

Northampton County Reporter

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VOL. LIII

EASTON, PA December 4, 2003

NO. 49

Northampton County Reporter Digest—2003-12

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NORTHAMPTON COUNTY COURT OF COMMON PLEAS **HOLIDAY COURT SCHEDULE**

☞ **December 24, 2003:** The Courthouse *will be open until NOON*. Morning motions will be heard.

☞ **December 26, 2003:** The Courthouse *will be open* and normal motions schedule will occur.

☞ **December 29, 2003:** Miscellaneous Court is scheduled on this date.

☞ **December 31, 2003:** The Courthouse *will be open* and normal motions schedule will occur.

☞ **January 2, 2004:** The Courthouse *will be open* and normal motions schedule will occur.

**NORTHAMPTON COUNTY BAR ASSOCIATION
2003 BAR ASSOCIATION OFFICERS**

John L. Obrecht President
Alan B. McFall President-elect
Karl F. Longenbach Vice President
Richard P. Kovacs Treasurer
Joel H. Ziev Secretary
Joanne Kelhart Past President

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Northampton County Reporter
Attorney Referral & Information Service
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E-mail: ncba@norcobar.org
PBA (800) 932-0311—PBI (800) 932-4637
BAR ASSOCIATION STAFF

Claudia J. Meyer Executive Director
Stephanie Pasquel Accounting
Heather Rizzotto-Stefanik Legal Journal
Gloria A. Robison Attorney Referral
Deborah J. Flanagan Attorney Referral

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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155 South Ninth St., Easton, PA 18042-4399
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Robert C. Brown, Jr., Esquire
Editor

NOTICES TO NCBA MEMBERS—BAR NEWS

**☛ CHECK OUT THE NEW HOLIDAY COURT SCHEDULE
ON THE FRONT PAGE!**

NCBA OFFICE WILL CLOSE from 11:30 a.m. to 2:00 p.m. on Wednesday, December 10th for the Annual Holiday Staff luncheon.

LEGAL NOTICES DEADLINE FOR CHRISTMAS: The deadline for receiving Legal Notices for the December 25th issue of the Reporter is NOON on Friday, December 19, 2003.

LEGAL NOTICES DEADLINE FOR NEW YEAR'S: The deadline for receiving Legal Notices for the January 1, 2004 issue of the Reporter is 10:00 A.M. on Monday, December 29, 2003.

NCBA OFFICE WILL BE CLOSED December 25th & 26th for the Christmas Holiday and January 1st for New Year's Day. The NCBA Office will close at NOON on Wednesday, December 24th and NOON on Wednesday, December 31st.

INCLUDED IN THIS ISSUE is a **THANK YOU** to the many participants in the 2003 Introduction to the Practice of Law Seminars (Session 2) on December 2, 2003.

INCLUDED IN THIS ISSUE is the 2004 Committee Preference form. Participation is a vital part of our Association. The activities of the separate committees make our organization stronger and more responsive to our membership. Please remember to sign up for committees again, you are not automatically carried forward. Fax or mail your form to the NCBA Office.

ANNOUNCEMENTS & REGISTRATION FORMS:

December 5, 2003—Ceremonial Admission to the Bar—Courtroom No. 1 @ 1:15 p.m.

December 6, 2003—BARRISTER'S BALL—Saucon Valley—6:30 p.m.

December 9, 2003 @ NCBA LUNCH/LECTURE *"Intellectual Property."* Presented by Attorney Joseph Edward Maenner from Skippack, PA. (1.5 CLE)

January 16, 2004—SKI DAY with BALC at Blue Mountain.

➡ PBI/CLE SEMINAR(s) @ NCBA—(2) One-hour Ethics Programs ➡

December 11th—"PBA Unauthorized Practice of Law Committee Update"—9:30 a.m. to 10:30 a.m.—0/1 CLE Credits & "The Bonehead Play"—11:00 a.m. to 12:00 p.m.—0/1 CLE Credits. Register early by calling (800) 932-4637 or go online at www.pbi.org

**BAR ASSOCIATION OF LEHIGH COUNTY
(BALC) SPONSORED SEMINARS FOR 2003:**

[**December 10th—**"Things Lawyers Should Know When Advising Web-Based Businesses"] [**December 18th—**"U.S. Patriot Act: A Constitutional Overview"]
The above seminars are all from 12:00 Noon to 1:30 p.m. *Lunch included.* Call BALC for details and/or to register at (610) 433-6401, Ext. 16.

ESTATE NOTICES

Notice is hereby given that in the estate of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION**AZZOLINA, CAROLINE B.,**
dec'd.

Late of the City of Easton,
Northampton County, PA
Administratrix: Jennie Reda,
344 Thomas Street, Phillips-
burg, NJ 08865
Attorney: Samuel P. Murray,
Esquire, 720 Washington
Street, Easton, PA 18042

CALLAHAN, ADELAIDE, dec'd.

Late of the Township of Wash-
ington, Northampton County,
PA

Executrix: Joan Levinskas 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

ERTLE, MARIE J., dec'd.

Late of Bethlehem Township,
Northampton County, PA

Executor: Ronald P. Ertle c/o
John W. Rybak, Esquire,
Rybak & Rybak, 408 Adams
Street, Bethlehem, PA 18105
Attorneys: John W. Rybak,
Esquire, Rybak & Rybak, 408

Adams Street, Bethlehem, PA
18105

HUTH, ELSIE S., dec'd.

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

Co-Executors: Ethel M.
Florey, 2949 Bath Pike, Naza-
reth, PA 18064, Kenneth W.
Huth, 3090 Oakland Road,
Bethlehem, PA 18020 and May
A. Rice, a/k/a May R. Dud-
ding, 4411 Hillendale Road,
Bangor, PA 18013

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

MORGAN, SANDRA L., dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Executrix: Gwyndlyn Long
c/o John J. Bartos, Esquire,
3976 Township Line Road,
Bethlehem, PA 18020

Attorney: John J. Bartos, Es-
quire, 3976 Township Line
Road, Bethlehem, PA 18020

SEIFERT, EDWARD J., dec'd.

Late of the Township of Lower
Saucon, Northampton Coun-
ty, PA

Co-Administrators: David J.
Seifert or Donald P. Seifert,
2540 Martin Ln., Hellertown,
PA 18055

TAYLOR, DORIS A., dec'd.

