

# Northampton County Reporter

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VOL. LIII

EASTON, PA January 8, 2004

NO. 54

Northampton County Reporter Digest—2004-1

## CONTENTS

Audit Notice .....	9	Legal Notices .....	10
Bar News .....	3	Legal Secretary/Paralegal .....	11
Commonwealth Court Notice to Bar .....	15	Legislative Boxscore .....	13
Corporate Fictitious Name Notices .....	8	Limited Liability Company Notices .....	8
Estate Notices .....	4	Northampton County Reporter Digest .....	18
Fictitious Name Notice .....	7	Notices of Incorporation .....	7
Firm Announcement .....	12	Notice of Nonprofit Incorporation .....	8
INSERT:		Notice of Professional Corporation .....	9
Association Meeting .....	Blue		

**The Northampton County Court Announces  
Dates and Times for Swearing-In Ceremonies**  
Induction Ceremony of the Hon. Emil A. Giordano as Judge of the  
Northampton County Court of Common Pleas will be held on **Wednesday,  
January 21, 2004 at 2:00 p.m. in Courtroom No. 1.**

**NORTHAMPTON COUNTY BAR ASSOCIATION  
2004 BAR ASSOCIATION OFFICERS**

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

**BOARD OF GOVERNORS**

**ZONE II DELEGATES**

Paula Ann Roscioli	Joel M. Scheer
Linda Shay Gardner	Michael P. Shay
Kerry S. Freidl	Nicholas Noel, III
Deborah Jean DeNardo	Barbara L. Hollenbach
Abraham P. Kassis	John L. Obrecht
Christopher M. Shipman	Ronald W. Shipman—Zone II Governor
Victor E. Scomillio	

***Northampton County Reporter***

**Attorney Referral & Information Service**

**155 South Ninth Street, Easton, PA 18042-4399**

**Phone (610) 258-6333 Fax (610) 258-8715**

***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

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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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Robert C. Brown, Jr., Esquire

Editor

**NOTICES TO NCBA MEMBERS—BAR NEWS**

☞ **Check out the Front Cover for Date & Time of Swearing-In Ceremony.**

**INCLUDED IN THIS ISSUE** is the announcement and registration form for the Annual Association Meeting on January 22, 2004.

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**ALL NCBA MEMBERS WELCOME**—see inside for details and registration form—BALC 3<sup>rd</sup> Annual “Day on the Slopes” Friday, January 16, 2004 @ Blue Mountain Ski Area. Please be sure to register early!

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**INCLUDED IN THIS ISSUE** is the *PBA Legislative Boxscore* as well as a list of decisions regarding appeals from the courts of common pleas that the Commonwealth Court has addressed.

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**REMINDER—IT’S THAT TIME AGAIN** to notify the NCBA Office of any changes in your business address, phone & fax numbers or e-mail address. The 2004 Directory of NCBA Attorneys will be a *photo directory*. **SAVE THESE DATES: FEBRUARY 4TH, 5TH & 6TH IN THE JURY LOUNGE FROM 10:00 A.M. TO 4:00 P.M., NORTHAMPTON COUNTY GOVERNMENT CENTER.** A sign-up sheet will be sent to everyone!

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**ANNOUNCEMENTS & REGISTRATION FORMS:**

- January 16<sup>th</sup>**—*SKI DAY* at Blue Mountain with Bar Association of Lehigh County
- February 19<sup>th</sup>**—Lunch/Lecture “Environmental Law as it relates to Real Estate”
- March 26<sup>th</sup>**—Reception for the Court—Silver Creek Country Club
- April 20<sup>th</sup>**—Lunch/Lecture “Three Perspectives of Zoning Appeal; Municipality, Applicant & Objectors”
- May 13<sup>th</sup>**—Lunch/Lecture “Medical Assistance Estate Recovery”

**PBI/CLE SEMINAR @ NCBA**

Wednesday, March 3, 2004—9:30 a.m. to 5:30 p.m.—6/0 CLE Credits  
“**Trial Preparation: The 100-Day Countdown**”

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**BAR ASSOCIATION OF LEHIGH COUNTY (BALC)**

**SPONSORED SEMINARS FOR 2004:**

[**January 22<sup>nd</sup>**—“Alternate Dispute Resolution”] [**January 28<sup>th</sup>** “DUI Law Update”]  
[**February 4<sup>th</sup>**—“New Ways to think about Illicit Substances & Legalization”]  
[**February 18<sup>th</sup>**—(*Rescheduled from 12/18/03 & 1/21/04*) “U.S. Patriot Act: A Constitutional Overview”] Call BALC for details such as times, fees, credits, meals 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****ANDREWS, VIOLET M.,** dec'd.

