

# Northampton County Reporter

(USPS 395-280)

VOL. LIX

EASTON, PA March 9, 2017

NO. 62

**Robert Fenstermacher, Plaintiff v. Sands Bethlehem Retail, LLC and Sands  
Bethlehem Gaming, LLC d/b/a Sands Bethlehem Event Center, Vision Bar and  
KLWR, Inc. d/b/a Cox Building Services, Defendants**

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4. PA CLE Requirements

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2. "Important New Developments in Personal Injury Law"
3. "Hearings Before the Divorce Master: What You Need to Know"
4. 2017 Summer Outing

### NOTICE TO THE BAR...

**Save the Date: Summer Outing, July 20, 2017**

\* \* \* \* \*

**NCBA Iron Pigs Game: August 8, 2017.**

See registration form inside.

**NORTHAMPTON COUNTY BAR ASSOCIATION  
2017 BAR ASSOCIATION OFFICERS**

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*Northampton County Reporter*  
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**Easton, PA 18042**  
**Phone (610) 258-6333 Fax (610) 258-8715**  
**E-mail: [ncba@norcobar.org](mailto:ncba@norcobar.org)**  
**PBA (800) 932-0311—PBI (800) 932-4637**  
**BAR ASSOCIATION STAFF**

Mary Beth Leeson .....Executive Director  
Patti A. Gober .....Accounting  
Heather Rizzotto-Stefanik ..... Legal Journal  
Christen T. Borso .....Attorney Referral  
Deborah J. Flanagan .....Attorney Referral

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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**

**AOPC News Release – “Chief Justice Saylor Reminds Lawyers of Need to Provide Public Service”** See page 12 for notice.

#### **Third Circuit Bench & Bar Conference – April 19-21, 2017**

The Third Circuit Bench & Bar Conference will be held in Lancaster, Pennsylvania this April 19-21 and our registration is now open. Please encourage your membership to attend. If possible, we would appreciate our conference link being posted to the bar association website. <http://www2.ca3.uscourts.gov/conference/conf17def.aspx>.

#### **Penn State Law Community Fellows Program**

Penn State Law's Community Fellows Program is designed to expose law students, in the summer after their second year of study, to the broad range of legal practice opportunities that exists in Pennsylvania outside of the state's three largest urban areas. The program works as follows:

Each summer, up to four Community Fellows will spend 10 weeks working for solo practitioners or law firms with 10 or fewer full-time attorneys in counties outside of the Harrisburg, Philadelphia, and Pittsburgh metropolitan areas. Fellows will receive compensation of at least \$5,000 for a 10-week program (at least \$500 per week), with \$2,500 paid by Penn State Law in the form of a scholarship and the remainder paid by the employer. Employers will also be expected to provide a designated attorney mentor to the student. At the conclusion of the 10-week program, both employers and participating students will be asked to evaluate their experience.

Complete information, including an employer application, is available here: <https://pennstatelaw.psu.edu/career-services/employers/community-fellows-program>.

#### **NCBA Committees**

Committees are forming and committee chairs are scheduling meetings. Did you send in your Committee Preference Form so you are included in the notices?

#### **Barristers Boast**

Have you received an honor or award for community work? Do you have a new grandchild? Have you heard good news about one of your NCBA colleagues that should be shared?

Good news items about fellow members should be sent to: [marybeth@norcobar.org](mailto:marybeth@norcobar.org).

It was one of those March days when the sun shines hot and the wind blows cold: when it is summer in the light, and winter in the shade. ~ *Charles Dickens*

**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****BUSH, DONALD R. a/k/a DONALD R. BUSH, JR.,** dec'd.

Late of the Township of Upper Mount Bethel, Northampton County, PA

Executor: Roy J. Bush

Attorneys: McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, Bangor, PA 18013

**KESTER, EDNA M.,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executrix: Sandra L. Caruso, 4 Columbia Circle, Richboro, PA 18954

Attorney: Mark A. Hutchinson, Esquire

**LaMAGNA, MARIA A.,** dec'd.

Late of the Township of Lower Mount Bethel, Northampton County, PA

Administrators: Wayne E. Batchelder, Jr. and Frank J.