Late of the Borough of Bath,
Northampton County, PA

Executor: James A. Taylor c/o
McFall, Layman & Jordan,
P.C., Attorneys at Law, 134
Broadway, Bangor, PA 18013
Attorneys: McFall, Layman &
Jordan, P.C., Attorneys at Law,
134 Broadway, Bangor, PA
18013

VASKO, THOMAS J., dec'd.

Late of Hellertown, Northampton County, PA

Co-Executors: Gregory J. Galle and Richard A. Galle c/o Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726

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

SECOND PUBLICATION**BLATNIK, LOUIS S., JR.,** dec'd.

Late of the City of Easton, Northampton County, PA

Administratrix: Bernadine J. Federanich, c/o Mary Ann Snell, Esquire, 915 West Broad Street, Bethlehem, PA 18018

Attorney: Mary Ann Snell, Esquire, 915 West Broad Street, Bethlehem, PA 18018

BRODT, LILLIAN E., dec'd.

Late of Bethlehem Township, Northampton County, PA

Co-Executrices: Judith A. Edinger, 5514 Shawnee Drive, Bethlehem, PA 18017 and Elaine M. Carmen, 12 Lambert Street, Washington, NJ 07882

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

EISENHART, EDWIN K., JR., dec'd.

Late of the Borough of Bangor, Northampton County, PA

Executrix: Dorothy Eisenhart Secor, c/o McFall, Layman & Jordan, P.C., 134 Broadway, Bangor, PA 18013

Attorneys: McFall, Layman & Jordan, P.C., Attorneys at Law,

134 Broadway, Bangor, PA 18013

LAWRENCE, AUDREY K., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Bruce James Lawrence, c/o Kolb, Vasiliadis and Florenz, 65 East Elizabeth Avenue, Suite 804, Bethlehem, PA 18018-6516

Attorneys: Jacob S. Kolb, Esquire, Kolb, Vasiliadis and Florenz, 65 East Elizabeth Avenue, Suite 804, Bethlehem, PA 18018-6516

THIRD PUBLICATION**AMATO, CONCETTA ELIZABETH,** dec'd.

Late of the City of Easton, Northampton County, PA

Executrix: Patricia A. Amato c/o James J. Narlesky, Esquire, 717 Washington Street, Easton, PA 18042

Attorney: James J. Narlesky, Esquire, 717 Washington Street, Easton, PA 18042

BET, HILDA, dec'd.

Late of Nazareth, Northampton County, PA

Co-Executors: Dominick Bet and Rena Darazsdi c/o Paul S. Frank, Esquire, King, Spry, Herman, Freund & Faul, LLC, One West Broad St., Suite 700, Bethlehem, PA 18018

Attorneys: Paul S. Frank, Esquire, King, Spry, Herman, Freund & Faul, LLC, One West Broad St., Suite 700, Bethlehem, PA 18018

COULTER, WILLIAM T. a/k/a WILLIAM T. COULTER, SR., dec'd.

Late of Bethlehem, Northampton County, PA

Executor: William T. Coulter, Jr. c/o Thomas J. Fischer, Esquire, 1021 West Broad Street, Bethlehem, PA 18018
 Attorney: Thomas J. Fischer, Esquire, 1021 West Broad Street, Bethlehem, PA 18018

EDWARDS, LUCINDA, dec'd.

Late of the Borough of Pen Argyl, Northampton County, PA

Executor: Robert R. Edwards c/o Nicholas R. Sabatine, III, Esquire, 16 S. Broadway, Wind Gap, PA 18091

Attorney: Nicholas R. Sabatine, III, Esquire, 16 S. Broadway, Wind Gap, PA 18091

FINK, WILLIAM J. a/k/a WILLIAM JAMES FINK, SR., dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Marguerite M. Fink c/o Edward L. Redding, Esquire, 548 N. New Street, Bethlehem, PA 18018

Attorney: Edward L. Redding, Esquire, 548 N. New Street, Bethlehem, PA 18018

HUSSER, JOSEPH E., dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Lillian M. Husser, 1546 Fleming Street, Bethlehem, PA 18017

Attorneys: Brian J. Taylor, Esquire, Law Offices of Peter G. Angelos, 60 W. Broad St., Bethlehem, PA 18018

PETRUNO, JULIA, dec'd.

Late of 558 Spruce Street, Hellertown, Northampton County, PA

Executor: Mark G. Petruno, 120 Church St., Catasauqua, PA 18032

Attorney: Brian R. Joyce, Esquire, 2895 Hamilton Blvd., Ste. 203, Allentown, PA 18104

RUNDLE, KATHLEEN M., dec'd.

Late of Bushkill Township, Northampton County, PA

Executrix: Susan R. Rundle, 405 Daniels Road, Nazareth, PA 18064

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

STRASBURG, CATHERINE W., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Walter B. Lapp c/o John J. Bartos, Esquire, 3976 Township Line Road, Bethlehem, PA 18020

Attorney: John J. Bartos, Esquire, 3976 Township Line Road, Bethlehem, PA 18020

NOTICES 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 of a proposed business corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988 (P.L. 1444, No. 177), as amended.

The name of the corporation is:

ATLAS TERRACE INC.

The Articles of Incorporation were effective November 1, 2003.

The purpose for which it was organized is to have unlimited power to engage in and do any lawful act concerning any and all lawful business for which a corporation may

be incorporated under the Pennsylvania Business Corporation Law.

DAVID B. SHULMAN, ESQUIRE
SHULMAN & SHABBICK
1935 Center Street
Northampton, PA 18067

Dec. 4

**CAPSTONE SAFETY
CONSULTING SERVICES,
INCORPORATED**

is being incorporated under the provisions of the Business Corporation Law of 1988.

GREGORY R. REED, ESQUIRE
141 South Broad Street
P.O. Box 299
Nazareth, PA 18064-0299

Dec. 4

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 of a proposed business corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is:
FEGLEY ENTERPRISES II, INC.

Timothy J. Duckworth, Esquire
Mosebach, Funt, Dayton &
Duckworth, P.C.
P.O. Box 20770
Lehigh Valley, PA 18002-0770

Dec. 4

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 Certifi-

cate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988 (P.L. 1444, No. 177), as amended.