Late of Riverview Drive, Walnutport, Northampton County, PA

Co-Executors: Barbara Strohl, 222 Spruce St., Walnutport, PA 18088, Nancy Scheckler, 777 Walnut St., Lehighton, PA 18235 and Roger L. Andrews, 1052 Walnut Drive, Danielsville, PA 18038

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

**COFFEY, DR. JOHN A.,** dec'd.

Late of the City of Easton, Northampton County, PA  
Executor: Frank S. Poswistilo, Esquire, Ste. 300, 101 Larry Holmes Drive, Easton, PA 18042

Attorney: Frank S. Poswistilo, Esquire, Ste. 300, 101 Larry Holmes Drive, Easton, PA 18042

**HARAS, ANNA,** dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Oksana E. Koziak 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

**ISAAC, MAL B. a/k/a MELAID B. ISAAC,** dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Mrs. Rebecca S. Isaac, 2900 Northampton Street, Easton, PA 18045

Attorney: Charles Bruno, Esquire, 203 South Seventh Street, Easton, PA 18042-4315

**JEAVONS, PHILLIP H. a/k/a PHILIP H. JEAVONS,** dec'd.

Late of Easton, Northampton County, PA

Executrix: Gale R. Ott, 60 Springfield Rd., Easton, PA 18042

Attorneys: Christopher M. McLean, Esquire, Zator Law Offices, 29 W. Tilghman St., Allentown, PA 18104

**JENNINGS, DIVONA M.,** dec'd.

Late of the Township of Washington, Northampton County, PA

Executor: James J.F. Jennings 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

**KOTZMANN, MARGARET,** dec'd.

Late of Allen Township, Northampton County, PA

Executrix: Maureen Kane c/o Frank M. Skrapits, Esquire, 2152 Main Street, Northampton, PA 18067-1211

Attorney: Frank M. Skrapits,  
Esquire, 2152 Main Street,  
Northampton, PA 18067-1211

**MEASE, GRACE H.**, dec'd.

Late of the City of Bethlehem,  
Northampton County, PA

Executor: Dale Earley c/o  
Frank J. Danyi, Jr., Esquire,  
Maloney, Danyi, Davis &  
Sletvold, 901 West Lehigh  
Street, Bethlehem, PA 18016-  
1279

Attorneys: Frank J. Danyi, Jr.,  
Esquire, Maloney, Danyi,  
Davis & Sletvold, 901 West  
Lehigh Street, Bethlehem, PA  
18016-1279

**RINKER, ELIZABETH ANN**,  
dec'd.

Late of the City of Bethlehem,  
Northampton County, PA

Co-Executors: William C.  
Rinker and Jeffrey P. Rinker,  
220 Apollo Drive, Bethlehem,  
PA

Attorney: Augustine C. Con-  
cilio, Esquire, 18 E. Market  
Street, P.O. Box 1446, Bethle-  
hem, PA 18016-1446

**RUTE, MADELINE L.**, dec'd.

Late of the City of Danielsville,  
Northampton County, PA

Co-Executors: Jayne D. Har-  
mon and Ryan D. Rute c/o  
Tallman, Hudders & Sorren-  
tino, P.C., The Paragon Cen-  
tre, 1611 Pond Road, Suite  
300, Allentown, PA 18104-  
2256

Attorneys: Tallman, Hudders  
& Sorrentino, P.C., The Para-  
gon Centre, 1611 Pond Road,  
Suite 300, Allentown, PA  
18104-2256

**SZY, MARY THERESA a/k/a**  
**MARY T. SZY**, dec'd.

Late of Hellertown, Northamp-  
ton County, PA

Executrix: Lillian M. Hall c/o  
Lawrence Center, Esquire, P.O.  
Box 1248, 60 W. Broad St.,  
Ste. 103, Bethlehem, PA 18016

Attorney: Lawrence Center,  
Esquire, P.O. Box 1248, 60 W.  
Broad St., Ste. 103, Bethle-  
hem, PA 18016

**WALDMAN, ELVIRA**, dec'd.

Late of the City of Easton,  
Northampton County, PA

Co-Executors: Herman B.  
Waldman and Mark S.  
Waldman c/o Herbert Fish-  
bone, Esquire, Fishbone &  
Scheer, 6 South Third Street,  
Suite 502, P.O. Box 1099,  
Easton, PA 18044-1099

Attorneys: Herbert Fishbone,  
Esquire, Fishbone & Scheer,  
6 South Third Street, Suite  
502, P.O. Box 1099, Easton,  
PA 18044-1099

**WENZL, HELEN**, dec'd.

Late of the City of Bethlehem,  
Northampton County, PA

Executor: Richard H. Kresge  
c/o Joseph F. Leeson, Jr., Es-  
quire, Leeson, Leeson &  
Leeson, 70 E. Broad Street,  
P.O. Box 1426, Bethlehem, PA  
18016-1426

Attorneys: Joseph F. Leeson,  
Jr., Esquire, Leeson, Leeson &  
Leeson, 70 E. Broad Street,  
P.O. Box 1426, Bethlehem, PA  
18016-1426

**YOUNG, MARIE M.**, dec'd.

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

Executor: Frank B. Miller, Jr.,  
4862 Miller Road, Bangor, PA  
18013

Attorneys: Leonard N. Zito,  
Esquire, Alyssa A. Lopiano-  
Reilly, Esquire, Zito, Martino

and Karasek, 641 Market Street, Bangor, PA 18013

**SECOND PUBLICATION**

**BRADNER, MARTHA S.,** dec'd.

Late of Kirkland Village, Bethlehem, Northampton County, PA

Co-Executrices: Judith Williams and Susan Bailly c/o Stuart T. Shmookler, Esquire, Shmookler & Schwartz, Roma Corporate Center, Suite 102, 1621 North Cedar Crest Boulevard, Allentown, PA 18104-2397

Attorneys: Stuart T. Shmookler, Esquire, Shmookler & Schwartz, Roma Corporate Center, Suite 102, 1621 North Cedar Crest Boulevard, Allentown, PA 18104-2397

