhane is a shareholder at the law firm of Goehring, Rutter & Boehm, with offices in Pittsburgh and Philadelphia. She practices within the firm’s Municipal, Municipal Creditors’ Rights, Real Estate and Litigation Groups.

She is admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Third Circuit, the United States District Courts for the Western and Middle Districts of Pennsylvania, the Supreme, Superior and Commonwealth Courts of Pennsylvania and the Supreme Court of Appeals and Circuit Courts of West Virginia.

Mrs. Culhane is a member of the Allegheny County, Pennsylvania and American Bar Associations. She joined the Allegheny County Bar Foundation Fellows Class in 2010 and participated in the Allegheny County Bar Foundation Young Lawyers’ Division Bar Leadership Initiative Class in 2007-2008. Since 2010, she has been repeatedly recognized as a Pennsylvania *Super Lawyer* Rising Star for her work in the areas of appellate practice and municipal law.

Mrs. Culhane graduated from Bucknell University in 2001, earning her B.A., *magna cum laude*. She graduated

from the George Mason University School of Law, now the Antonin Scalia Law School, in 2004, also with *magna cum laude* honors.

Mrs. Culhane was appointed to fill the vacancy created upon the expiration of term of former Board Member Richard T. Frazier of Chester County. Her appointed term will run through February 5, 2022. She serves on the Board as one of the three non-judge or lawyer members of the bar of the Supreme Court of Pennsylvania.

Mr. Martin is President and owner of Printing Concepts Inc., a sheet-fed commercial printing company employing 34 people in Erie, a company widely recognized as the region's leader in print and direct mail services.

Among his professional and personal affiliations, Mr. Martin serves as a member of the Northwest Bank Regional Advisory Board, the Erie Philharmonic Board of Governors, and the UPMC Hamot Board of Corporators. He is chair of the Millcreek Township Zoning and Hearing Board and Vice Chair of the Erie Metropolitan Transit Authority. He previously served on the Erie County Redevelopment Authority, the First National Bank Advisory Board, the Erie Regional Chamber and Growth Partnership, and was one of the founding members of the Erie Runners Club. Mr. Martin attended Edinboro University of Pennsylvania.

Mr. Martin was appointed to fill the Board seat previously occupied by Mr. Kenneth Lawrence of Montgomery County who resigned before the end of his four-year term. Mr. Martin's appointed term will expire on February 20, 2022. He serves as one of six non-lawyer electors or laypersons having membership on the Board.

Created by constitutional amendment in 1993, the Judicial Conduct Board of Pennsylvania is an independent board within the judicial branch of the Commonwealth's government responsible for reviewing, investigating, and, where warranted, prosecuting complaints of judicial misconduct. If the Board, by majority vote, decides that there is probable cause to believe that a judge engaged in misconduct, the Board may file a complaint in the Court of

Judicial Discipline where the Board must prove the charges against the judge by clear and convincing evidence. The Court of Judicial Discipline decides if the Board has sustained its burden of proof and decides the sanction to be imposed for any proven misconduct.

For further information about the Judicial Conduct Board, visit the Board's Website at www.jcbpa.org.

Mar. 15

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Mar. 15, 22, 29

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**GEORGEANNA RAMOS, Plaintiff v. JAMES FRASCA and
FEDERAL EXPRESS CORP., Defendants**

Preliminary Objections—Punitive Damages—Motor Vehicle Accident.

Plaintiff filed a complaint alleging that Defendant James Frasca, an employee of Defendant Federal Express Corp. (“FedEx”), was driving a FedEx truck at a high rate of speed while using a handheld electronic tracking device when he crashed into Plaintiff’s vehicle. Plaintiff sought punitive damages in her complaint.

Defendants filed preliminary objections, asserting that Plaintiff’s claim for punitive damages should be stricken. The Court analogized the case to a previous case in Northampton County in which a request for punitive damages was not stricken when the complaint alleged that the defendant was driving at a high rate of speed while texting on a cell phone. In applying the same rationale as was applied in the previous case, the Court overruled Defendants’ objections.

In the Court of Common Pleas of Northampton County, Pennsylvania,
Civil Action—No. C-48-CV-2016-1166.

