

Northampton County Reporter

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EASTON, PA March 4, 2004

NO. 62

Northampton County Reporter Digest—2004-3

CONTENTS

Annual Meeting Notice	14	Reception for the Court	Goldenrod	
Audit Notice	13	Quarterly Association Meeting	Green	
Bar News	3	Legal Notices	13	
Corporate Dissolution	12	Legal Secretary	14	
Estate Notices	4	Northampton County Reporter Digest	16	
Fictitious Name Registration Notices	11	Notices of Incorporation	10	
Firm Announcement	15	Notice of Nonprofit Incorporation	12	
INSERTS:				
Luncheon Lecture				
"Individualized Education				
Plan (IEP) Basics"				Blue

UPCOMING NCBA COMMITTEE MEETINGS @ 12:00 P.M.

March 10th—Estates & Trusts Committee Mtg. & Lunch
March 12th—Bench/Bar Relations Committee Mtg. & Lunch
March 17th—Municipal Law Committee Mtg. & Lunch
March 18th—American Citizenship Committee Mtg. & Lunch
March 25th—Law Day Committee Mtg. & Lunch
March 31st—Labor & Employment Committee Mtg. & Lunch

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

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Karl F. Longenbach President-elect
Richard P. Kovacs Vice President
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Michael C. Deschler Secretary
John L. Obrecht Past President

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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

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Stephanie Pasquel Accounting
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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

☞ **PLEASE NOTE: CANCELLATION OF PBI/CLE SEMINAR.** Due to Low registration, PBI/CLE (*Video Replay*) Seminar, “*Hot Topics in Products Liability*” scheduled for March 9, 2004 *has been cancelled.*

☞ **PLEASE NOTE:** Photo Session Make-up date is Friday, March 12, 2004 from 9:30 a.m. to 4:30 p.m. at the NCBA Office. Walk-ins are welcome!

☞ **INCLUDED IN THIS ISSUE** is the announcement and registration form for the April 1st Lunch/Lecture “*Individualized Education Plan (IEP) Basics.*”

☞ **INCLUDED IN THIS ISSUE** is the announcement and registration form for the March 11th Quarterly Association Meeting. Program: “*Legislation Impacting Lawyers.*”

☞ **INCLUDED IN THIS ISSUE** is the announcement and registration form for the March 26th “*Reception for the Court.*”

☞ **ANNOUNCEMENTS (Future Events @ NCBA)**

April 1st—Lunch/Lecture “Individualized Education Plan (IEP) Basics”

April 20th—Lunch/Lecture—“Three Perspectives of Zoning Appeal; Municipality, Applicant & Objectors”

May 13th—Lunch/Lecture—“Medical Assistance/Estate Recovery”

May 20th—Lunch/Lecture—“Workers’ Comp *Step 1*”

☞ **PBI/CLE SEMINAR @ NCBA—Wednesday, March 11, 2004—9:30 a.m. to 5:30 p.m. 5/1 CLE Credits** “**Collecting and Enforcing Judgments in PA.**” Register early by calling (800) 932-4637 or go online at www.pbi.org

☞ **BAR ASSOCIATION OF LEHIGH COUNTY**

SPONSORED SEMINARS FOR 2004:

[March 11th—“*Arbitration? Now What?*”] [March 23rd—“Pension Law Update”]

[March 24th—“*Predatory Lending*”] [April 20th—“Basic International Trade Law”]

[April 28th—“CLE Video Cafeteria”] 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

**BARTLEY, JANIS M. a/k/a
JANIS MICHELLE BARTLEY,**
dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executrix: Marie Ann Casale
c/o Stanley M. Vasiliadis, Esquire, 65 East Elizabeth Avenue, Suite 400, Bethlehem, PA 18018

Attorney: Stanley M. Vasiliadis, Esquire, 65 East Elizabeth Avenue, Suite 400, Bethlehem, PA 18018