**CHUNKO, JOSEPH,** dec'd.

Late of the Township of Lower Saucon, Northampton County, PA

Co-Executors: Nancy Lee Jancsarics and Daniel L. Chunko c/o Nicholas M. Zanakos, Esquire, 742 Main Street, Bethlehem, PA 18018  
Attorney: Nicholas M. Zanakos, Esquire, 742 Main Street, Bethlehem, PA 18018

**HARING, PEARL M.,** dec'd.

Late of Easton, Northampton County, PA

Personal Representative: Richard C. Haring, 4604 South Delaware Drive, Easton, PA 18042  
Attorneys: Alyssa A. Lopiano-Reilly, Esquire, Zito, Martino and Karasek, 641 Market Street, Bangor, PA 18013

**LEDER, LAWRENCE H.,** dec'd.

Late of Bethlehem, Northampton County, PA

Administrator: Robert H. Leder c/o Lawrence Center, Esquire, P.O. Box 1248, 60 W. Broad St., Ste. 103, Bethlehem, PA 18016

Attorney: Lawrence Center, Esquire, P.O. Box 1248, 60 W. Broad St., Ste. 103, Bethlehem, PA 18016

**MOSEBACH, MARC K.,** dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Lloyd A. Kemmerer 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

**WENZEL, LEONARD A.,** dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Jesse R. Wenzel c/o Noonan & Prokup, 526 Walnut St., Allentown, PA 18101  
Attorneys: Noonan & Prokup, 526 Walnut St., Allentown, PA 18101

**THIRD PUBLICATION**

**NEITH, ROBERT L., JR.,** dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Sandra K. Klein c/o Chester A. Reybitz, Esquire, 429 East Broad St., P.O. Box 1445, Bethlehem, PA 18016-1445

Attorney: Chester A. Reybitz, Esquire, 429 East Broad St., P.O. Box 1445, Bethlehem, PA 18016-1445

**REED, HAROLD F.,** dec'd.

Late of the Township of Palmer, Northampton County, PA

Executor: Joseph Reed, 3053 Heritage Avenue, Easton, PA 18045

Attorneys: J. Scott DeMasi, Esquire, DeMasi & Williams, 91 South Main Street, Phillipsburg, NJ 08865

**WHITEFIELD, DORIS S.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA  
Executrix: Laura Elizabeth Ruch c/o Littler, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18017-1407

Attorneys: Littler, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18017-1407

**NOTICES OF INCORPORATION**

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

**JANGLE AMC, INC.**

in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

MORGAN, LEWIS & BOCKIUS, LLP  
Solicitors

1701 Market Street  
Philadelphia, PA 19103-2921

Jan. 8

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:

The name of the corporation is:

**PORTAL ENTERPRISES, INC.**

Elizabeth R. Graver, Esquire  
Gross, McGinley,  
LaBarre & Eaton, LLP

33 South 7th Street  
P.O. Box 4060  
Allentown, PA 18105-4060  
(610) 820-5450

Jan. 8

The name of the corporation is:

**THE NEW YOU  
HAIRSTYLERS, INC.**

filed with the Department of State on November 19, 2003.

DANIEL G. DOUGHERTY,  
ESQUIRE

DANIEL G. DOUGHERTY, P.C.  
881 Third St.  
Suite B-3  
Whitehall, PA 18052

Jan. 8

**FICTITIOUS NAME  
REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 295 of 1982 (54 Pa. C.S.A. sec. 301, et seq.) of intention to file 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:

**HAVEN HILL PHOTOGRAPHY**

with its principal place of business at: P.O. Box 417, 3248 Michael School Road, Nazareth, PA 18064.

The name and address of the person owning or interested in said business is: Lisa Palochik, 3248 Michael School Road, Nazareth, PA 18064.

The Certificate was filed on December 2, 2003.

ALFRED S. PIERCE, ESQUIRE  
PIERCE & DALLY, LLP  
124 Belvidere Street  
Nazareth, PA 18064

Jan. 8

**NOTICE OF NONPROFIT  
INCORPORATION**

NOTICE IS HEREBY GIVEN that on December 19, 2003, Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, for the purpose of obtaining a charter of a nonprofit corporation organized under the Nonprofit Corporation Law of the Commonwealth of Pennsylvania. The name of the corporation is:

**PRIDE OF THE GREATER  
LEHIGH VALLEY**

The purpose of the corporation: exclusively for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.

JERNER & PALMER, P.C.  
Solicitors  
7152 Germantown Avenue  
Suite 200  
Philadelphia, PA 19119-1843

Jan. 8

**CORPORATE FICTITIOUS NAME  
REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 295 of 1982, as amended, 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:

**TUBEANDPIPE**

with its principal place of business at: 810 Texas Road, Easton, Pennsylvania 18042.

The name and address of the entity owning or interested in said business is: Portal Enterprises, Inc., 810 Texas Road, Easton, Pennsylvania 18042.

ELIZABETH R. GRAVER,  
ESQUIRE  
GROSS, McGINLEY,  
LaBARRE & EATON, LLP  
33 South 7th Street  
P.O. Box 4060  
Allentown, PA 18105

Jan. 8

**LIMITED LIABILITY  
COMPANY NOTICES**

NOTICE IS HEREBY GIVEN that the Certificate of Organization-Domestic Limited Liability Company has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Organization for a Domestic Limited Liability Company to be organized under the provisions of Title 15, Corporations and Unincorporated Associations at 15 Pa. C.S.A. 8901 et al., approved December 7, 1994, P.L. 703, No. 106, §4, effective in sixty (60) days.