GREGORY L. SCHELL, ESQUIRE, for Plaintiff.

MATTHEW T. PISANO, ESQUIRE, for Defendants.

Order of the Court entered on August 5, 2016 by BELTRAMI, J.

ORDER

AND NOW, this 5th day of August, 2016, “Defendants’ Preliminary Objections to Plaintiff’s First Amended Complaint” (“Preliminary Objections”), filed on April 11, 2016, are hereby OVERRULED. Defendants shall file an answer to Plaintiff’s “First Amended Complaint in Civil Action” (“Amended Complaint”) within twenty (20) days.

STATEMENT OF REASONS

This matter was submitted to the Court at Argument Court on July 26, 2016, for disposition on the parties’ briefs. On March 24, 2016, Plaintiff filed an Amended Complaint in which she alleges the following facts. On March 4, 2014, Defendant James Frasca (“Frasca”) was, while in the scope of his employment with Defendant Federal Express Corp. (“FedEx”), operating a vehicle owned by FedEx when he rear-ended the vehicle that Plaintiff was operating, causing her to suffer personal injuries. (Am. Compl. ¶¶ 4-7.) Plaintiff avers that FedEx uses an electronic and/or computer system to track package and delivery information. (*Id.* ¶¶ 13-14.) FedEx provides its drivers with electronic and/or computer devices that can access and interact with this system. (*Id.* ¶ 14.) According to Plaintiff, Frasca was using either a cell phone or some other type of electronic or computer device to access the FedEx tracking system at the time he rear-ended her. (*Id.* ¶ 24.) In Count III of the Amended Complaint, Plaintiff seeks punitive damages.

In their Preliminary Objections, Defendants purport to assert a demurrer to Plaintiff's claim for punitive damages and assert that Plaintiff's allegations that Frasca drove in a "careless manner" should be stricken from the Amended Complaint. (*See* Am. Compl. ¶¶9(g), 11(g).) On April 11, 2016, Defendants filed their Brief. On May 24, 2016, Plaintiff filed a Brief in opposition to the Preliminary Objections. The next day, Plaintiff filed a Response to the Preliminary Objections. On June 13, 2016, Defendants filed a Reply Brief.

Defendants' Reply Brief contains several irregularities that should be addressed. First, Defendants assert that after filing their Preliminary Objections, they allowed "the lapse of the thirty[-]day response period as per the Rules of Civil Procedure" before filing their Praeceptum for Argument on May 19, 2016. (Reply Br. 1.) Defendants go on to argue that Plaintiff's Response "is untimely per Local Rule 1028(c)," and, thus, the Court should "reject it in total and grant the Preliminary Objections." (*Id.*)

The Court notes that "no pleading need be filed unless the preceding pleading ... is endorsed with a notice to plead." Pa. R.C.P. No. 1026(a). Defendants' Preliminary Objections were not endorsed with a notice to plead. Thus, Plaintiff was not required to file a response to the Preliminary Objections. Nevertheless, even if the Preliminary Objections had been endorsed with a notice to plead, Plaintiff would not have been required to file a response because "preliminary objections raising an issue under ... [Rule 1028](a)(2) ... or (4) may be determined from facts of record so that further evidence is not required." *Id.* No. 1028(b) Note. Moreover, assuming the "lapse of the thirty[-]day response period" refers to the time in which Plaintiff could have responded to the Preliminary Objections by filing a second amended complaint, as of course, such a complaint would be due in twenty, rather than thirty, days. *Id.* No. 1028(c)(1). Finally, while Defendants claim that Plaintiff violated Northampton County Rule of Civil Procedure 1028(c), it is actually the other way around, given that Defendants filed their Praeceptum for Argument more than twenty days after filing their Preliminary Objections. *See* Local Rule N1028(c)(1).