**BRAUN, GUSTAV FREDRIC
a/k/a G. FREDRIC BRAUN
a/k/a FREDRIC BRAUN,**
dec'd.

Late of Nazareth, Northampton County, PA

Executor: Thomas N. Braun
c/o Mark S. Refowich, Esquire, 754 Walnut Street, Easton, PA 18042

Attorney: Mark S. Refowich, Esquire, 754 Walnut Street, Easton, PA 18042

**GOMBAR, ELMER a/k/a EL-
MER S. GOMBAR,** dec'd.

Late of Hellertown, Northampton County, PA

Executor: Douglas S. Gombar
c/o Kristofer M. Metzger, Esquire, 42 N. 6th Street, Allentown, PA 18101-1419

Attorney: Kristofer M. Metzger, Esquire, 42 N. 6th Street, Allentown, PA 18101-1419

HILL, JUNE H., dec'd.

Late of Hellertown, Northampton County, PA

Co-Executors: James R. Hill and John R. Hill 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

KOHLER, MARY, dec'd.

Late of Easton, Northampton County, PA

Co-Executors: Maryann E. Corona and Joseph P. Corona, Jr., 4053 Farmersville Rd., Easton, PA 18045

**LURSKI, FLORENCE D. a/k/a
FLORENCE LURSKI,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executor: Michael V. Lurski, 2941 Nijaro Road, Bethlehem, PA 18020

Attorney: Richard F. Boyer, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

**MAINS, WILMA a/k/a WILMA
M. MAINS,** dec'd.

Late of the City of Easton, Northampton County, PA

Executrix: Shawn M. Flyte, 435 Bangor Junction Road, Bangor, PA 18013

MATTHEWS, ANNA MARIE,
dec'd.

Late of the Borough of Stockertown, Northampton County, PA

Administrator: Russell W. Matthews, Jr., 116 Winona Street, Stockertown, PA 18083
Attorney: Gary Neil Asteak, Esquire, 726 Walnut Street, Easton, PA 18042

ROTH, EUGENE, dec'd.

Late of Bethlehem, Northampton County, PA
Executor: Stuart M. Roth c/o E. Keller Kline, III, Esquire, Kline and Kline, 731 Turner Street, Allentown, PA 18102
Attorneys: E. Keller Kline, III, Esquire, Kline and Kline, 731 Turner Street, Allentown, PA 18102

STEINMETZ, LUCRETIA G., dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Co-Executrices: Shirley S. Takacs and Joan L. Grabner c/o Herster, Newton & Murphy, 127 N. 4th St., P.O. Box 1087, Easton, PA 18044-1087
Attorneys: Herster, Newton & Murphy, 127 N. 4th St., P.O. Box 1087, Easton, PA 18044-1087

STEWART, ROBERT D., dec'd.

Late of the Township of Lehigh, Northampton County, PA
Executor: Dean C. Berg, Esquire, G. M. Berg Law Offices, P.O. Box 10, Northampton, PA 18067
Attorneys: Dean C. Berg, Esquire, G. M. Berg Law Offices, P.O. Box 10, Northampton, PA 18067

TANZOS, MARY JANE, dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executrix: Kathleen Bossert 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

VARGA, ARTHUR S., dec'd.

Late of Plainfield Township, Northampton County, PA
Administratrix: Elaine C. Varga c/o Ralph J. Bellafatto, Esquire, 4480 William Penn Highway, Easton, PA 18045
Attorney: Ralph J. Bellafatto, Esquire, 4480 William Penn Highway, Easton, PA 18045

SECOND PUBLICATION

BOWMAN, RAY A. a/k/a RAY BOWMAN, dec'd.

Late of 234 Clearfield Street, Freemansburg, Northampton County, PA
Co-Executors: Scott F. Bowman, 1047 North 19th Street, Allentown, PA 18104 and Lee M. Bowman, 810 Kossuth Street, Freemansburg, PA 18017
Attorneys: Donald E. Wieand, Jr., Esquire, Stevens & Lee, 190 Brodhead Road, Suite 200, P.O. Box 20830, Lehigh Valley, PA 18002-0830

BRINKER, SARAH A., dec'd.