The name of the Domestic Limited Liability Company is:

**ERISANALYSIS, L.L.C.**

The corporation shall have unlimited power to engage in and to do any lawful act concerning any and all lawful business for which corporations may be incorporated



under the 1988 Business Corporation Law.

MICHAEL F. CORRIERE,  
ESQUIRE  
I.D. No. 62255  
HABER, CORRIERE  
& BACKENSTOE

A Professional Corporation  
433 East Broad Street  
P.O. Box 1217  
Bethlehem, PA 18016-1217  
(610) 865-5566 (Telephone)  
(610) 865-3889 (Telefax)

Jan. 8

NOTICE IS HEREBY GIVEN that a Certificate of Organization has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Organization 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 limited liability company is:

**PGM HOLDING GROUP, LLC**

The Certificate of Organization has been filed on November 18, 2003.

JAMES L. BROUGHAL, ESQUIRE  
BROUGHAL & DeVITO, L.L.P.  
38 West Market Street  
Bethlehem, PA 18018

Jan. 8

**NOTICE OF PROFESSIONAL INCORPORATION**

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State, Corporation Bureau of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the following Professional Corporation:

**GOODMAN & SHAW, P.C.**

on December 1, 2003 in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The purpose of the corporation is a legal practice.

ANDREW J. SHAW, ESQUIRE  
LAW OFFICE OF  
ALLAN B. GOODMAN

Suite 103  
60 West Broad Street  
P.O. Box 1248  
Bethlehem, PA 18016-1248  
(610) 691-3151

Jan. 8

**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

RICHARD L. MANNING, SR.;  
Dawn Teada, Executrix

JOSEPH MILLER; Julia E. Miller,  
Executrix

ALOIS C. PUSKARITZ; Mary Ann  
Puskaritz & Louis F. Puskaritz, Co-  
Executors

JOHN J. SCHLAMP; Nazareth  
Bank (formerly Nazareth National  
Bank and Trust Co.), a Division of  
Keystone Nazareth Bank and Trust  
Co., Executor

**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, JANUARY 30, 2004  
 AT 9:00 A.M. IN COURTROOM #1.  
 Dorothy L. Cole  
 Clerk of Orphans' Court  
 Jan. 8, 15

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

In Re: E.M.G. and J.M.G. minor  
 children of P.S.S. and K.B.G.

**NO. 2003-0113**

**INVOLUNTARY TERMINATION OF  
 PARENTAL RIGHTS**

TO: Kenneth Brian Grays, natural putative and/or presumptive father of E.M.G. and J.M.G., twins born to P.S.S. on October 17, 2001  
**NOTICE**

A Petition has been filed asking the Court to put an end to all rights you have to your children: E.M.G. and J.M.G. The Court has set a hearing to consider ending your rights to your children. The hearing will be held in Courtroom No. 1, Northampton County Government Center, 669 Washington Street, Easton, Pennsylvania, on January 20, 2004 at 9:00 O'Clock A.M. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your children may be ended by the Court without your being present. You have the right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once.

If you cannot afford a lawyer, go to or telephone the office set forth below to find out where you can get legal help.

Lehigh Valley Legal Services  
 65 E. Elizabeth Ave.  
 Suite 903  
 Bethlehem, PA 18018  
 (610) 317-8757

If you can afford to hire a lawyer but do not have a lawyer, go to or telephone the office set forth below to find out where you can get legal help.

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

JOHN F. SPIRK, JR., ESQUIRE  
 Office of the Solicitor  
 Northampton County  
 Government Center  
 Easton, PA 18042

Jan. 8

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

DIANE M. HRIZUK and MICHAEL  
 J. HRIZUK, husband and wife,  
 Plaintiffs

vs.

LAWRENCE DOWNEY and  
 BRIGITTE EDINGTON  
 Defendants

**NO. C0048CV2000003681**

CIVIL DIVISION  
 JURY TRIAL OF TWELVE  
 DEMANDED

NOTICE TO ATTEND  
 PURSUANT TO PA. R.C.P. 234.7  
 TO: BRIGITTE EDINGTON

1. You are ordered by the Court to come to the Court of Common Pleas of Northampton County, 669 Washington Street, Easton, Pennsylvania on Tuesday, January 20, 2004 at 9:00 a.m. to testify on behalf of the Plaintiffs, Diane and Michael Hrizuk in the above case, and to remain until excused.

2. And bring with you the following: Not applicable.

If you fail to attend, you may be subject to the sanctions authorized

by Rule 234.5 of the Pennsylvania Rules of Civil Procedure.

Dated: January 5, 2004

JOANNE KELHART, ESQUIRE  
I.D. No. 38464

44 E. Broad Street  
P.O. Box 1005  
Bethlehem, PA 18016-1005  
(610) 691-7000

Jan. 8

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

DIANE M. HRIZUK and MICHAEL  
J. HRIZUK, husband and wife,  
Plaintiffs

vs.