The name of the corporation is:
HAMPTON RIDGE NORTH INC.

The Articles of Incorporation were effective November 1, 2003.

The purpose for which it was organized is to have unlimited power to engage in and do any lawful act concerning any and all lawful business for which a corporation may be incorporated under the Pennsylvania Business Corporation Law.

DAVID B. SHULMAN, ESQUIRE
SHULMAN & SHABBICK
1935 Center Street
Northampton, PA 18067

Dec. 4

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 of a proposed business corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is:
POLICELLI & SONS, INC.

The Articles of Incorporation were filed on October 17, 2003.

The purpose for which it was organized is: The corporation shall have unlimited power to engage in and to do any lawful business for which corporations may be incorporated under the Business Corporation Law of Pennsylvania, Act of

December 21, 1988, P.L. 1444, No. 177, as amended.
NICHOLAS R. SABATINE, III, P.C.
16 S. Broadway
Wind Gap, PA 18091

Dec. 4

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 Business Corporation Law of the Commonwealth of Pennsylvania Act of December 21, 1988 (P.L. 1444, No. 177) by the following corporation:

RAMOS REALTY, INC.

The Articles of Incorporation have been filed on October 6, 2003.

WILLIAM G. MALKAMES,
ESQUIRE

509 Linden Street
Allentown, PA 18101

Dec. 4

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, pursuant to the provisions of the Business Corporation Law of Pennsylvania of 1988, as amended.

The name of the corporation is:

SAAF, INC.

Francis X. Buschman, Jr.,
Esquire
Buschman & Johnson

228 North Main Street
Souderton, PA 18964

Dec. 4

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 Cer-

tificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is:
TADROS ENTERPRISES, INC.

Keene Jabbour, Esquire
701 Washington Street
Easton, PA 18042

Dec. 4

NOTICE IS HEREBY GIVEN that Articles of Incorporation for a domestic for profit corporation were filed with the Corporation Bureau of the Department of State, Commonwealth of Pennsylvania on April 29, 2003.

The name of the proposed for profit corporation is:

ZINZENDORF CORPORATION

William W. Matz, Jr., Esquire
211 W. Broad Street
Bethlehem, PA 18018-1577

Dec. 4

**FICTITIOUS NAME
REGISTRATION NOTICES**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 295 of 1982 (54 Pa. C.S.A. Sec. 311 et seq.), 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 Northampton County, Pennsylvania, under the assumed or fictitious name, style or designation of:

B R BROKERAGE

with its principal place of business at: Box 17, 6500 Sullivan Trail, Wind Gap, Pennsylvania 18091.

The name and address of the person owning or interested in said business is: Barbara Raimo, 958

Park Estates Road, Wind Gap, Pennsylvania 18091.

The Certificate was filed on October 8, 2003.

LEONARD N. ZITO, ESQUIRE
641 Market Street
Bangor, PA 18013

Dec. 4

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

HOME IMPORTS

with the principal place of business at: 59 West Macada Rd., Bethlehem, PA 18017.

The name of the person owning or interested in said business is: Elizabeth A. Goldfarb.

The certificate was filed on October 29, 2003.

Dec. 4

NOTICE OF NONPROFIT INCORPORATION

NOTICE IS HEREBY GIVEN that the Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, for:

HOPE HAVEN HOUSE, INC.

on October 8, 2003. The corporation has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.

The corporation was organized to provide pregnant teens with a safe living environment, to teach independent living skills, and to transact all lawful business for which Corporations may be organized un-

der the Pennsylvania Nonprofit Corporation Law of 1988.

DONALD G. KARPOWICH,
ESQUIRE

85 Drasher Road
Drums, PA 18222
(570) 788-6647

Dec. 4

CERTIFICATE OF AUTHORITY

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority for **Agricultural Consulting Institute, Inc.**, an Ohio Corporation, was filed with the Pennsylvania Department of State, Corporation Bureau, on November 3, 2003 for the purpose of conducting business in the Commonwealth of Pennsylvania.

ROBERT C. BROWN, JR.,
ESQUIRE

Attorney ID No. 17671
FOX, OLDT & BROWN

508 Wachovia Bank Building
6 South Third Street
Easton, PA 18042
Tel: (610) 258-6111
Fax: (610) 253-4532

Dec. 4

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

GERALDINE A. ALBERT a/k/a
G.A. ALBERT a/k/a G.G. ALBERT
a/k/a GERALDINE ALBERT;
Marjorie A. Russo, Administratrix

GLADYS M. DIEHL; Lisa J. Woods and Lori J. Diehl, Co-Executrices

WESTON F. EBNER; Richard Dale Ebner and Joan Kay Braden, Co-Executors

ROBERT J. FROCK; Roy J. Ludwick and Robert H. Sheriff, Co-Executors

LISA HUFF; Investors Trust Company, Guardian

GERALDINE E. SHERER; Geraldine E. Koch, Administratrix
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, DECEMBER 19, 2003 AT 9:00 A.M. IN COURT-ROOM #1.

Dorothy L. Cole
Clerk of Orphans' Court
Dec. 4, 11

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW**

CYNTHIA C. MORRIS,
Plaintiff,

vs.

KEITH MALONEY and
JAMES EDDINGER,
Defendants.

NO. C0048CV2003005317
CIVIL ACTION

JURY TRIAL DEMANDED

Nature of Action: The above action arises out of an automobile accident which occurred on or about July 30, 2001 at the intersection of Chestnut and Main Streets in Hellertown, Pennsylvania, wherein the Plaintiff was a passenger in a vehicle driven by Defendant, Keith Maloney, and which was struck by a vehicle driven by Defendant, James Eddinger. As a result of the negligence of the Defendant(s), Cynthia C. Morris sustained personal injuries in the accident, and makes claim for money damages for both economic losses and noneconomic losses.

NOTICE TO DEFENDANT,
KEITH MALONEY

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 the Plaintiff. You may lose money or property or other rights important to you.

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

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THE OFFICE SET FORTH BELOW 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.

LAWYER REFERRAL SERVICE
155 South 9th Street
Easton, PA 18042
Telephone (610) 258-6333

Dec. 4

**NOTICE OF NAME CHANGE
COURT OF COMMON PLEAS
NORTHAMPTON COUNTY**

In Re: Petition for Name Change of Margaret Buskirk by Shawn P.