Late of 1810 Carlisle St., Bethlehem, Northampton County, PA
Co-Executors: Elwood F. Brinker, 933 Main St., Bethlehem, PA 18018 and Charles E. Brinker, II, 1810 Carlisle St., Bethlehem, PA 18017
Attorney: Eric R. Shimer, Esquire, 1 Bethlehem Plz., Ste. 830, Bethlehem, PA 18018

CUMINGS, JUNE C., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executor: William S. Cumings, Jr. c/o Lawrence B. Fox, Esquire, 915 West Broad Street, Bethlehem, PA 18018
Attorney: Lawrence B. Fox, Esquire, 915 West Broad Street, Bethlehem, PA 18018

HARRIS, MOLLY, dec'd.

Late of Bethlehem, Northampton County, PA
Executrix: Sandra Wruble 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

KEPPEL, JEAN C., dec'd.

Late of the Borough of Nazareth, Northampton County, PA
Co-Executors: Thomas C. Buss, 1208 Maple Street, Bethlehem, PA 18018 and Albert Keppel, 693 Lexington Road, Nazareth, PA 18064
Attorneys: Peters, Moritz, Peischl, Zulick & Landes, LLP, 1 South Main Street, Nazareth, PA 18064-2083

LaBAR, WARREN, dec'd.

Late of the Borough of Pen Argyl, Northampton County, PA
Executrix: Mary Jean LaBar 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

LOUX, LEROY H. a/k/a LeROY H. LOUX, dec'd.

Late of the Township of Lower Saucon, Northampton County, PA
Executrix: Linda R. Kospiah c/o Briody and Briody, 429 E. Broad Street, P.O. Box 1246, Bethlehem, PA 18016-1246
Attorneys: Briody and Briody, 429 E. Broad Street, P.O. Box 1246, Bethlehem, PA 18016-1246

McINERNEY, JAMES J., dec'd.

Late of the City of Easton, Northampton County, PA
Executrix: Theresa Hogan, Esquire, 340 Spring Garden Street, Easton, PA 18042
Attorney: Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042

MOONEY, KATHERINE A., dec'd.

Late of the Borough of Bath, Northampton County, PA
Co-Executrices: Eileen Hahn, 221 E. Main Street, Bath, PA 18014 and Joan Yost, 2108 Columbia Avenue, Bath, PA 18014
Attorney: Daniel G. Spengler, Esquire, 110 East Main Street, Bath, PA 18014

MORRIS, MARY C., dec'd.

Late of Bethlehem, Northampton County, PA
Co-Executors: Robert E. Morris and Lawrence C. Morris c/o Thomas J. Maloney, Esquire, Maloney, Danyi & Sletvold, 901 West Lehigh Street, P.O. Box 1279, Bethlehem, PA 18016-1279
Attorneys: Thomas J. Maloney, Esquire, Maloney, Danyi &

Sletvold, 901 West Lehigh Street, P.O. Box 1279, Bethlehem, PA 18016-1279

MOSHER, FREDERIC W., dec'd.
Late of the Borough of Nazareth, Northampton County, PA

Executrix: Marjorie A. Duffy, 620 Falmouth Avenue, Paramus, NJ 07652

Attorneys: Alfred S. Pierce, Esquire, I.D. No. 21445, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

ODENWELDER, STANLEY C., dec'd.

Late of the Borough of Wilson, Northampton County, PA

Executor: Christopher A. Piell c/o Joel H. Ziev, Esquire, 700 Washington Street, Easton, PA 18042

Attorney: Joel H. Ziev, Esquire, 700 Washington Street, Easton, PA 18042

POECKER, GARY W., dec'd.

Late of the Borough of Bangor, Northampton County, PA

Executrix: Rosemary R. Poecker 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

REDLINE, FRANKLIN D., dec'd.