LAWRENCE DOWNEY and  
BRIGITTE EDINGTON  
Defendants

**NO. C0048CV2000003681**

CIVIL DIVISION

JURY TRIAL OF TWELVE

DEMANDED

NOTICE TO ATTEND

PURSUANT TO PA. R.C.P. 234.7  
TO: LAWRENCE DOWNEY

1. You are ordered by the Court to come to the Court of Common Pleas of Northampton County, 669 Washington Street, Easton, Pennsylvania on Tuesday, January 20, 2004 at 9:00 a.m. to testify on behalf of the Plaintiffs, Diane and Michael Hrizuk in the above case, and to remain until excused.

2. And bring with you the following: Not applicable.

If you fail to attend, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure.

Dated: January 5, 2004

JOANNE KELHART, ESQUIRE  
I.D. No. 38464

44 E. Broad Street  
P.O. Box 1005  
Bethlehem, PA 18016-1005  
(610) 691-7000

Jan. 8

**NOTICE**

NOTICE IS HEREBY GIVEN that on December 19, 2003, the Petition of Kim Ann Zeigenfuss was filed in Northampton County Court of Common Pleas at No. C0048CV-2003-8977, seeking to change the name of Petitioner from Kim Ann Zeigenfuss to Kim Black. The Court has fixed February 13, 2004, at 9:00 a.m. in Courtroom No. 1 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.

SAMUEL F. FELDMAN, ESQUIRE  
FELDMAN LAW OFFICES, P.C.  
221 North Cedar Crest Blvd.  
Allentown, PA 18104  
(610) 530-9285

Jan. 8

**LEGAL SECRETARY/PARALEGAL** with bankruptcy and real estate experience for Saucon Valley office. Salary to 35K plus benefits commensurate with experience. Full- and part-time positions available. Send confidential resume to 514 Main Street, Hellertown, PA 18055 or call (610) 838-8700/fax (610) 838-8321.

Jan. 8

**ALLAN B. GOODMAN**

**AND**

**ANDREW J. SHAW**

*take pleasure in announcing the formation of a  
professional corporation for the practice of law  
under the firm name of*

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January 1, 2004

Jan. 8

**Legislative Boxscore**

<b>Topic</b>	<b>Bill Number</b>	<b>Status</b>	<b>PBA Position</b>
Assessment Appeals	HB 190	House Rules Committee	Oppose
Assessment Appeals	HB 191	House Rules Committee	Oppose
Capital Representation	SB 52	Senate Judiciary Committee	Support
Resource Center			
Contracts,	SB 414	Senate Judiciary Committee	Support
Court Reporting			
Court Interpreters	SB 669	Senate Judiciary Committee	Support
Custody	SB 275	Senate Appropriations Committee	Support
Damages (caps on	HB 1326	Passed the House; In Senate Judiciary Committee	Oppose
noneconomic damages)			
Database Protection	SB 890	Senate Communications Committee	Support
Deficiency Judgment	SB 92	Passed Senate; Passed House; In the Senate Rules Committee	Support
Divorce Code	SB 95	Passed the Senate; In House Judiciary Committee	Support except for 60-day prenuptial agreement provision
Equine Immunity	HB 303	House Judiciary Committee	Oppose
Genetic Testing Confidentiality	SB 684	Senate Judiciary Committee	Support
Health Care Powers of Attorney	SB 492	Senate Public Health Committee	Support
Judgment Creditor Limitations on Capital Punishment	SB 395	Senate Judiciary Committee	Support
Paternity	SB 26	Passed the Senate; In House Judiciary Committee	Support
Selective Service Requirements	SB 108	Senate Judiciary Committee	Oppose
Supreme Court of PA;	SB 305	Senate Transportation Committee	Oppose
	HB 116	House Transportation Committee	Oppose
	HR 402	House Judiciary Committee	Support

Final Report of the Committee  
on Racial and Gender Bias  
in the Justice System  
Taxes, Delinquent  
Trade Secrets  
Uninsured Employers  
Guaranty Fund

HB 1535  
SB 152  
HB 1046

House Finance Committee  
Passed the Senate; In House  
House Judiciary Committee  
House Labor Committee

Oppose  
Support  
Support

Jan. 8

# Notice to the Bar from the Commonwealth Court of Pennsylvania

From time to time, the Commonwealth Court of Pennsylvania publishes a list of decisions regarding appeals from the courts of common pleas that the Commonwealth Court has addressed in unpublished memorandum opinions. This practice, which begins with a list appears below for decisions filed between Nov. 1, 2003, and Nov. 30, 2003.

Copies of unreported memorandum opinions can be found on the Pennsylvania Unified Judicial System's Web site at [www.courts.state.pa.us](http://www.courts.state.pa.us). These unreported memorandum opinions reside on the Web site for a three-month period from the date of filing. Thereafter, a copy of the unreported memorandum opinion may be obtained by writing to the chief clerk's office of the Commonwealth Court, 6th Floor, Irvis Office Building, Harrisburg, Pa. 17120 at a cost of \$1 per page. These unreported memorandum opinions of the court shall not be cited in any brief, argument or opinion, except that any opinion filed in the same case may be cited as representing the law of that case. 210 Pa. Code §67.55.