Schmoyer, Natural Father

**DOCKET NO.
C0048CV2003008321**

NAME CHANGE

NOTICE IS HEREBY GIVEN that on November 24, 2003 the Petition

for Name Change of Margaret Buskirk by Shawn P. Schmoyer, Natural Father, was filed in the above named Court requesting a Decree to change the name of Margaret Buskirk to Margaret Schmoyer. The Court has fixed December 11, 2003 at 9:00 a.m. in Court Room No. 229, Northampton County Courthouse, Easton, Pennsylvania as the time and place for hearing on said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petitioner should not be granted.

BRIAN B. GAZO, ESQUIRE
 Attorney I.D. No. 82578
 STRUBINGER
 LAW OFFICES, P.C.

505 Delaware Avenue
 P.O. Box 158
 Palmerton, PA 18071
 (610) 826-7678

Dec. 4

**IN THE COURT OF COMMON
 PLEAS OF NORTHAMPTON
 COUNTY, PENNSYLVANIA
 CIVIL ACTION—LAW**

NAZARETH NATIONAL BANK
 AND TRUST COMPANY,
 Plaintiff,

vs.

CARLOS M. MARTINEZ, JR. and
 VIRGINIA E. NIMEH-MARTINEZ,
 Defendants

NO. C0048CV2003007455

CIVIL ACTION
 NOTICE

TO: Carlos M. Martinez, Jr. and
 Virginia E. NemeH-Martinez

You are hereby notified that on October 17, 2003, Plaintiff, NAZARETH NATIONAL BANK AND TRUST COMPANY, filed a Complaint endorsed with Notice to Defend, against you in the Court of Com-

mon Pleas of Northampton County, Pennsylvania, docketed to No. C0048CV2003007455. Wherein Plaintiff seeks to obtain a money judgment based on a Note you signed to Plaintiff and thereafter execute on your property located at 1311 Liberty Street, Bethlehem, Lehigh County, Pennsylvania, which is collateral for a Mortgage held by Plaintiff, whereupon your property may be sold at a Sheriff's Sale.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE, IF YOU DO NOT HAVE A LAWYER, 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 PER-

SONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral Service
155 South Ninth Street
Easton, PA 18042
(610) 258-6333

JOEL M. SCHEER, ESQUIRE
Attorney I.D. No. 21464
Attorney for Plaintiff
Nazareth National Bank
and Trust Company
6 S. Third Street
P.O. Box 1099
Easton, PA 18044-1099
(610) 258-5306

Dec. 4

PARALEGAL

Bethlehem area law firm has a position available for a full-time Paralegal. Civil litigation experience required. Knowledge of Word/WordPerfect necessary with strong organizational and typing skills. Timeslips and Excel a plus. Fax resume to Cecile Patriarca, Office Manager, at (610) 866-9490 or mail to 107 North Commerce Way, Bethlehem, PA 18017.

Dec. 4, 11

STECKEL AND STOPP LAW OFFICES

are pleased to announce the following additions:

Effective September 22, 2003, Attorney Frank M. Skrapits, has become "of counsel" to the Firm. Attorney Skrapits' office location will be at 2152 Main Street, Northampton, PA 18067, (610) 262-7857.

The Firm will continue to maintain other offices at 1036 Main Street, Slatington; 125 Walnut Street, Slatington; 4331 Route 309, Schnecksville; and 425 Allentown Drive, Allentown.

Effective November 3, 2003, Attorney Stephen A. Strack has become an associate with the Firm.

Attorney Strack will serve clients at the branch office located at 2152 Main Street, Northampton, (610) 262-7857 and also at 1036 Main Street, Slatington, (610) 767-3861.

Effective September 22, 2003, Attorney Demetrios H. Tsarouhis has become an associate with the Firm.

Attorney Tsarouhis will principally be located at the 1036 Main Street, Slatington office, (610) 767-3861.

STECKEL AND STOPP

Attorneys-at-Law

Dec. 4

NORTHAMPTON COUNTY REPORTER DIGEST—2003-12
RECENT DECISIONS OF THE COURTS OF COMMON PLEAS
OF NORTHAMPTON COUNTY

**MICHELLE SIMON, INDIVIDUALLY AND AS P/N/G OF RYAN BREINER,
A MINOR v. RICHARD CABRERA, JR., AND SANDY CABRERA, EUGENE
V. BARRON, BROADWAY TAVERN, BROADWAY TAVERN, INC., GREEN
ACRES GOLF INC., LUCENT TECHNOLOGIES, INC., TELEPHONE
PIONEERS OF AMERICA, PENN-JERSEY CHAPTER 132, AND TPA
REGION 18 LUCENT TECHNOLOGIES PIONEERS PENN-JERSEY
CHAPTER 132, A/K/A LUCENT NEW FRONTIER CHAPTER OF
PIONEERS, GLEN J. COCK T/A WINDSOR DISTRIBUTING CO., AND
DIANA L. COCK T/A WINDSOR DISTRIBUTING**

Motion for Summary Judgment

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV2000006093.

Order of Court entered denying the Motion for Summary Judgment filed on behalf of the Plaintiff, Michael Simon, and denying the competing Motion for Summary Judgment filed on behalf of Defendant Lucent.

Michael Snover, Esquire for Plaintiff.

Kent Herman, Esquire for Defendant Cabrera.

Jennifer Sletvold, Esquire for Defendants Barron/Broadway Tavern.

William Longo, Esquire for Defendant Lucent/Telephone Pioneers/TPA.

Carmina Rinkunas, Esquire for Defendants Cock/Windsor.

Order of Court entered on June 11, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court found that Summary Judgment was not warranted for either of the requesting parties at this time. The decision of the Court was based upon the existence of a material issue of disputed fact relating to whether liquor had sold by defendants so as to constitute a "sale" under the Pennsylvania Liquor Code. The Court also found that the extent of Defendant Cabrera's intoxication was a disputed issue of material fact. Accordingly, neither party was entitled to summary judgment at this time.