Late of Danielsville, Northampton County, PA

Executrix: Mary Louise Hoffman a/k/a Mary Louise Mason, 501 Millrace Road, Northampton, PA 18067

Attorneys: David B. Shulman, Esquire, Shulman, Shabbick & Ettinger, 1935 Center Street, Northampton, PA 18067

ROSSENBACH, BARBARA E., dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Co-Executors: Elizabeth T. Smith and Anthony F. Ortwein c/o William P. Leeson, Esquire, Leeson, Leeson & Leeson, 70 E. Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

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

SCHLOUGH, BETTY JANE, dec'd.

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

Executor: John Lawrence Carver, 10 Church Street, Belfast, ME 04915

Attorneys: Ronold J. Karasek, Esquire, Zito, Martino and Karasek, 641 Market Street, Bangor, PA 18013

SHELLING, RAYMONDE a/k/a RAYMONDE E. SHELLING, dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executor: George Shelling c/o Theresa Hogan, Esquire, 340 Spring Garden Street, Easton, PA 18042

Attorney: Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042

STEPHENS, HELEN E., dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Gretchen S. DeWalt, 293 Woods Bluff Rd., Bath, PA 18014

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

TODARO, MARIA A. a/k/a MARIA N. TODARO a/k/a MARY ANN TODARO a/k/a MARIA ANNA TODARO, dec'd.

Late of the Township of Palmer, Northampton County, PA
Executor: Mr. Liborio Todaro, 2123 Eugene Avenue, Easton, PA 18045

Attorney: Charles H. Spaziani, Esquire, 205 South Seventh Street, Easton, PA 18042

TRAUGER, JAYNE B. a/k/a PEARL JAYNE BENTZ TRAUGER, dec'd.

Late of 1234 Butler Street, Easton, Northampton County, PA

Executor: Kenneth A. Trauger c/o Edward P. Sheetz, Esquire, Gardner, Racines & Sheetz, 35 North 8th Street, P.O. Box 4397, Allentown, PA 18105-4397

Attorneys: Edward P. Sheetz, Esquire, Gardner, Racines & Sheetz, 35 North 8th Street, P.O. Box 4397, Allentown, PA 18105-4397

UNGER, HILDA M., dec'd.

Late of Lower Nazareth Township, Northampton County, PA

Executor: James L. Unger, 49 E. St. Elmo Street, Nazareth, PA 18064

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

THIRD PUBLICATION

ARMELIN, MARIO, dec'd.

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

Executrix: Susanne Ciccarelli 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

BELLETTI, ANN M. a/k/a ANN BELLETTI a/k/a ANNA M. BELLETTI, dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Joseph C. Belletti, 1538 Snyder Street, Bethlehem, PA 18017

Attorney: Daniel P. Sabetti, Esquire, 224 West Broad Street, Bethlehem, PA 18018

CORRELL, MABLE M., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executor: David M. Roth, 172 W. Highland Terrace, Nazareth, PA 18064

FORD, RICHARD H. a/k/a RICHARD HAGER FORD, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Ann E. Drescher c/o Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219

Attorneys: Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219

FRANKENFIELD, LUCY B., dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Co-Executrices: Louise D. Leidich and Grace L. Thomas 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

JENNINGS, DOROTHY J., dec'd.

Late of Bethlehem, Northampton County, PA

Co-Executors: Manufacturers & Traders Trust Company, Attn.: Robert Keck, 213 Market Street, Harrisburg, PA 17101, Mary Christine Krieger Mattise, 22 Fairway Drive, Amherst, NH 03031 and Dianne Elizabeth Martin Knight, 309 Village Drive, Schwenksville, PA 19473

Attorneys: Joanne Book Christine, Esquire, Rhoads & Sinon LLP, Attorneys at Law, One S. Market Square, P.O. Box 1146, Harrisburg, PA 17108-1146

KOLB, RALPH E., dec'd.