<b>Caption</b>	<b>Docket number</b>	<b>Date</b>	<b>Trial court/docket number</b>	<b>Disposition</b>
North Strabane Township v. Robert Quarture et al.	196 CD 03	11-03-03	Washington County 2001-7193	Reversed
Comm. of PA, Dept. of Trans., Bureau of Driver Lic. v. Robert Edward Dzvonic	761 CD 03	11-05-03	Allegheny County SA 1279 of 2001	Reversed
Tejan Kargbl a/k/a Terry Johnson v. Comm. of PA	3057 CD 02	11-05-03	Lehigh County 1794 of 1998	Affirmed
Comm. of PA, Dept. of Trans., Bureau of Driver Lic. v. Alvin R. Miller IV	547 CD 03	11-06-03	Allegheny County SA 196 of 2001	Reversed
Sergeant Timothy R. Ebersole v. Ephrata Borough Civil Service Commission et al.	119 CD 03	11-10-03	Lancaster County No. C1-01-11462 Civil 2002	Affirmed
Freda and Clinton Zimmerman v. Zoning Board of Adjustment of the City of Philadelphia et al.	2852 CD 02	11-10-03	Philadelphia County 1320 Dec. Term 2001	Affirmed
Richard Meade v. Comm. of PA, Dept. of Trans., Bureau of Driver Lic.	642 CD 03	11-13-03	Delaware County 02-2605	Affirmed
Clark J. Hopkins v. Comm. of PA, Dept. of Trans., Bureau of Driver Lic.	149 CD 03	11-13-03	Berks County 2002-1967-17-6	Affirmed and Remanded
Evelyn W. Morrison v. Comm. of PA	725 CD 03	11-13-03	Berks County 02-6133	Affirmed

Grace Building Co., Inc. v. Bucks County Tax Claim Bureau et al.	1023 CD 03	11-14-03	Bucks County 96-8904-14-5	Affirmed
Alan F. Rogers et ux. v. McKean Township of the County of Erie et al.	1057 CD 03	11-14-03	Erie County 10441-2001	Vacated and Remanded
Myles Hannigan v. Comm. of PA, Dept. of Trans., Bureau of Driver Lic.	3029 CD 02	11-17-03	Montgomery County 98-22404	Affirmed
Smokey Hill Development Association by William C. Terry Trustee ad litem v. Gerard A. Bauer et al.	671 CD 03	11-17-03	Forest County 84 of 2001	Affirmed
In Re: Estate of Hazel Joan Kratzer, deceased; Appeal of: Snyder County Children and Youth Services	414 CD 03	11-17-03	Snyder County 77-2000	Affirmed
Harry Milliken et al. v. John S. Mora et ux.	983 CD 03	11-17-03	Lawrence County	Affirmed
Torrey Sipes et al. v. Borough of North Catasaquua Zoning Hearing Board et al.	828 CD 03	11-18-03	40393 Civil 1999 EQ Northampton County	Affirmed
Raheem Muhammad v. City of Pittsburgh Commission on Human Relations et al.	23 CD 03	11-18-03	C0048CV2002008298 Allegheny County	Quashed
Jeffrey Kinsey v. Comm. of PA, Dept. of Trans., Bureau of Driver Lic.	683 CD 03	11-18-03	SA 02-67 Montgomery County	Affirmed
Lower Indiana County Municipal Authority v. Highridge Water Authority	61 CD 03	11-18-03	02-22674 Indiana County	Affirmed
Scott G. Zimmerman v. Comm. of PA, Dept. of Trans., Bureau of Driver Lic.	483 CD 03	11-18-03	10638 CD 1998 Chester County	Affirmed
The School District of the City of Scranton et al. v. R. V. Valvano Construction Company, Inc.	236 CD 03	11-18-03	00-10362 Lackawanna County	Vacated and Remanded
Comm. of PA, Dept. of Trans., Bureau of Driver Lic. v. Robert Tracz	217 CD 03	11-18-03	2001-CIV-3940 Delaware County	Affirmed
Lower Paxton Township v. ABC Lanes, Inc. et al.	732 CD 03	11-18-03	02-10768 Dauphin County	Affirmed
Wally Yaracs v. Zoning Hearing Board of Summit Township, Pennsylvania, et al.	381 CD 03	11-19-03	3943-CD-2002-LU Butler County	Affirmed
Wally Yaracs v. Zoning Hearing Board of the Township of Summit et al.	611 CD 03	11-19-03	02-10860 Butler County	Affirmed
Comm. of PA, Dept. of Trans., Bureau of Driver Lic. v. Robert W. Layton	396 CD 03	11-20-03	A.D. 02-10465 Cambria County 2002-3537	Vacated and Remanded



In Re: Condemnation by the Commonwealth of Pennsylvania, Dept. of Trans., of the Right-of-Way for State Route 2029, Section S99, in the Township of Falls; Appeal of: Oxford Crossing Associates, Inc.	699 CD 03	11-24-03	Bucks County 01-03828-16-6 2001 Term	Affirmed
Donald L. Espenshade Sr. et al. v. Darrell N. Van Ormer Jr. et al.	2565 CD 02	11-24-03	Dauphin County 3499-S-1994	Affirmed and Remanded
Estate of Salim Henderson, Incapacitated, By his Mother and Plenary Guardian Donna Henderson and Donna Henderson in her own right v. City of Philadelphia	916 CD 03	11-25-03	Philadelphia County 1585 March Term 2001	Affirmed
Policemen's Relief and Pension Fund of the City of Pittsburgh v. Audrey Ross	312 CD 03	11-26-03	Allegheny County 02-21202	Quashed
Michael Lench et al. v. Zoning Board of Adjustment of the City of Pittsburgh et al.	1234 CD 03	11-26-03	Allegheny County SA 01-524 SA 01-526 SA 01-873	Affirmed
				Jan. 8

**NORTHAMPTON COUNTY REPORTER DIGEST—2004-1**  
RECENT DECISIONS OF THE COURTS OF COMMON PLEAS  
OF NORTHAMPTON COUNTY

**COMMONWEALTH OF PENNSYLVANIA v.  
SEAN STECKERT, DEFENDANT**

*Omnibus Pretrial Motion—Motion to Suppress Evidence—Faulty Brake Light—75 Pa. C.S.A. §6308(b) —Probable Cause—Articulable and Reasonable Grounds*

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No. 2002-2882.