The second irregularity with regard to Defendants' Reply Brief is its assertion that "[t]here is nothing in the underlying factual investigation, *i.e.* police report, that the Defendant driver was a 'distracted driver' at any material time." (Reply Br. 2.) The Court is required to determine preliminary objections brought under Rule 1028(a)(2) solely from the allegations in the complaint, without any reference to outside facts or evidence, as such objections raise pure issues of law, not issues of fact. *Cf. Wimble v. Parx Casino and Greenwood Gaming & Entertainment, Inc.*, 40 A.3d 174, 179 (Pa. Super. 2012). Thus, Defendants are not permitted to inject new facts into the case via their Reply Brief, and the Court will not consider any such facts. Instead, any such facts must be averred as new matter in a pleading responsive to the Amended Complaint. *See* Pa. R.C.P. No. 1030(a).

Those irregularities having been examined, the Court turns to the next irregularity, Count III of Plaintiff's Amended Complaint. A request for punitive damages is not an independent cause of action to be pleaded in a separate count of a complaint. *See Shanks v. Alderson*, 399 Pa. Super. 485, 489, 582 A.2d 883, 885 (1990). This is because punitive damages are an element of damages *arising out of* a cause of action and, therefore, cannot be a cause of action standing alone. *Kirkbride v. Lisbon Contractors, Inc.*, 521 Pa. 97, 101, 555 A.2d 800, 802 (1989). Nevertheless, Defendants have not raised a preliminary objection to Plaintiff pleading punitive damages as a separate count. Further, no purpose would be served by requiring Plaintiff to file a second amended complaint to plead punitive damages as an element of damages in Counts I and II of the Amended Complaint. Accordingly, Count III of Plaintiff's Amended Complaint will be addressed, at trial, as an element of damages sought for the causes of action asserted in Counts I and II of the Amended Complaint.

With regard to Defendants' demurrers to Plaintiff's request for punitive damages, the Court notes that "[p]reliminary objections in the nature of a demurrer are an inappropriate means by which to challenge the legality of the damages sought in a complaint." *See Hudock v. Donegal Mutual Insurance Company*, 438 Pa. 272, 277 n.2, 264 A.2d 668, 671 n.2 (1970). As the Pennsylvania Supreme Court explained in *Hudock*, "[t]his rule is a sound one because a plaintiff should not be put out of court completely merely because he alleges the wrong measure of damages." *Id.* In *Hudock*, the court treated the defendant's demurrer to, *inter alia*, the plaintiff's claims for punitive damages, as a preliminary objection alleging "inclusion of ... impertinent matter," pursuant to Rule of Civil Procedure 1028(a)(2). *Id.* Accordingly, the Court will treat Defendants' demurrers to Plaintiff's request for punitive damages in the same manner.

To be impertinent, "the allegations must be immaterial and inappropriate to the proof of the cause of action." *Common Cause/Pennsylvania v. Commonwealth*, 710 A.2d 108, 115 (Pa. Commw. 1998).

In Pennsylvania, 'punitive damages are awarded for outrageous conduct, that is, for acts done with a bad motive or with a reckless indifferen[ce] to the interests of others.' Judge Technical Servs., Inc. v. Clancy, 813 A.2d 879, 889 (Pa.Super.2002) (emphasis and internal quotation marks omitted). '[P]unitive damages are penal in nature and are proper only in cases where the defendant's actions are so outrageous as to demonstrate willful, wanton or reckless conduct.' *Empire Trucking*, 71 A.3d at 937 (quoting *Hutchison v. Luddy*, 582 Pa. 114, 870 A.2d 766, 770 (2005)). 'The state of mind of the actor is vital. The act, or the failure to act, must be intentional, reckless or malicious.' *Hutchison*, 870 A.2d at 770.

Sears, Roebuck & Co. v. 69th Street Retail Mall, L.P., 126 A.3d 959, 983 (Pa. Super. 2015) (second alteration in original). For purposes of awarding

punitive damages, Pennsylvania law requires a specific type of recklessness defined in comment *a* to Section 500 of the Restatement (Second) of Torts. *Hutchison v. Luddy*, 582 Pa. 114, 122, 870 A.2d 766, 771 (2005). Under that definition, a person acts with recklessness where he “knows, or has reason to know, ... of facts which create a high degree of risk of physical harm to another, and deliberately proceeds to act, or to fail to act, in conscious disregard of, or indifference to, that risk[.]” *Id.* at 122-23, 870 A.2d at 771, (quoting *Martin*, 494 A.2d at 1097). Therefore, “a punitive damages claim must be supported by evidence sufficient to establish that (1) a defendant had a subjective appreciation of the risk of harm to which the plaintiff was exposed and that (2) he acted, or failed to act, as the case may be, in conscious disregard of that risk.” *Id.* at 124, 870 A.2d at 772.