Late of Plainfield Township, Northampton County, PA
Executrix: RuthAnn Harvey, Rd. 6, Box 6401, Stroudsburg, PA 18360

KOTICH, ANNA P., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executor: Anthony J. Kotich c/o Nancy Gasper Aaroe, Esquire, 2568 Nazareth Road, Easton, PA 18045
Attorney: Nancy Gasper Aaroe, Esquire, 2568 Nazareth Road, Easton, PA 18045.

LAGLER, BETTY E., dec'd.

Late of the Township of Lehigh, Northampton County, PA

Executor: Charles G. Wechsler c/o Dean C. Berg, Esquire, G.M. Berg Law Offices, P.O. Box 10, Northampton, PA 18067

Attorney: Dean C. Berg, Esquire, G.M. Berg Law Offices, P.O. Box 10 Northampton, PA 18067

MORALIS, BESSIE S., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Janet Metzger c/o Riskin and Riskin, 18 E. Market St., P.O. Box 1446, Bethlehem, PA 18016-1446

Attorneys: Michael E. Riskin, Esquire, Riskin and Riskin, 18 E. Market St., P.O. Box 1446, Bethlehem, PA 18016-1446

NOORDZY, HELEN, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Mrs. Dorothy E. Christiansen, 138 Pine Top Trail, Bethlehem, PA 18017

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

RENNER, JENNIFER THERESA a/k/a JENNIE T. RENNER, dec'd.

Late of the City of Easton, Northampton County, PA
Administrator C.T.A.: Gregg Renner a/k/a Gregory L. Renner c/o Gus Milides, Esquire, 654 Wolf Avenue, Easton, PA 18042

Attorney: Gus Milides, Esquire, 654 Wolf Avenue, Easton, PA 18042

RUSYN, ETHEL M., dec'd.

Late of the Borough of Northampton, Northampton County, PA

Executor: Stephen Rusyn, Jr.
c/o Dean C. Berg, Esquire,
G.M. Berg Law Offices, P.O.
Box 10, Northampton, PA
18067

Attorney: Dean C. Berg, Es-
quire, G.M. Berg Law Offices,
P.O. Box 10, Northampton, PA
18067

**SCHLEICHER, BETTY MAE
a/k/a BETTY M. SCHLEICH-
ER, dec'd.**

Late of Bethlehem, Northamp-
ton County, PA

Executor: Robert Schleicher,
III, 501 S.E. Castle Court, Port
St. Lucie, FL 34952

Attorney: Charles E. Shoe-
maker, Jr., Esquire, 727-729
North 19th Street, Allentown,
PA 18104-4040

**STOTT, CAROL C. a/k/a
CAROL CORT STOTT, dec'd.**

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

Executor: Nicholas E. Engles-
son c/o Michael E. Riskin,
Esquire, Riskin and Riskin, 18
E. Market St., P.O. Box 1446,
Bethlehem, PA 18016-1446

Attorneys: Michael E. Riskin,
Esquire, Riskin and Riskin, 18
E. Market St., P.O. Box 1446,
Bethlehem, PA 18016-1446

STROUD, ELEANOR E., dec'd.

Late of the Borough of Naz-
areth, Northampton County,
PA

Co-Executrices: Barbara L.
Dunlap, 5219 Spring Lake
Way, Baltimore, MD 21212
and Eleanor L. Vold, 92 East
Slope Road, Mahwah, NJ
07430

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

1 South Main Street, Naz-
areth, PA 18064-2083

**THOMPSON, CHERYLE L.,
dec'd.**

Late of Palmer Township,
Easton, Northampton Coun-
ty, PA

Administrator: Eric W.
Thompson c/o Christopher M.
Troxell, Esquire, 235 Frost
Avenue, Phillipsburg, NJ
08865

Attorney: Christopher M.
Troxell, Esquire, 235 Frost
Avenue, Phillipsburg, NJ
08865

NOTICES OF INCORPORATION

NOTICE IS HEREBY GIVEN that
Articles of Incorporation were filed
with the Department of State of the
Commonwealth of Pennsylvania at
Harrisburg, on February 17, 2004,
for the purpose of obtaining a Cer-
tificate of Incorporation of a pro-
posed business corporation to be
organized under the provisions of
the Business Corporation Law of
1988, approved December 21,
1988, P.L. 1444, No. 177, as
amended.