Order of Court entered granting defendant's omnibus pretrial motion to suppress evidence.

Michael A. Filingo, Esquire for the Commonwealth.

Gary Asteak, Esquire for Defendant.

Order of Court entered December 10, 2002 by Robert A. Freedberg, President Judge.

**DESCRIPTION OF DECISION**

Defendant was arrested after police officer witnessed that defendant's automobile was traveling at "high rate of speed" and that one of defendant's driver's side brake lights was out. However, at preliminary hearing, officer testified that brake light did illuminate. Officer further testified upon cross-examination that he did not believe that the Vehicle Code had been violated in either respect. He did not charge defendant with traveling at an unsafe speed or having defective equipment. Defendant filed an omnibus pretrial motion to suppress evidence obtained in connection with the arrest, alleging, that officer did not have probable cause to make vehicle stop. This Court found that based upon officer's testimony at preliminary hearing, officer did not have probable cause to believe that defendant had violated the Vehicle Code and therefore had no legal basis to stop defendant's automobile; the evidence derived from that stop was suppressed.

**COMMONWEALTH OF PENNSYLVANIA  
v. LEEANN M. REED, DEFENDANT**

*Pa. R.Crim.P. 600—Speedy Trial—Criminal Conspiracy to File False Reports—18 Pa. C.S.A. §§903, 4906(b)(1)—Due Diligence*

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No. 1998-570.

Order of Court entered granting defendant's pretrial motion and dismissing the pending criminal charge.

William W. Matz, Jr., Esquire for the Commonwealth.

Nuria Sjolund, Esquire for Defendant.

Order of Court entered November 26, 2002 by Robert A. Freedberg, President Judge.

**DESCRIPTION OF DECISION**

Defendant filed pretrial motion seeking dismissal of pending charge pursuant to Pa. R.Crim.P. 600(a)(3). Defendant alleged that more than 365 days had passed from filing of criminal complaint and that police did not act diligently in searching for her. Defendant contended that Commonwealth's efforts to locate her between filing of criminal complaint on December 15, 1997, and March 25, 1998, were not duly diligent; defen-

dant also contended that between March 25, 1998, and February 20, 2001, no efforts were made by the Commonwealth, thus entitling her to dismissal. The Commonwealth argued that its efforts were diligent throughout the entire period subsequent to the criminal complaint against defendant, and that the entire time period was excludable from calculation under Pa. R.Crim.P. 600.

This Court granted defendant's pretrial motion and dismissed the pending criminal charge, finding that the Commonwealth did not meet burden of demonstrating that it had acted diligently in attempting to bring defendant to trial within Rule 600 requirements. The Court noted that Trooper "drove by" defendant's last known address twice, and possibly a third time, but could not recall whether he actually knocked or made other efforts to determine whether someone was home. Additionally, the Court noted there was no evidence that law enforcement officers ever went to defendant's suspected residence and knocked on the door to ask for her. And that there was no evidence that letters sent to defendant were sent via certified mail, which might have produced some information as to whether she received them or where she was living. The Court found that because defendant may not have been aware of the criminal charge pending against her, the Commonwealth's failure to perform basic tasks in locating defendant cannot be considered diligent.

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**CYNTHIA ANN KONCZ, PLAINTIFF  
v. PAUL WILLIAM KONCZ, DEFENDANT**

*Divorce—QDRO Document—Defined Benefit Retirement Plan—Property Settlement*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 2000-0222.

Order of Court entered ordering QDRO document submitted by plaintiff for the Defined Benefit Retirement Plan is approved, and denying plaintiff's request for counsel fees.

Gary N. Asteak, Esquire for Plaintiff.

Jill Fackenthal, Esquire for Defendant.

Order of Court entered December 19, 2002 by Robert A. Freedberg, President Judge.

**DESCRIPTION OF DECISION**

Plaintiff petitioned for court approval of QDRO document for a defined benefit retirement plan. Parties entered into property settlement agreement that settled economic issues in their divorce and was adopted by order; a decree of divorce was entered contemporaneously. The issue before the court resulted from defendant's contention that the QDRO document relating to the defined benefit retirement plan at his place of employment contains a provision at variance from the agreement reached by the parties. The court approved the proposed QDRO submitted by the plaintiff, but because there was a good faith disagreement over the interpretation of the agreement, the court refused plaintiff's request for attorney's fees.

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**CAROLINE DESIMONE, PLAINTIFF v. TAMMY GRAEBER AND  
COLONIAL NORTHAMPTON INTERMEDIATE UNIT 20 A/K/A  
COLONIAL INTERMEDIATE UNIT 20, DEFENDANTS**

*Preliminary Objections—Demurrer—Governmental Immunity—Motor Vehicle Exception—Motion To Strike—Vague and Boilerplate Allegations*

In the Court of Common Pleas, Northampton County, Pennsylvania, Civil Division, No. C0048CV2003003499.