**HARRY J. LOVELESS AND MILDRED LOVELESS, INDIVIDUALLY
AND AS ADMINISTRATORS OF THE ESTATE OF KEVIN G. LOVELESS,
DECEASED v. LIFEPAATH, INC., AND WARREN STEWART TAYLOR,
ADMINISTRATOR OF THE ESTATE OF
WARREN J. TAYLOR, DECEASED**

Motion for Summary Judgment

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV2000001112.

Order of Court entered Granting the Motion for Summary Judgment filed on behalf of Defendant Lifepath and dismissing the above captioned matter with prejudice.

Richard Gorski, Esquire for Plaintiff.

Garry Samms, Esquire & Harry Madonna, Esquire for Defendant Lifepath.

Harry McMunigal, Esquire for Defendant Taylor.

Order of Court entered on June 9, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court found that the suicide of an employee that ultimately led to the death of the Plaintiff's decedent was outside the scope of employment for the purposes of establishing a claim for vicarious liability against the employee's former employer. Suicide is an act not meant to serve the employer nor was it an intentional act leveled against plaintiff's decedent. Suicide by an employee is not a foreseeable act chargeable to an employer. There is no duty to prevent an unforeseeable act, hence, the court properly granted Defendant Lifepath's Motion for Summary Judgment.

**DAVID AND KATHERINE GEBHARD v.
FILCHNER TRANSPORTATION SERVICES**

Non-Jury Decision

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV2002003605.

Order of Court entering judgment in favor of Defendant on all claims.

Adam Sager, Esquire for Plaintiffs.

Matthew Potts, Esquire for Defendant.

Order of Court entered on July 8, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court found that the Plaintiffs had not satisfied their burden to show that Defendant was liable for breach of contract, unjust enrichment and misrepresentation or fraud arising out of an automobile repair. Accordingly, after hearing testimony and reviewing the record, judgment was entered in favor of Defendants.

DEBRA HAYES v. CLARA ARNOLD

Motion in Limine

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV2000002853.

Order of Court entered denying Plaintiff's Motion in Limine Regarding the Recovery of Medical Bills and Tort Status.

Michael Snover, Esquire for Plaintiff.

James Schwartz, Esquire for Defendant.

Order of Court entered July 14, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court denied Plaintiff's Motion in Limine based upon the fact that the issues presented in the matter were more appropriately determined via Summary Judgment or through litigation. The Court refused to preclude evidence regarding the recovery of medical bills and the Tort Status of the Plaintiff.

**JOHN V. TREMBLER, JR. v. BRIAN W. WEISS
AND CARLA M. WEISS, H/W**

Motion to Enforce Settlement

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV2001001164.

Order of Court entered granting the Motion to Enforce Settlement filed on behalf of the Defendants.

Ralph Bellafatto, Esquire for Plaintiff.

Abraham Kassis, Esquire for Defendants.

Order of Court entered on July 14, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The court granted the Motion to Enforce Settlement filed by the Defendants. The record established that the parties had negotiated and reached an agreement thereby negating the need for a non-jury trial. By agreement, the parties manifested the agreement in a stipulation. The stipulation is an accurate depiction of the agreement reached by the parties and must be enforced.

KAREN D. CHARLIE v. ALBERT CHARLIE, III

Modification of Custody Order

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV2001006536.

Order of Court entered modifying the holiday custody schedule of the parties' two minor children.

Gary Asteak, Esquire for Plaintiff.

Joanne Kelhart, Esquire for Defendant.

Order of Court entered July 29, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court entered an Order setting forth the holiday custody schedule for the two minor children of the parties. The Court ordered that the parties share legal and physical custody of the children. The Court set forth the vacation and holiday schedule between the parties.

**COMMONWEALTH OF PENNSYLVANIA v.
GREGORY BARKET, DEFENDANT**

Evidentiary Hearing—Custody—Electronic Monitoring—Pre-trial Services—Credit

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division—Law, No. 2002-845.

Order of Court entered denying Defendant's Petition for Credit for Time Served on Electronic Monitoring.

Patricia Broscius, Esquire for the Commonwealth.

Scott M. Wilhelm, Esquire for Defendant.

Order of Court entered July 11, 2003 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Defendant plead guilty to Criminal Attempt to Lure a Child into a Vehicle on August 13, 2002. Defendant was placed on electronic monitoring until his sentencing on Octo-

ber 4, 2002. Defendant filed a Motion for Reconsideration of Sentencing for credit for time served on electronic monitoring, which was denied by the Court. Defendant appealed and the Superior Court vacated Defendant's sentence and directed the trial court to have an evidentiary hearing to determine whether or not the time spent on electronic monitoring constitutes "custody," entitling the Defendant to credit for time served.

The evidentiary hearing was held on July 1, 2003. The Court found that the Pretrial Services electronic monitoring program did not constitute "custody" under 42 Pa. C.S.A. §9760. Vocational, legal, medical, and religious activities are generally permitted by the pretrial services officer. Other purposes may be approved pending a case-by-case determination by the officer. Pretrial services is not affiliated with the prison in any way and the defendant is not subject to warrantless searches of his residence. As such, the electronic monitoring program employed by the Northampton County Pretrial Services does not constitute "custody" for the purposes of credit for time served under Section 9760.

**JAMES KUGLER, INDIVIDUALLY AND AS ADMINISTRATOR OF THE
ESTATE OF CYNTHIA KUGLER, DECEASED, PLAINTIFF v. ROBERT C.
HUNSICKER, M.D., FACS, BETHLEHEM EAR, NOSE & THROAT
ASSOCIATES, LEON A.C. ISSAC, M.D., ST. LUKE'S HOSPITAL
DEPARTMENT OF PATHOLOGY, ST. LUKE'S HOSPITAL, DEFENDANTS**

Preliminary Objections—Vicarious Liability

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C48CV2003002186.

Order of Court entered granting in part and denying in part the preliminary objections.

Peter Karoly, Esquire for the Plaintiff.

Naomi A. Plakins, Esquire for the Defendant St. Luke's Hospital.

Order of Court entered July 2, 2003 by the Honorable F.P. Kimberly McFadden.

DESCRIPTION OF DECISION

Defendant St. Luke's Hospital filed preliminary objections to Plaintiff's Complaint for vagueness and any and all claims for vicarious liability based upon informed consent. By agreement of the parties portions of the Complaint were stricken. The preliminary objections to any and all claims for vicarious liability are denied as moot because the Complaint does not allege an action for vicarious liability based upon informed consent.