Batchelder c/o Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, 940 West Lafayette Street, Suite 100, Easton, PA 18042-1412

Attorneys: Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, 940 West Lafayette Street, Suite 100, Easton, PA 18042-1412

**McCLAY, JEAN E.,** dec'd.

Late of Palmer Township, Northampton County, PA

Co-Administrators: Meaghan McClay, Jeannie Seetch and Malcolm M. McClay, 4th c/o Steven B. Molder, Esquire, 904 Lehigh St., Easton, PA 18042

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

**METZGER, MELISSA SUE,** dec'd.

Late of the Borough of Northampton, Northampton County, PA  
Administrator: Alan G. Wells c/o Richard J. Haber, Esquire, 150 West Macada Road, Bethlehem, PA 18017

Attorney: Richard J. Haber, Esquire, 150 West Macada Road, Bethlehem, PA 18017

**RAYNER, MARY ANN a/k/a POLLY RAYNER,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executors: Janet L. Ciliotta and Donald G. Ciliotta c/o Richard J. Haber, Esquire, 150 West Macada Road, Bethlehem, PA 18017

Attorney: Richard J. Haber, Esquire, 150 West Macada Road, Bethlehem, PA 18017

**ROMANSKY, ANDREW, JR. a/k/a ANDREW ROMANSKY,** dec'd.

Late of the Borough of Northampton, Northampton County, PA

Administratrix: Ann Marie Fullington c/o Amanda Racines

Lovett, Esquire, Gardner, Racines & Sheetz, 3968 Maulfair Place, Allentown, PA 18103

Attorneys: Amanda Racines Lovett, Esquire, Gardner, Racines & Sheetz, 3968 Maulfair Place, Allentown, PA 18103

**SIGAFOOS, WILLIAM J.,** dec'd.

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

Executrix: Dennis B. Sigafoos c/o Gregory R. Reed, Esquire, Attorney-at-Law, 141 South Broad Street, P.O. Box 299, Nazareth, PA 18064-0299

Attorney: Gregory R. Reed, Esquire, Attorney-at-Law, 141 South Broad Street, P.O. Box 299, Nazareth, PA 18064-0299

**TUCKER, HAROLD C. a/k/a HAROLD TUCKER,** dec'd.

Late of the Township of Washington, Northampton County, PA  
Executrix: Rebecca Michael c/o David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

Attorney: David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

**WILLIS, JACK N.,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executrix: Susan Capobianco c/o Edward R. Petkevis, Esquire, 1380 Hornberger Avenue, Roebling, NJ 08554

Attorneys: Edward R. Petkevis, Esquire, The Law Office of Edward R. Petkevis, PC, 1380 Hornberger Avenue, Roebling, NJ 08554

**SECOND PUBLICATION**

**COMPARDO, JOHN, JR.,** dec'd.

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

Executrix: Darlene A. Bio c/o George M. Vasiliadis, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

Attorneys: George M. Vasiliadis, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

**DeCHRISTOPHER, GLORIA,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Ann L. Drescher c/o Vaughn A. Terrinoni, Esquire, 3976 Township Line Road, Bethlehem, PA 18020

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

**DUDLEY, MARION E. a/k/a MARION ETHELWYN DUDLEY,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: James Paul Kocsis 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

**LELLO, CHARLES R.,** dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Diane M. Lelloy Wright c/o Barbara L. Hollenbach, Esquire, Norris, McLaughlin & Marcus, P.A., 515 W. Hamilton St., Suite 502, Allentown, PA 18101

Attorneys: Barbara L. Hollenbach, Esquire, Norris, McLaughlin & Marcus, P.A., 515

W. Hamilton St., Suite 502,  
Allentown, PA 18101

**LILLY, WALTER C. a/k/a WALTER LILLY**, dec'd.

Late of Bethlehem Township,  
Northampton County, PA

Co-Executors: Andrew Shane  
Lilly and Rosanne L. Pickett c/o  
Eric R. Strauss, Esquire, Worth,  
Magee & Fisher, P.C., 2610  
Walbert Avenue, Allentown, PA  
18104

Attorneys: Eric R. Strauss,  
Esquire, Worth, Magee & Fisher,  
P.C., 2610 Walbert Avenue,  
Allentown, PA 18104

**MAGNIARINI, PAULINE A. a/k/a PAULINE MAGNIARINI**, dec'd.

Late of the Borough of Heller-  
town, Northampton County, PA  
Executrix: Alice Ann Magniarini  
c/o Bradford D. Wagner, Esquire,  
662 Main Street, Hellertown, PA  
18055-1726

Attorney: Bradford D. Wagner,  
Esquire, 662 Main Street, Heller-  
town, PA 18055-1726

**POYNTON, THOMAS J.**, dec'd.

Late of Williams Twp., Northamp-  
ton County, PA

Administratrix: Sarah Poynton  
c/o Kristen L. Behrens, Esquire,  
457 Haddonfield Rd., Ste. 700,  
Cherry Hill, NJ 08002

Attorneys: Kristen L. Behrens,  
Esquire, Dilworth Paxson LLP,  
Libertyview, 457 Haddonfield  
Rd., Ste. 700, Cherry Hill, NJ  
08002