Order of Court entered denying in part and granting in part Defendants' Preliminary Objections.

Peter M. Hileman, Esquire for Plaintiff.

Richard A. Polachek, Esquire and Cliff A. Morales, Esquire for Defendants.

Order of Court entered October 21, 2003 by F.P. Kimberly McFadden, Judge.

#### DESCRIPTION OF DECISION

Plaintiff filed suit against Defendants Tammy Graeber and Colonial Northampton Intermediate Unit 20 a/k/a Colonial Intermediate Unit 20, for injuries suffered following an automobile accident. Plaintiff was the passenger in an automobile that was allegedly struck by a bus driven negligently by Defendant Graeber. Defendant Graeber was an employee of Defendant Colonial, and Defendant Colonial owned the bus driven. Plaintiff filed suit against Defendant Graeber for negligence and also against Defendant Colonial under the doctrine of respondeat superior and individually for negligent entrustment, negligent hiring, and negligent permission of their employer to operate the vehicle.

Defendants filed Preliminary Objections to Plaintiff's Amended Complaint, one in the nature of a demurrer to the individual suit against Defendant Colonial, claiming they have governmental immunity and do not fall within the vehicle exception to governmental immunity. The second Preliminary Objection was in the nature of a motion to strike the words "but not limited to" from Plaintiff's Amended Complaint for vague and boilerplate language.

The Court denied Defendants' first Preliminary Objection, finding that because Defendant Colonial owned the bus, Defendant Graeber was an employee of Defendant Colonial, and the bus was in operation at the time of the accident, the case does fall within the motor vehicle exception to governmental immunity. Therefore, a cause of action for negligence can be brought by Plaintiff against Defendant Colonial.

The Court granted Defendants' Preliminary Objection to Paragraph 22 of Plaintiff's Amended Complaint on the ground that the language "but not limited to" was overly broad, vague and boilerplate language. The Court granted Plaintiff twenty (20) days leave to file an amended complaint.

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**ROSEMARY STABLER, PLAINTIFF v. ANN MARIE A McDERMOTT, M.D.,  
JOHN D. ROZIN, M.D., EASTON AREA OBSTETRICS AND  
GYNECOLOGY ASSOCIATES; EASTON HOSPITAL, DEFENDANTS**

*Preliminary Objections—General, Vague and Overbroad Agency Allegation—Certificate of Merit—Corporate Negligence—Punitive Damages—Lack of Specificity—Lack of Proper Verification*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048CV2003001566.

Order Of Court entered granting in part and denying in part Defendants' Preliminary Objections.

James L. Pfeiffer, Esquire for the Plaintiff.

Peter J. Druckenmiller, Jr., Esquire for the Defendants.

Order of Court entered October 21, 2003 by F.P. Kimberly McFadden, Judge.

## DESCRIPTION OF DECISION

Plaintiff filed suit against Defendants following an operation performed on her at Defendant Easton Hospital. Following the surgery, Plaintiff claims to be suffering from permanent, serious bodily injury and alleges that Defendants deviated from accepted standard of care within their area of medical care in performing the surgery. Defendants filed Preliminary Objections to Plaintiff's Second Amended Complaint, first arguing general, vague and overbroad agency allegations. The court granted the objection, finding the paragraphs complained of did not meet the requirements to sufficiently identify the agents or acts allegedly performed.

Defendants also filed a Preliminary Objection claiming Plaintiff's Certificate of Merit failed to conform to Pa. R.C.P. 1042.3. The court found that Pa. R.C.P. 1042.3 requires a separate Certificate of Merit for each licensed professional a claim is asserted against, and therefore Plaintiff's submission of only one Certificate of Merit for all "unknown or unnamed licensed professionals" does not conform to the requirements of Pa.R.C.P. 1042.3.

Defendants next filed a Preliminary Objection in the nature of a demurrer to Plaintiff's claim of corporate negligence, claiming Easton Area Obstetrics and Gynecology Association cannot be sued under this doctrine. The court agreed with the Plaintiff and denied the Preliminary Objection, stating that the doctrine of corporate negligence has been expanded beyond merely hospitals and HMOs and although not specifically addressed yet, the law does not specifically bar recovery. Therefore, Plaintiff can sustain a cause of action at this stage since facts were averred that demonstrate the Defendants may have breached their duties.

Defendants filed a Preliminary Objection for failure of Plaintiff to plead sufficient facts to support a claim for punitive damages. The court found that it is not enough to merely append the word reckless to allegations of negligence. Therefore, the court found that the Plaintiff failed to meet the high standard required for a claim of punitive damages. Therefore, the court granted Defendants' motion to strike the punitive damages claim and allegations of malice and/or reckless conduct.

Defendant also filed a Preliminary Objection for lack of specificity in Paragraph 26 of Plaintiff's Second Amended Complaint. The court found that the language "including but not limited to" and "other mental and psychic injuries" does not sufficiently put Defendants on notice of the allegations for which they are said to be liable. Therefore, the court granted Defendants' Preliminary Objection.

Defendants' final Preliminary Objection was for lack of proper verification. However, Plaintiff filed a substitute verification as permitted by the court and therefore, the objection is now moot. Therefore, the court denied the preliminary objection.

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