The name of the corporation is:

AGC GROUP, INC.

Paul A. Florenz, Esquire
Kolb, Vasiliadis & Florenz
74 West Broad Street
Suite 170
Bethlehem, PA 18018-5738

Mar. 4

NOTICE IS HEREBY GIVEN that
Articles of Incorporation have been
filed with the Department of State
of the Commonwealth of Pennsyl-
vania at Harrisburg, Pennsylvania,
for the purpose of obtaining a Cer-
tificate of Incorporation pursuant to
the provisions of the Business Cor-
poration Law of the Commonwealth

of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177, as amended, by the following corporation:

The name of the corporation is:

**B & S TREE, LAWN AND
LANDSCAPING, INC.**

The Articles of Incorporation were filed on: January 29, 2004.

DAVID A. EISENBERG,
ESQUIRE, P.C.

1132 Hamilton Street
Suite 204
Allentown, PA 18101

Mar. 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, on February 5, 2004, 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:

G.R. DESIGN, INC.

John L. Obrecht, Esquire
1731 Main Street
Northampton, PA 18067

Mar. 4

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed on February 5, 2004 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:

**INDEPENDENCE STAFFING
GROUP, INC.**

Christopher T. Spadoni, Esquire
Pa. I.D. No. 24817

1216 Linden Street
P.O. Box 1409
Bethlehem, PA 18016-1409
Phone: (610) 867-3938
Fax: (610) 625-4788

Mar. 4

SPRINGHILL CLEANERS, INC.

has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Mar. 4

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 corporation is:

TEMP POOLE, INC.

The Certificate of Organization has been filed on January 22, 2004.

DAVID R. GORDON, ESQUIRE
50 North Seventh Street
Bangor, PA 18013

Mar. 4

**FICTITIOUS NAME
REGISTRATION NOTICES**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 295 of 1982, as amended, of the filing of, in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, a certificate for the conduct of a business in Pennsylvania, under the assumed

or fictitious name, style or designation of:

BARBARA DeLITES

with its principal place of business at: B-60 Mountain View MHC, Walnutport, Northampton County, Pennsylvania 18088.

The name and address of the person owning or interested in said business is: Anthony R. Bencic, Trustee, B-60 Mountain View MHC, Walnutport, Pennsylvania 18088.

The certificate has been filed on February 4, 2004.

CHARLES W. STOPP, ESQUIRE
STECKEL & STOPP
1036 Main Street
Slatington, PA 18080

Mar. 4

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

INTEGRITY

with its principal place of business at: 44 Middle Pl., Easton, PA 18045.

The name and address of the person owning or interested in said business is: Lester Van Horn, 44 Middle Pl., Easton, PA 18045.

The certificate has been/will be filed on (or after) January 22, 2004.

Mar. 4

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Fictitious Names Act of 1982-295 (54 Pa.C.S. Section 311), of the intention to file, or the filing of, in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, a Certificate

for Conducting a Business in Pennsylvania, under the assumed or fictitious name, style or designation of:

**UNCLE ERNIE'S
GOURMET COOKIES**

with its principal place of business located at: P.O. Box 3249, 3453 Santee Road, City of Bethlehem, County of Northampton, Pennsylvania 18017.

The name and address of the individual owning or interested in the said business is: Robert Lowy, 3453 Santee Road, City of Bethlehem, County of Northampton, Pennsylvania 18017.

KEVIN FRANK DANYI, ESQUIRE
DANYI LAW OFFICES, P.C.
133 East Broad Street
Bethlehem, PA 18018

Mar. 4

**NOTICE OF NONPROFIT
INCORPORATION**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on October 3, 2003 with the Department of State for:

**COUNTRY CLASSICS
AT MORGAN HILL**

CONDOMINIUM ASSOCIATION
a Domestic Non-Profit Corporation organized under the Pennsylvania Non-Profit Corporation Law, as amended.