**DOROTHY LOCKMAN, INDIVIDUALLY AND AS ADMINISTRATRIX OF
THE ESTATE OF MICHAEL LOCKMAN, DECEASED, PLAINTIFF v.
EASTON HOSPITAL, MOOSA A. NAJMI, M.D., EASTON
CARDIOVASCULAR ASSOCIATES, SUBHASHCHANDRA JAVIA, M.D.,
AND SUBHASHCHANDRA JAVIA, M.D., P.C., DEFENDANTS**

Determination of Expert Requirements—M-Care Act—Section 512—Expert Qualifications

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 1997-C-1795.

Order of Court entered finding 40 P.S. §1303.512 constitutional and applicable.

Michael A. Snover, Esquire for the Plaintiff.

Howard S. Stevens, Esquire for Defendant Easton Hospital.

Gregory S. Nesbitt, Esquire for Defendants Najmi and Cardiovascular Associates.

George M. Nace, III, Esquire for Defendants Javia and Javia, P.C.

Order of Court entered July 9, 2003 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Plaintiff filed a Complaint in December 1997, alleging medical malpractice. A third and final amended Complaint was filed in January of 1999. On March 20, 2002, the Medical Care Liability & Reduction Act (“M-Care”) was signed into law. Section 512 of the M-Care Act governs qualifications for expert testimony and became effective on May 19, 2002. Plaintiff filed the instant Motion to Determine Expert Requirements to ascertain whether their experts would be precluded from testifying under the M-Care Act and whether section 512 is constitutional.

The legislative provisions of the M-Care Act indicate that section 512 should go into effect sixty days after the effective date of the legislative act. The legislature included specific language to this effect and the court must construe the words of the statute according to the plain meaning. Thus, the statute is applicable to the case and all experts must meet the requirements of section 512.

Plaintiffs next contend that section 512 of the M-Care Act is unconstitutional because it violates the separation of powers. The Court found that section 512 is a substantive evidentiary provision. Pennsylvania law grants the legislature the power to create or alter rules of evidence. Therefore, the legislature did not overstep their bounds in promulgating this section of the M-Care Act. Further, section 512 does not negate Pennsylvania Rule of Evidence 702, but delineates what is necessary for an expert’s testimony to be admissible.

As a result of these findings, the deadlines for expert reports have been extended to allow the parties to comply with the provisions of the M-Care Act.

COMMONWEALTH OF PENNSYLVANIA v. KELLY LYNN PANNUCIO, DEFENDANT

Petition to Dismiss Charges—Driving While Operating Privilege Is Suspended

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No. 2003-121.

Order of Court entered denying Defendant’s petition to dismiss charges.

Constance Nelson, Esquire for the Commonwealth.

Charles Bruno, Esquire for the Defendant.

Order of Court entered July 2, 2003 by the Honorable F.P. Kimberly McFadden.

DESCRIPTION OF DECISION

Defendant filed a Petition to Dismiss the Charge of Driving While Under Suspension DUI Related based upon an alleged plea bargain entered into before District Justice Joseph Leo. The court found that a plea agreement does not exist unless and until it is presented to the court and that prior to the entry of a guilty plea, the defendant has no right to specific performance of an ‘executory agreement.’ Because a valid plea agreement did not exist, the Defendant was entitled to a preliminary hearing on this matter.

EYBA ARROYAVE AND LUIS ARROYAVE, H/W AND IN THEIR OWN RIGHT, AND MELANIE ARROYAVE, A MINOR BY HER PARENTS AND NATURAL GUARDIANS, EYBA ARROYAVE AND LUIS ARROYAVE, PLAINTIFFS v. VICTOR MATA, STEPHANIE RITTER, HUNTER SLUGG, JR., AND COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, DEFENDANTS

Summary Judgment—Preclusion of Expert Testimony

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C48CV2001005166.

Order of Court entered denying Defendants' Motion to Preclude Expert Testimony, granting Defendant Department of Transportation's motion for summary judgment and denying Defendant Hunter Slugg, Jr.'s motion for summary judgment.

Michael A. Cancelliere, Jr., Esquire for the Plaintiff.

John W. Stahl, Esquire for the Defendant Department of Transportation.

Cynthia L. Groff, Esquire for the Defendant Hunter Slugg, Jr.

Order of Court entered July 2, 2003 by the Honorable F.P. Kimberly McFadden.

DESCRIPTION OF DECISION

Defendants separately moved to preclude expert testimony regarding liability by the Plaintiff and for summary judgment. Defendants' motions to preclude expert testimony regarding liability were denied as moot because Plaintiff does not intend on presenting expert testimony regarding liability. Defendant Slugg's motion for summary judgment was denied because expert testimony was not needed to establish liability on the part of the Defendant and evidence in the record exists presenting a genuine issue of material fact regarding Defendant Slugg's liability. Defendant Department of Transportation's motion for summary judgment was granted because expert testimony is required to prove negligent roadway construction and design and the Plaintiffs failed to provide an expert on the dangerous conditions of the highway.

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION v. CARL LANDON GRAVES, JR.

License Suspension Appeal

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV2003001040.

Order of Court entered denying the license suspension appeal of appellant, Carl Graves, pursuant to 75 Pa. C.S.A. §1532(d).

Phillip Lauer, Esquire for Plaintiff.

Robert Kopacz, Esquire for Department of Transportation.

Order of Court entered on May 19, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court denied the Plaintiff's license suspension appeal and found that the Department of Transportation was within their right to suspend Plaintiff's License. Despite the fact that it had been two (2) years since the conviction for driving under the influence of alcohol, the delay between the date of conviction and the official notice of the suspension was not chargeable to the Department. Accordingly, the license suspension appeal was properly denied and the decision of the Department of Transportation was properly affirmed.

HELEN CHOMA & MICHAEL CHOMA H/W v. MANNY S. IYER, M.D.*Post-trial Motions—Motion for New Trial*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV2001003120.

Order of Court denying the Post-trial Motions filed on behalf of the Plaintiffs.

Richard Abraham, Esquire for Plaintiffs.

Georgine Olexa, Esquire for Defendant.