**ROTH, ROBERT D.**, dec'd.

Late of the Township of Palmer,  
Northampton County, PA

Executor: Matthew S. Roth, 440  
W. Locust Lane, Nazareth, PA  
18064

Attorneys: Peters, Moritz, Peischl,  
Zulick, Landes & Brienza, LLP, 1

South Main Street, Nazareth, PA  
18064

**SILFIES, MARGARET C.**, dec'd.

Late of the City of Bethlehem,  
Northampton County, PA

Executrix: Donna L. Pavlick,  
1172 Wellington Circle, Laurys  
Station, PA 18059

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

**STRAUSS, BARBARA J.**, dec'd.

Late of Bangor Borough,  
Northampton County, PA

Co-Executors: Brad A. Strauss,  
49 Wood Street, Wind Gap, PA  
18091 and Gregg W. Strauss,  
594 Bangor Junction Road,  
Bangor, PA 18013

Attorney: George W. Westervelt,  
Jr., Esquire, 706 Monroe Street,  
P.O. Box 549, Stroudsburg, PA  
18360

**STRAWN, MAHLON, III a/k/a MAHLON J. STRAWN a/k/a MAHLON J. STRAWN, III**, dec'd.

Late of Hanover Twp., Northamp-  
ton County, PA

Administratrix: Courtney M.  
Strong c/o Christopher R. Gray,  
Esquire, Myers, Brier & Kelly,  
LLP, 425 Spruce St., Ste. 200,  
Scranton, PA 18503

Attorneys: Christopher R. Gray,  
Esquire, Myers, Brier & Kelly,  
LLP, 425 Spruce St., Ste. 200,  
Scranton, PA 18503

**SUTER, FAY S.**, dec'd.

Late of the Township of Williams,  
Northampton County, PA

Executrix: Linda J. Stanley c/o  
Carla J. Thomas, Esquire,  
Attorney-at-Law, 716 Washing-  
ton St., Easton, PA 18042

Attorney: Carla J. Thomas,  
Esquire, Attorney-at-Law, 716

Washington St., Easton, PA 18042

**WILLIAMS, MARJORIE R.,** dec'd.

Late of the Borough of Pen Argyl, Northampton County, PA  
Executor: Richard Altemose  
Attorneys: McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, Bangor, PA 18013

**THIRD PUBLICATION**

**BENNINGER, MARION C.,** dec'd.

Late of 4686 Maple Drive, Walnutport, Northampton County, PA  
Executor: Charles T. Benninger, 4217 Mauch Chunk Road, Coplay, PA 18037  
Attorneys: David B. Shulman, Esquire, Shulman & Shabbick, 1935 Center Street, Northampton, PA 18067

**CHROUST, CONRAD M.,** dec'd.

Late of the Township of Moore, Northampton County, PA  
Executors: Carol M. O'Donnell and Leo G. O'Donnell 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

**CRANE, EDWIN A.,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA  
Executor: Stephen Alanson Crane 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

**D'HUYVETTERS, WILLIAM E.,** dec'd.

Late of the Borough of Nazareth, Northampton County, PA  
Executor: John S. Young, 204 Adrian Drive, Easton, PA 18040-7719  
Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064-2083

**FLOREY, PAUL L.,** dec'd.

Late of the Borough of Nazareth, Northampton County, PA  
Executor: Paul R. Featherman 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

**JOHNSON, ROBERT MORTON,** dec'd.

Late Hanover Township, Northampton County, PA  
Executor: John Johnson, P.O. Box 801, Indian Hills, CO 80454

**KIRCHNER, PAUL STEPHEN,** dec'd.

Late of Walnutport, Northampton County, PA  
Executrix: Mae Freed, 2536 Grove Street, Slatington, PA 18080

**KULP, VIRGINIA M.,** dec'd.

Late of the Borough of Hellertown, Northampton County, PA  
Executors: Pamela S. Casciani and Anthony F. Casciani, Jr. 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

**MESSNER, JOAN R.,** dec'd.

Late of the Township of Palmer,  
Northampton County, PA  
Executrix: Sally A. Beers, 3316  
Nicholas Court, Easton, PA  
18045

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

**MONTGOMERY, CHARLES M.,**  
dec'd.

Late of the Township of Glendon,  
Northampton County, PA

Executor: Charles M.  
Montgomery, Jr. 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

**MUELLER, PATRICIA V.,** dec'd.

Late of Palmer Township, North-  
ampton County, PA

Executor: William J. Mueller c/o  
Steven B. Molder, Esquire, 904  
Lehigh St., Easton, PA 18042

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

**UHLER, FRANCES M.,** dec'd.

Late of the Township of  
Bethlehem, Northampton  
County, PA

Executrix: Holly U. Griffith 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

**NOTICE OF INCORPORATION**

NOTICE IS HEREBY GIVEN that  
Articles of Incorporation have been  
filed with the Department of State of  
the Commonwealth of Pennsylvania  
for the purpose of obtaining a Certif-  
icate of Incorporation for a business  
corporation, pursuant to the provi-  
sions of the Pennsylvania Business  
Corporation Law of 1988, 15 Pa. C.S.  
§1101 et seq. The name of the corpo-  
ration is:

**LegalVote, Inc.**

KEVIN F. DANYI, ESQUIRE, JD, LL.M.  
DANYI LAW, P.C.