FOX ROTHSCHILD, LLP
SOLICITORS

102 N. Main
Box 1589
Doylestown, PA 18901

Mar. 4

CORPORATE DISSOLUTION

NOTICE IS HEREBY GIVEN that the shareholders and directors of **NORTHAMPTON HARDWARE & SUPPLY, INC.**, a Pennsylvania corporation with an address of 511 East 21st Street, Northampton, PA

18067, have approved a proposal that the corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

STEPHEN A. STRACK, ESQUIRE
LAW OFFICES OF FRANK M.
SKRAPITS, ESQUIRE
AFFILIATED WITH
STECKEL AND STOPP
2152 Main Street
Northampton, PA 18067
(610) 262-7857

Mar. 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
VIRGINIA A. ABEL; James E. Abel, Administrator
CHRISTOPHER R. BUSKIRK; Craig A. Dally, Esquire, Guardian
ELWOOD G. BUSS, SR.; Edward J. Buss, Executor
CARL F. FENSTERMAKER; Paul Carl Fenstermaker, Sr., Executor
JEANNETTE F. HOSLER; David K. Hosler & Betsy A. Hosler, Co-Executors

MARIA KAROLINA DOMAGALA PARIS a/k/a MARIA PARIS; Andrzej W. Domagla, Executor

GRANT M. VOGEL; Shirley Ann Adams & Barbara Paulette Bauder, Co-Executrices

AUDIT NOTICE

All Parties interested are notified that an audit list will be made up of all Accounts and the said list will be

called for audit at the Northampton County Government Center, Easton, PA on: FRIDAY, MARCH 26, 2004 AT 9:00 A.M. IN COURTROOM #1.

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

**IN THE COURT OF
COMMON PLEAS OF
LEHIGH COUNTY,
PENNSYLVANIA
CIVIL DIVISION—LAW**
BOROUGH OF COOPERSBURG,
Plaintiff

vs.

WALTER SURMAN and ANN
SURMAN, husband and wife,
Defendants

and

JAMES WRIGHT and GLORIA
WRIGHT, h/w, JAMES WRIGHT,
individually and as EXECUTIVE
TRUSTEE OF FUNDED ASSETS
and FUNDED ASSETS.

Additional Defendants

**NO. 2000-E-17
NO. 1998-C-2349
(CONSOLIDATED CASES)**

NOTICE

TO: JAMES WRIGHT AS EXECUTIVE TRUSTEE OF FUNDED ASSETS, Last Known Address: 205 Tumblecreek Road, Easton, PA 18402

You have been sued in court with respect to a zoning action. If you wish to defend, you must enter a written appearance personally or by attorney and file your defense 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 NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE

1114 Walnut Street
Allentown, PA 18102
(610) 433-7094

MARYANN E. HIGGINS, ESQUIRE
FONZONE AND ASHLEY

33 South 7th Street
P.O. Box 4180
Allentown, PA 18105
(610) 433-0121

Mar. 4

**NOTICE OF ANNUAL MEETING
OF POLICYHOLDERS**

The One hundred and Seventy-Second Annual Meeting of the Policyholders of the Saucon Mutual Insurance Company will be held in the

Hotel Bethlehem, 437 Main Street, Bethlehem, PA on:

Monday, April 12, 2004

at 3:30 o'clock P.M.

for the election of Directors, appointment of an Auditor, receiving annual reports and the transaction of such other business as may properly be presented.

Timothy J. Swartz

Vice President/Secretary

1605 W. Broad Street
Bethlehem, PA 18018-6419

Mar. 4, 11, 18

LEGAL SECRETARY

Part-time leading to full-time or full-time, hours flexible. Responsibilities include: legal correspondence, filing, data entry, answering telephones, scheduling. Must be organized, self motivated, detail oriented, and reliable. Send resume to Secretary, P.O. Box 1151, Easton, PA 18044-1151.