Order of Court entered on May 20, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court denied the Post-trial motions of Plaintiffs requesting a new trial. The Court found that it had not committed an error of law in giving the “Two Schools of Thought” Charge to the jury during trial. Additionally, the Court found that the jury verdict, which returned unanimously in favor of the Defendant, was not against the weight of the evidence presented at trial and did not shock one’s sense of justice. Accordingly, the post-trial motions of the Plaintiffs were properly denied.

ELLIOT S. SHEAR, D.D.S. AND ELLIOT S. SHEAR, D.D.S., P.C., v. LOUIS P. PEKTOR, III, AND ASHLEY DEVELOPMENT CORP.*Non-Jury Judgment Order and Opinion*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV2000000571.

Order and Opinion of the Court entered finding in favor of the Defendants for all counts of the Amended Complaint.

Steven Bergstein, Esquire for Plaintiff.

Leonard Zito, Esquire for Defendant.

Order and Opinion of the Court was entered on February 26, 2003 by Stephen G. Baratta, Judge.

DESCRIPTION OF DECISION

The Court ruled in favor of the Defendants in the instant matter on all claims within the amended Complaint. The Court dismissed the claims against the individual defendant, Louis Pektor, as the Complaint and Plaintiff failed to show the participation theory. The Court found no contract in the instant matter and accordingly dismissed the Plaintiff’s claim for breach of contract. The Court determined that it would be proper to afford Plaintiff relief based upon the theory of promissory estoppel. As such, the court found in favor of Defendant on all counts.

WILLIS O. GARDNER, ADMINISTRATOR OF THE ESTATE OF KATHERINE GARDNER, DECEASED, AND WILLIS O. GARDNER, INDIVIDUALLY, PLAINTIFF v. EASTON HOSPITAL, DEFENDANT*Preliminary Objections—Dismissal—Use of General, Vague and Overbroad Allegations—Certificate of Merit—Lack of Specificity—Lack of Proper Verification*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048CV2003002225.

Order of Court entered granting Moving Defendant’s preliminary objection for use of general, vague and overbroad agency allegation and for lack of specificity.

Order of Court entered granting Moving Defendant's preliminary objection for failure to include a certificate of merit in accordance with Rule 1042.3.

Order of Court entered denying Moving Defendant's preliminary objection for lack of proper verification.

Order of Court entered September 9, 2003 by the Honorable F.P. Kimberly McFadden.

DESCRIPTION OF DECISION

Defendant, Easton Hospital, filed preliminary objections seeking dismissal of paragraphs 42, 42(b), (c), (d), (e), and (h) of Plaintiff's Complaint for use of General, vague and overbroad agency allegation pursuant to Pa. R.C.P. 1019(a); dismissal of paragraph 42(h) of Plaintiff's Complaint for lack of specificity pursuant to Pa. R.C.P. 1019(a); and the striking of Plaintiff's Complaint for lack of proper verification pursuant to Pa. R.C.P. 1002 and 1024. The court granted Defendant's preliminary objections with respect to use of general, vague and overbroad agency and lack of specificity and denied Defendant's preliminary objection for lack of proper verification. Further, the court found for Defendant that Plaintiff failed to file a proper certificate of merit as required by Rule 1042.3

EUGENE FRITZINGER, PLAINTIFF v. JAMES WRIGHT AND GLORIA WRIGHT, DEFENDANTS

Petition to Strike/Open Sheriff's Sale—Notice—Subject Matter Jurisdiction—Mechanic's Lien—Adequacy of Price—Fraud—Act 91—Standing—Secured Transaction

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048CV2000002034.

Order of Court entered denying Petitioners' and Defendants' Petitions to Strike or Open the Sheriff's Sale.

Samuel F. Feldman, Esquire for the Plaintiff.

James Wright, Pro Se.

Order of Court entered September 2, 2003, by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Defendants declared bankruptcy and, after the proper bankruptcy proceedings took place, the Honorable David A. Scholl issued an Order of Court declaring Plaintiff a single unsecured creditor in the amount of \$60,838.65. Plaintiff obtained a writ of execution against the Defendants on November 14, 2001, and notice was given to the Defendants and a third party, Michael Radogna, of a Sheriff's sale of the property located at 205 Tumblecreek Road, Easton, Pennsylvania. The Sheriff's sale was continued several times and then took place on June 7, 2002. The purchaser at the Sheriff's sale was the Plaintiff. Defendants attempted to appeal the Sheriff's sale, but failed to conform to the rules of procedure, resulting in the denial of the appeal. Defendants did not appeal further.

Plaintiff filed an action in ejectment, at number C0048CV2002005192, against the Defendants. The Court found in favor of the Plaintiff in that case on May 23, 2003. On May 29, 2003, Michael Radogna and James Mock filed a Petition to Strike or Open the Sheriff's Sale. Michael Radogna held a Mechanic's Lien claim against the Defendants for said property. A default judgment was entered in his favor on June 23, 2003. However, Mr. Radogna assigned his interest in the judgment on June 5, 2003, and the Court

found he lacked standing to challenge the Sheriff's sale. James Mock held a defective secured agreement against the Defendants for said property because one of the Defendants, Gloria Wright, was not a party to the agreement. The Court found that Mr. Mock lacked standing to challenge the Sheriff's sale as well. Further, the Court found that Mr. Radogna and Mr. Mock lacked standing to challenge the Sheriff's sale on behalf of Nazareth National Bank. Additionally, the Court held that Act 91 Notice was not necessary because the writ of execution was not based on mortgage foreclosure and that the selling price of the property was not "grossly inadequate" and did not mandate striking the sale.

Defendants, James and Gloria Wright, filed a separate Petition to Strike or Open the Sheriff's Sale in June of 2003. The Court found that the Wrights were given adequate notice of the Sheriff's sale and that subject matter jurisdiction was asserted over them in this matter. Also, the Defendants lacked the standing to assert claims on behalf of Mr. Radogna, Mr. Mock, and Nazareth National Bank. Further, Plaintiff's attorney, Mr. Feldman, was acting in his capacity as Plaintiff's counsel when he purchased the property at the Sheriff's sale. As such, no fraud occurred on the part of Attorney Feldman. Lastly, Defendants' assertion that no evidence creating Plaintiff's unsecured claim exists cannot be adjudged by this Court. The Bankruptcy Court has exclusive jurisdiction over the matter, which cannot be disturbed by this Court.