133 East Broad Street  
Bethlehem, PA 18018  
Tel. (610) 691-2800

Mar. 9

**NOTICES OF NON-PROFIT  
INCORPORATION**

NOTICE IS HEREBY GIVEN that  
Articles of Incorporation—Nonprofit  
were filed with the Department of  
State of the Commonwealth of Penn-  
sylvania at Harrisburg, Pennsylvania  
on February 27, 2017, for the purpose  
of incorporating a nonprofit corpora-  
tion organized under the provisions  
of the Nonprofit Corporation Law of  
1988 of the Commonwealth of Penn-  
sylvania, as amended.

The name of the nonprofit corpora-  
tion is:

**FIT CLUB**

Matthew T. Tranter, Esquire  
King, Spry, Herman,  
Freund & Faul, LLC

One West Broad Street  
Suite 700  
Bethlehem, PA 18018

Mar. 9



NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on February 16, 2017, for the purpose of incorporating a nonprofit corporation under the Pennsylvania Nonprofit Corporation Law of 1988. The name of the corporation is:

**LVB WEIGHTLIFTING TEAM**

The purposes for which it has been organized are to develop and guide athletes for local, national and internal competitions for USA Weightlifting.

LOREN L. SPEZIALE, ESQUIRE  
GROSS MCGINLEY, LLP  
33 South 7th Street  
P.O. Box 4060  
Allentown, PA 18105-4060  
(610) 820-5450

Mar. 9

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on November 3, 2016, for the purpose of incorporating a nonprofit corporation under the Pennsylvania Nonprofit Corporation Law of 1988.

The name of the corporation is:

**STANDARD OF  
FLEXIBILITY FOUNDATION**

The purposes for which it has been organized are to develop a standard of flexibility training for our youth in order to start healthy habits in preventing injury.

DANIEL A. PRESTOSH, ESQUIRE  
GROSS MCGINLEY, LLP  
33 South 7th Street  
P.O. Box 4060  
Allentown, PA 18105-4060  
(610) 820-5450

Mar. 9

**FICTITIOUS NAME  
REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act No. 295 of 1982 of intention to file, or the filing of, in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, a certificate for the conduct of a business in Pennsylvania, under the assumed or fictitious name, style or designation of:

**AA AERIAL IMAGING**

with its principal place of business at: 5139 Vermont Drive, Easton, PA 18045. The name and address of the person owning or interested in said business are Anthony Androu, 5139 Vermont Drive, Easton, PA 18045. The Certificate has been filed on or after January 23, 2017.

Mar. 9

**CORPORATE FICTITIOUS NAME  
REGISTRATION NOTICES**

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on February 13, 2017 for:

**DOLCE MAMMA ITALIAN  
BAR & GRILLE**

located at: 4505 Bath Pike, Bethlehem, PA 18017. The name(s) and address(es) of the persons/entities owning or interested in said business is (are): Anna Bella, Inc., a Pennsylvania Corporation, 4505 Bath Pike, Bethlehem, PA 18017. This was filed in accordance with 54 Pa. C.S. 311.

Mar. 9

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Section 311 of Act 295 of 1982 (54 Pa. C.S. §311) of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Penn-

sylvania, a certificate for the conduct of a business in Northampton County, Pennsylvania, under the assumed or fictitious name, style or designation of:

**HEAL YOUR SOLE**

with its principal place of business at: 518 Main Street, Bethlehem, Pennsylvania 18018.

The name and address of the LLC owning or interested in the said business are: Healing Hands Massage Therapy Center, LLC, 518 Main Street, Bethlehem, PA 18018.

The certificate was filed on February 22, 2017.

JOSEPH J. PIPERATO, III,  
ESQUIRE

PIPERATO LAW OFFICE, LLC  
3894 Courtney Street  
Suite 105  
Bethlehem, PA 18017  
(610) 625-3878

Mar. 9

**NOTICE OF DISSOLUTION**

NOTICE IS HEREBY GIVEN that **SOUTH BETHLEHEM NEIGHBORHOOD CENTER, INC.**, a Pennsylvania non-profit (non-stock) corporation having its registered office at 1735 E. 11th Street, Bethlehem, Pennsylvania, has adopted a resolution to dissolve the Corporation and that the Board of Directors is now engaged in settling the affairs of the Corporation so the corporate existence shall be ended by the issuance of a Certificate of Dissolution by the Department of State of the Commonwealth of Pennsylvania under the provisions of Chapter 59, Subchapter F, Section 5977 and the Non-Profit Corporation Law of 1988, as amended.