This Court has previously ruled on the issue of whether a plaintiff may request punitive damages when the defendant is alleged to have been talking on a cell phone while driving. *See Xander v. Kiss*, No. CV-2010-11945, 2012 WL 168326 (C.P. of Northampton Cnty. Jan. 11, 2012). In *Xander*, the Honorable Leonard N. Zito held that allegations that the defendant lost control of his vehicle while speaking on a cell phone were, on their own, insufficient to sustain a request for punitive damages, especially without any “additional indicators of gross negligence or reckless disregard for the rights of others.” *Xander, id.* at *1.

However, the instant case is distinguishable from *Xander* because the allegation here seems to be that Frasca was actively *using* and *looking at* an electronic device while driving. (*See* Am. Compl. ¶¶14, 24.) Rather than talking on a cell phone, this conduct is more in line with texting on a cell phone, an activity that requires a driver to be reading a text message on the phone’s screen or typing a text message using a keyboard or screen on the phone. Thus, the Court equates the allegations here with allegations that a driver was texting while driving. *See Rockwell v. Knott*, 32 D. & C.5th 157, No. 12 CV 1114, 2013 WL 10215759, at *8 (C.P. of Lackawanna Cnty. Aug. 13, 2013) (“Texting while driving significantly increases the degree of driver distraction since it requires the motorist to completely divert his or her attention from the roadway as [s]he focuses upon the mobile device. As such, texting poses a much greater risk to pedestrians and other motorists than speaking on a cell phone.”).

The undersigned has previously held, in a case involving allegations that the defendant was texting while driving, that “receiving or sending a text message requires the driver to look away from the road for what can be a critical period of time. While texting alone may not warrant an award of punitive damages in any given case, ... texting while operating [a vehicle] ‘at a high and excessive rate of speed’” may. *Werner v. Zeruth*, C-48-CV-2013-2349, slip. op. (C.P. of Northampton Cnty. Dec. 2, 2013) (quoting the plaintiff’s complaint). In this case, Plaintiff alleges that Frasca was operating his vehicle “at a speed which was too fast in order to stop before the collision with Plaintiff’s vehicle.” (Am. Compl. ¶23.)

At this early stage of the case, the parties have not yet had the chance to engage in discovery to determine whether evidence exists to substantiate Plaintiff's allegations. While it is true that "the [C]ourt must determine whether the plaintiff has presented sufficient evidence to support a punitive damage award before submitting the issue of such damages to the jury," the Court can only perform this function once discovery is complete and a motion for summary judgment has been filed. *Doe v. Wyoming Valley Health Care System, Inc.*, 987 A.2d 758, 768 (Pa. Super. 2009). Given the above-mentioned facts, the Court cannot determine that punitive damages are impertinent to Plaintiff's causes of action at this stage of the proceeding. Accordingly, Defendants' objection to Plaintiff's request for punitive damages must be overruled.¹

Finally, as to Plaintiff's allegations that Frasca drove "in a careless manner in violation of Section 3714 of the Motor Vehicle Code," "[t]he language 'careless disregard,' as used in th[at] statute, set the level of culpability of the statutory offense at less than willful and wanton conduct, but more than ordinary negligence or the mere absence of care under the circumstances." *Commonwealth v. Cathey*, 435 Pa. Super. 162, 164, 645 A.2d 250, 250 (1994). In this case, Plaintiff must prove something "more than ordinary negligence" in order to prevail in her request for punitive damages. For that reason, the allegations of careless driving, as defined in the Vehicle Code, are not impertinent to her causes of action, and Defendants' objection to those allegations must likewise be overruled.

¹ Of course, this ruling is without prejudice to Defendants to move for summary judgment if Plaintiff is unable to establish these facts during discovery.



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, March 19, 2018**