All Petitions to Strike or Open the Sheriff's Sale are denied.

**EUGENE FRITZINGER, PLAINTIFF v. JAMES WRIGHT AND
GLORIA WRIGHT, DEFENDANTS**

Post Trial Motions—Subject Matter Jurisdiction—Fraud

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048CV2002005192.

Order of Court entered denying Defendants' Post Trial Motions.

Samuel F. Feldman, Esquire for the Plaintiff.

James Wright, Pro Se.

Order of Court entered September 2, 2003 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

On May 23, 2003, following a non-jury trial, the Court found in favor of the Plaintiff on his Action in Ejectment. Defendants were ordered to vacate the premises. Defendants filed Post Trial Motions alleging that subject matter jurisdiction was lacking and that the underlying Sheriff's sale was fraudulent.

The Court found that the Court of Common Pleas has subject matter jurisdiction over this case. Further, this case is before the Court on remand from the United States Eastern District of Pennsylvania.

On the issue of fraudulence, Defendants failed to proffer any evidence tending to prove a calculation of deception on the part of any party. Further, Defendants failed to present any evidence or testimony that interferes with the claim of title by the Plaintiff.

The Court denied and dismissed the Post Trial Motions of the Defendants and the Defendants' Motion to Present Newly Discovered Evidence. Defendants are instructed to vacate said premises immediately.

**COMMONWEALTH OF PENNSYLVANIA, PLAINTIFF v.
BLANE JARRELL, DEFENDANT**

*Omnibus Pretrial Motion—Motion To Dismiss or Alternative Motion To Suppress—
Reliance on Anonymous Informant’s Tip—Reasonable Suspicion to Stop—Illegal Search
and Seizure—Driving Under the Influence*

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No. C0048CR2002002855.

Order of Court entered granting Defendant’s Motion to Dismiss.

Janet Hay Subers, Esquire for the Commonwealth.

Erv D. McLain, Esquire for the Defendant.

Order of Court entered September 16, 2003 by the Honorable F.P. Kimberly McFadden.

DESCRIPTION OF DECISION

Defendant filed Omnibus Pretrial Motion in the nature of a Motion to Dismiss for lack of evidence, or in the alternative, a Motion to Suppress the evidence acquired as a result of an illegal search and seizure. Defendant claimed the stop was based solely on an anonymous tip without any independent corroboration or observation of illegal activity. The court found that Officer Renner was justified in proceeding to the area relayed over the radio dispatch based on information received from an anonymous caller. However, the court found there was no independent corroboration sufficient to support a reasonable suspicion of illegal activity to justify stopping Defendant’s vehicle for violation of Pennsylvania Vehicle Code.

**COMMONWEALTH OF PENNSYLVANIA v. RYAN CHRISTMAN, THOMAS
HOWEY, JR., SCOTT JEFFREY SMITH, AND DEANNA ROSENBERG**

Restitution—Amount

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No. 2002-3872; 2002-3871; 2002-3868; 2002-3863.

Order of Court entered ordering Defendants to pay a total of \$45,000 in restitution to Lawrence Sohn, divided equally among all four.

J. Mancini, Esquire for the Commonwealth.

M. Thompson, Esquire for Defendant Christman.

A. Martino, Esquire for Defendant Howey.

R. Sletvoldt, Esquire for Defendant Smith.

V. Scmillio, Esquire for Defendant Rosenberg.

Order of Court entered on September 26, 2003 by the Honorable F.P. Kimberly McFadden.

DESCRIPTION OF DECISION

Defendants’ challenged the amount of restitution to be paid for the arson damage caused to Lawrence Sohn’s garage. Defendants were all convicted for the arson and sentenced previously. Their challenge to the amount of restitution lies in the credibility of the amount claimed to be damaged by Mr. Sohn. Mr. Sohn initially claimed \$45,000 in damage, later increasing it to approximately \$89,000. A hearing was held on the matter and the Court now awards Mr. Sohn restitution in the amount of \$45,000.

The Court based its decision on the fact that the amount of restitution cannot be speculative or excessive, but must be based on the record. The Court found that Mr. Sohn failed to provide sufficient evidence to support the substantial increase in the amount of claimed damages.

**ALICIA DAVIS v. RAYMOND A. FRITZ, JR., D.P.M., F.A.C.F.A.S.;
JONATHAN W. BORTZ, D.O.; THOMAS V. BRISLIN, D.O.; HARVEY T.
STARR, D.O. F.A.C.P.; MICHAEL ZAGER, M.D.; LEHIGH INTERNAL
MEDICINE, A DIVISION OF HEALTH CARE ASSOCIATES, P.C.; DAVID
MEIR-LEVI, L.O., F.A.C.O.S.; TIMOTHY C. OSKIN, M.D.; MARC A.
GRANSON, M.D., F.A.C.S.; AND PROGRESSIVE PHYSICIAN
ASSOCIATES, INC., INDIVIDUALLY AND JOINTLY**

Preliminary Objections—Motion To Strike—Unduly Vague—Lack of Specificity—Boilerplate Allegations

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048CV2002008469.

Order of Court entered denying Defendants' Preliminary Objections.

Alan Gold, Esquire for the Defendants.

Barbara Renkert, Esquire for the Plaintiff.

Order of Court entered September 29, 2003 by the Honorable F.P. Kimberly McFadden.

DESCRIPTION OF DECISION

Plaintiff brought a medical malpractice action against Defendants, asserting they were negligent in their care and treatment of Plaintiff. Defendants filed Preliminary Objections to Plaintiff's Amended Complaint, alleging Paragraphs 44(h) and (o) were mere general allegations of negligence and did not have the required specificity under Pa. R.C.P. 1019(a). The court found that, read in context with all other subparagraphs of the Complaint, the above questioned paragraphs were sufficiently specific, and therefore denied Defendants' Preliminary Objection.

Also before the court were the Preliminary Objections of Defendant Raymond A. Fritz, Jr., claiming subparagraphs 32(a), (b), (j), and (m) were mere boilerplate allegations in violation of Pa R.C.P. 1019(a). Again, the court found that these subparagraphs, read in context with the remainder of the Complaint, made it clear the treatment at issue. Therefore, the court denied Defendant Fritz's Preliminary Objection.