BERNARD M. LESAVOY, ESQUIRE  
LESAVOY BUTZ & SEITZ LLC  
7535 Windsor Drive  
Suite 200  
Allentown, PA 18195

Mar. 9

**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

NORTHAMPTON MEMORIAL SHRINE, INC. PERMANENT LOT CARE, TRUST; Northampton Memorial Shrine, Inc., Trustee

RUTH E. PEARSON; Jean E. Pearson, Executrix

PATRICIA ONUKOGU; Warren Prince, Administrator

FELICIA ONUKOGU; Warren Prince, Administrator

JOHN N. ONUKOGU, JR.; Warren Prince, Administrator

JOHN I. ONUKOGU; Warren Prince, Administrator

CELESTE G. KRYSIUK; Timothy M. Krysiuk, Administrator

**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 17, 2017 AT 9:00 A.M. IN COURTROOM #1.

Gina X. Gibbs  
Clerk of the Orphans' Court  
Mar. 2, 9

**NOTICE FOR CHANGE OF NAME**

NOTICE IS HEREBY GIVEN that on February 2, 2017, the Petition of Jahaira M. Colon was filed in Northampton County Court of Common Pleas at No. CV-2017-847, seeking to change the name of Petitioner from Jahaira M. Colon to Jahaira M. Martinez. The court has fixed Wednesday, April 5, 2017 at 9:00 A.M. in Courtroom 4 at the Northampton County Courthouse as the date for hearing of the Petition. All

persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Mar. 9

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**NOTICE FOR CHANGE OF NAME**

NOTICE IS HEREBY GIVEN that on March 3, 2017 the Petition of Francisco Jose Concepcion was filed in Northampton County of Common Pleas at No. C-48-CV-2017-01563,

seeking to change the name of Petitioner from Francisco Jose Concepcion to Francisco Jose Moore. The Court has fixed Friday, May 5, 2017 at 9:00 a.m., in courtroom #4 at the Northampton County Courthouse as date for hearing of the Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Mar. 9

## CHIEF JUSTICE SAYLOR REMINDS LAWYERS OF NEED TO PROVIDE PUBLIC SERVICE

Chief Justice of Pennsylvania Thomas G. Saylor is asking lawyers to support the Commonwealth's civil legal aid programs by providing pro bono service through direct representation and financial contributions.

In a letter to Pennsylvania's approximately 70,000 registered lawyers, the chief justice also thanked attorneys for their support of legal aid programs as a component of their annual attorney registration fees. The letter is being distributed to the legal community by the courts and the Pennsylvania Bar Association.



THE SUPREME COURT OF PENNSYLVANIA

FULTON BUILDING

16TH FLOOR

200 NORTH THIRD STREET

HARRISBURG, PA 17101

January 23, 2017

THOMAS G. SAYLOR  
CHIEF JUSTICE

(717) 772-1599

Dear Counselor:

I write to thank you for your contributions of financial support which you have provided to legal aid programs, as a component of your annual attorney registration fees.

As I have done in the past, I join with Pennsylvania Bar Association President Sara Austin in asking that you consider an additional personal commitment by providing pro bono service through direct representation of the poor and financial support of the Commonwealth's legal aid programs.

Rule of Professional Conduct 6.1 calls for lawyers licensed in Pennsylvania to "render public interest legal service." It is these volunteer efforts, beyond the mandatory payment, that most greatly impact those in need.

The Pennsylvania Supreme Court is dedicated to ensuring that the civil legal needs of those who cannot afford the services of a lawyer are met. The Court supports civil legal aid in a variety of ways, from securing funding for a loan forgiveness program for legal services practitioners to honoring the work of pro bono volunteers.

Pennsylvania's efforts in this area will be highlighted when it hosts the 2017 American Bar Association and National Legal Aid and Defender Association Equal Justice Conference in Pittsburgh May 4-6. We can take pride in what we have done, but must realize there is more to do. To see the many *pro bono* opportunities that exist, please consider visiting [palawhelp.org](http://palawhelp.org) and registering at [paprobono.net](http://paprobono.net).

In searching for a persuasive rationale to encourage your participation, I came across the words of former U.S. Supreme Court Justice Sandra Day O'Connor. To close, I offer them for your reflection and thank those of you who already contribute your time and financial support, which demonstrates the best of our profession.

"Certainly, life as a lawyer is a bit more complex today than it was a century ago. The ever-increasing pressures of the legal marketplace, the need to bill hours, to market to clients, and to attend to the bottom line, have made fulfilling the responsibilities of community service quite difficult. But public service marks the difference between a business and a profession. While a business can afford to focus solely on profits, a profession cannot. It must devote itself first to the community it is responsible to serve. I can imagine no greater duty than fulfilling this obligation. And I can imagine no greater pleasure." – Justice Sandra Day O'Connor, speech at the University of Oregon (1999)

Sincerely,

A handwritten signature of Thomas G. Saylor in dark ink.

Thomas G. Saylor  
Chief Justice of Pennsylvania

Mar. 9

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Mar. 2, 9

**ROBERT FENSTERMACHER, Plaintiff vs. SANDS BETHLEHEM  
RETAIL, LLC and SANDS BETHLEHEM GAMING, LLC d/b/a  
SANDS BETHLEHEM EVENT CENTER, VISION BAR and  
KLWR, INC. d/b/a COX BUILDING SERVICES, Defendants**

*Preliminary Objections—Slip and Fall—Personal Injury—Scandalous and  
Impertinent—Catchall Allegations—Negligence.*

Plaintiff filed suit after an alleged slip and fall in a restroom at the Sands Event Center. Plaintiff maintained that he slipped on a wet, slippery floor. Defendants filed Preliminary Objections to Plaintiff's Complaint. Defendants asserted that Plaintiff's Complaint, which was rooted in negligence, contained overly broad allegations, catchall averments and certain impertinent and/or scandalous material.

First, the Court considered Plaintiff's repeated use of the phrases "dangerous conditions" and "dangerous conditions, including but not limited to" in describing Defendants' purported negligence. The Court considered Plaintiff's Complaint as a whole, which alleged that Plaintiff fell on a wet, slippery floor. The Court reasoned that averring the presence of a wet, slippery floor in conjunction with the phrase "dangerous condition(s)" and "including but not limited to" contemplates that an additional "dangerous condition" could have caused Plaintiff's claimed injuries. Accordingly, the Court sustained Defendants' Preliminary Objection, striking the contested phrases.

Second, the Court reviewed whether Plaintiff's Complaint contained overly broad catch-all averments and found that in enumerating a number of negligence averments, two of those averments did not set forth any specific allegations of negligence. The Court sustained Defendants' Preliminary Objection as to those two averments.

Third, Defendants challenged Plaintiff's use of the word "viciously" to describe Plaintiff's purported slip and fall. Defendants argued that the word "viciously" was scandalous and/or impertinent material. In sustaining Defendants' Preliminary Objection, the Court reasoned that the word "viciously" connotes violence or other wrongdoing and had no legal significance to Plaintiff's cause of action against Defendants.

In the Court of Common Pleas of Northampton County, Pennsylvania,  
Civil Division—No. CV-2016-5527.

BARRY C. SHABBICK, ESQUIRE and VICTORIA OPTHOF, ESQUIRE, for  
Plaintiff.

JOSEPH A. HOLKO, ESQUIRE and MICHAEL J. BISHOP, ESQUIRE, for De-  
fendants.

Order of the Court entered on December 7, 2016 by MURRAY, J.

*ORDER*

AND NOW, this 7th day of December, 2016, upon consideration of the Preliminary Objections and Brief in Support of the same filed by Defendant, KLWR, Inc. d/b/a Cox Building Services ("Moving Defendant"), and Plaintiff's, Robert Fenstermacher's ("Plaintiff"), Complaint, Answer to the Preliminary Objections, and Brief in Opposition to the Preliminary Objections, it is hereby ORDERED as follows:

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*STATEMENT OF REASONS**I. Factual and Procedural History*

Plaintiff avers that on June 22, 2016, at approximately 1:00 a.m., he went to a restroom in close proximity to the Vision Bar, which is near the Sands Event Center and is located on the Sands complex. Compl. ¶9. Plaintiff further avers that he slipped and fell, landing on a hard concrete or tiled surface that was covered with a wet, soapy substance. *Id.* Plaintiff avers that he subsequently observed an individual at the opposite end of the restroom with what appeared to be floor cleaning equipment. *Id.* at ¶11. As a result of this incident, Plaintiff avers that he sustained the following injuries: multiple fractures to his right ankle involving ORIF surgery and surgery to remove hardware; chronic neuropathic pain; aggravation of Complex Regional Pain Syndrome involving all four extremities; traumatic injuries to the right arm, torso, hip, leg and ankle; anxiety and depression; and extreme scarring and deformity of the right ankle. *Id.* at ¶15. Plaintiff maintains that the aforementioned injuries required medical treatment, medications, physical therapy and similar miscellaneous expenses and will continue to require similar expenses in the future. *Id.* at ¶¶16-17.

Plaintiff filed his Complaint on June 21, 2016, wherein Plaintiff brings claims sounding in negligence. Count I claims that Moving Defendant, which is identified as a “commercial janitorial supplier,” was negligent for failing to maintain the floor surface in and around the bathroom, for allowing the slippery substance to remain on the floor, and similar allegations regarding the state of the floor on which Plaintiff purportedly fell. *Id.* at ¶¶4, 14. Count II is brought against the balance of the above-captioned Defendants and is rooted in the doctrines of *respondeat superior* and agency. *Id.* at ¶¶22-24. In short, Plaintiff asserts that the balance of the Defendants “possessed, maintained, and controlled the premises, bathroom and property contiguous thereto where Plaintiff was injured,” and therefore, these remaining Defendants “are vicariously liable” for Moving Defendant’s purported negligence. *Id.* at ¶24.

This matter was placed on the September 20, 2016 Argument List and was submitted on brief.

*II. Discussion**A. Standard of Review*

A court may properly grant preliminary objections when the pleadings are legally insufficient for one or more of the reasons enumerated in Rule 1028 of the Pennsylvania Rules of Civil Procedure. *See* Pa. R.C.P. 1028. In ruling on preliminary objections, “we will consider as true all well-pleaded facts and inferences reasonably deducible therefrom, but not conclusions of law, argumentative allegations or opinions.” *Erie County*



*League of Women Voters v. Commonwealth, Department of Environmental Resources*, 106 Pa. Commonwealth Ct. 369, 370-71, 525 A.2d 1290, 1291 (1987).

*B. Preliminary Objection to “Dangerous Condition(s)”*

Moving Defendant’s first Preliminary Objection contends that Plaintiff’s use of the phrase “dangerous condition(s)” should be dismissed for failure to conform to law or rule of court and for insufficient specificity in a pleading. *See* Pa. R.C.P. 1028(a)(2)-(3).

Rule 1019(a) of the Pennsylvania Rules of Civil Procedure requires that the “material facts on which a cause of action or defense is based shall be stated in a concise and summary form.” Pa. R.C.P. 1019(a). Pennsylvania is a fact-pleading state. *McShea v. City of Philadelphia*, 606 Pa. 88, 96, 995 A.2d 334, 339 (2010). “As a minimum, a pleader must set forth concisely the facts upon which his cause of action is based.” *Line Lexington Lumber & Millwork Company v. Pennsylvania Publishing Corp.*, 451 Pa. 154, 162, 301 A.2d 684, 688 (1973). “The complaint must not only apprise the defendant of the claim being asserted, but it must also summarize the essential facts to support the claim.” *McShea*, *supra*.

Relatedly, pursuant to Rule 1028(a)(3), which requires a level of specificity in a pleading, a party may preliminarily object to the pleading and move to strike a portion of the pleading or seek a more definite statement. *See* Pa. R.C.P. 1028(a)(3). The pertinent question under Rule 1028(a)(3) is “whether the complaint is sufficiently clear to enable the defendant to prepare his defense,” or “whether the plaintiff’s complaint informs the defendant with accuracy and completeness of the specific basis on which recovery is sought so that he may know without question upon what grounds to make his defense.” *Ammlung v. City of Chester*, 224 Pa. Super. 47, 59 n.36, 302 A.2d 491, 498 n.36 (1973).

Moving Defendant object to Plaintiff’s use of the phrase “dangerous condition(s).” For example, Plaintiff avers that Moving Defendant was negligent for “[f]ailing to inspect the hallway/entrance/bathroom floor for dangerous conditions, including but not limited to, slippery surfaces” and “[f]ailing to understand, appreciate and consider that a dangerous condition existed ...” Compl. ¶14(d). Moving Defendant contends that the phrase “dangerous condition(s)” is a catchall allegation that could effectively include any other apparent danger present at the time of Plaintiff’s slip and fall.

We find that Plaintiff’s use of the phrase “dangerous condition(s)” in conjunction with averments regarding the slippery substance on which Plaintiff purportedly slipped must be stricken pursuant to Rule 1028(a)(2) and (a)(3). Although Plaintiff’s Complaint alleges facts that clearly aver that Plaintiff slipped on a slippery substance, it is not clear that Plaintiff’s use of the phrase “dangerous condition(s)” is limited to a slippery substance.

Moreover, Plaintiff's inclusion of the phrase "including but not limited to" strengthens Moving Defendant's argument. Such a phrase plainly contemplates that an additional "dangerous condition" could have caused Plaintiff's purported injuries.

Accordingly, we strike Plaintiff's use of the phrases "dangerous condition(s)" and "including but not limited to." Plaintiff may, however, use the phrases "dangerous condition" or "danger" if Plaintiff clearly identifies the specific dangerous condition or danger (*i.e.*, a wet soapy substance).

### *C. Preliminary Objection to Purported Catchall Allegations*

Moving Defendant objects to the following subparagraphs on the basis that they fail to conform to law or rule of court and are insufficiently specific insofar as they are overly broad and/or catchall allegations: 14(d), (g), (h) and (i). *See* Pa. R.C.P. 1028(a)(2)-(3). Moving Defendant contends that Subparagraphs (d) and (g) should be stricken based upon the use of the phrases "dangerous conditions" and "including but not limited to." Because we struck these phrases above, we move to the balance of the contested subparagraphs.

Subparagraphs (h) and (i) state the following:

(h) Failing to provide safe egress into the bathrooms; and

(i) Failing to exercise reasonable care to protect the

Plaintiff from danger

Compl. ¶14(h)-(i). These subparagraphs follow seven allegations, containing specific allegations of negligence, such as failing to install a non-slip floor, failing to warn Plaintiff about the slippery floor and failing to properly maintain the bathroom area. *See* Compl. ¶14(c), (e), (g). To the contrary, this Court finds that Subparagraphs (h) and (i) act as mere catchall allegations that do not set forth any specific allegations of negligence. Thus, we strike these subparagraphs from Plaintiff's Complaint.

Likewise, Moving Defendant also asserts that Plaintiff's claim for "similar miscellaneous expenses" also serves as a catchall allegation. We note that averments of damages "may also be scrutinized under the specificity requirements of Rule 1019(a)." *Commonwealth, Department of Transportation v. Shipley Humble Oil Company*, 29 Pa. Commonwealth Ct. 171, 175, 370 A.2d 438, 441 (1977). Like Subparagraphs 14(h) and (i), Plaintiff's claim for "similar miscellaneous expenses" is preceded by a list of more specific allegations. Plaintiff avers that as a result of his purported injuries, he was "forced to incur liability for medical treatment, medications, [and] physical therapy." Compl. ¶16. Plaintiff's claim for "similar miscellaneous expenses," when read together with Plaintiff's list of specific expenses, is overly broad. That is, while Plaintiff need not itemize his medical expenses—for example, Moving Defendant does not challenge the specificity of Plaintiff's claim for "medications"—the claim for "similar medical expenses" leaves open the possibility of other, non-specified ex-

penses, and Moving Defendant cannot be left to imagine those expenses. Accordingly, we also strike the phrase “similar miscellaneous expenses” from Plaintiff’s Complaint.

*D. Preliminary Objection to Claimed Scandalous and Impertinent Material*

In describing his claimed slip and fall, Plaintiff avers, “On June 22, 2016, at approximately 1:00 a.m., Plaintiff Robert Fenstermacher, went to use the restroom ... when suddenly, without warning he slipped and was viciously hurled down to the hard concrete surface/ceramic tile ...” Compl. ¶9. Moving Defendant objects to Plaintiff’s use of the word “viciously” pursuant to Rule 1028(a)(2), which allows a preliminary objection to a pleading that contains scandalous and impertinent matter. *See* Pa. R.C.P. 1028(a)(2).

It is a long-held practice that scandalous and impertinent matters may be stricken from a complaint. *See Adams v. Adams*, 74 Pa. Super. 502, 504 (1920) (In addressing scandalous and impertinent matters: “the court will only order the parts that offend to be stricken from the record”). “To be scandalous and impertinent, a complaint’s allegations must be immaterial and inappropriate to the proof of the cause of action.” *Commonwealth, Department of Environmental Resources v. Peggs Run Coal Company*, 55 Pa. Commonwealth Ct. 312, 320, 423 A.2d 765, 769 (1980).

The instant Preliminary Objection is limited to the word “viciously.” Moving Defendant maintains that the use of the word “viciously” is “legally inconsequential” to Plaintiff’s claims and places Moving Defendant “in a negative light.” Prelim. Objections ¶¶43-44. We agree. Plaintiff’s use of the word “viciously” to characterize his purported fall has no legal significance. More, the word “viciously” connotes violence and suggests further wrongdoing by Moving Defendant. In a slip-and-fall case where Plaintiff alleges Moving Defendant, a janitorial company, failed to properly maintain the floor on which Plaintiff allegedly fell, we find that Plaintiff’s use of the word “viciously” is scandalous and impertinent. Therefore, we strike the word “viciously” from Plaintiff’s Complaint.

**Northampton County Bar Association**

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