Feb. 19, 26; Mar. 4, 11

VIVIAN M. APPEL, Esq.

begins her duties as
Family Court Administrator/Master
of Lehigh County Court of Common Pleas
March 1, 2004

Her Easton office will remain open
until March 31, 2004

Thereafter her address will be
P.O. Box 598
Bethlehem, PA 18016-0598
e-mail: legal.appel@verizon.net
Phone: (610) 694-9739
Fax: (610) 694-9739

NORTHAMPTON COUNTY REPORTER DIGEST—2004-3
RECENT DECISIONS OF THE COURTS OF COMMON PLEAS
OF NORTHAMPTON COUNTY

IN RE: ADOPTION OF Q.S.

Petition—Involuntary Termination of Parental Rights—Mother—Father

In the Court of Common Pleas of Northampton County, Pennsylvania, Orphans' Court Division, No. 2002-142.

Order of Court entered terminating the parental rights of both mother and father.

Robert Glazer, Esquire for Mother.

Frank H. Morgan, Jr., Esquire for Adoptions From the Heart.

John W. Rybak, Esquire Guardian ad Litem for Q.S.

Decree Nisi entered on November 18, 2003 by F.P. Kimberly McFadden, Judge.

Amended Decree filed on November 20, 2003 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

This matter was brought before the Court pursuant to the Petition for Involuntary Termination of Parental Rights submitted by Petitioners Adoptions From the Heart and John W. Rybak, Esquire, guardian ad litem of the minor child, Q.S. The Petitioners are seeking to terminate the parental rights of the biological mother, Desa'ree Spencer, and the biological father, Charles Scott.

The Court found that under both statutory sections addressed, the general needs and welfare of Q.S. will best be served by staying with the adoptive parents, Tammy and Eric Smeak. Therefore, this Court finds that the parental rights of both Father and Mother should be terminated.

PATRICIA E. KOEFOED v. ICE SLINGERS, INC. INDIVIDUALLY AND
T/A RITA'S ITALIAN ICES, RICHARD A. CHAFFIER AND
ICE SLINGERS, INC.

Summary Judgment—Out of Possession Landlord—Premature—Deposition Testimony

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—Law, No. C0048CV20010006231.

Order of Court entered denying summary judgment on the basis that it is premature and granting parties 45 days to obtain deposition testimony.

Joseph F. Leeson, Jr., Esquire for Defendant, Richard A. Chaffier.

Ronald J. Karasek, Esquire for Plaintiff.

Order of Court entered on November 20, 2003 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Defendant Richard A. Chaffier brought Motion for Summary Judgment arguing he is an out of possession landlord and had no control over the design or maintenance of the premises where Plaintiff was injured. Defendant Chaffier is the owner of the property, which he leased to Ice Slingers, Inc. t/a Rita's Italian Ices for a term of five (5) years.

The Complaint arose after Plaintiff drove to Rita's Italian Ices, walked up to Rita's window, placed an order, received her order and turned to begin walking back to her car. While walking, Plaintiff allegedly fell off the step-off of the concrete pad that sloped downward, fracturing her right ankle, right tibia and suffered generalized trauma requiring surgery, plates and screws.

Plaintiff argues that deposition testimony was not taken of Defendant Chaffier, and that summary judgment would be premature at this point. Pa. R.C.P. 1035.3 states that a court can rule that depositions be taken as is just. Therefore, this Court ruled that summary judgment would be premature at this point and granted 45 days leave for Plaintiff to take deposition testimony of Defendant Chaffier.

**VICKI FERRARI v. INNOVATIVE DESIGNS & PUBLISHING,
PAUL PRASS AND JAMES BAUER**

Preliminary Objections—Untimely Filing—Written or Oral Agreement—Failure To Specify—Failure To State Case of Action

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C-48-CV-2003-5566.

Order of Court entered denying Plaintiff's Preliminary Objections and granting Defendants' Preliminary Objections.

George S. Kounoupis, Esquire for Plaintiff.

Thomas M. Caffrey, Esquire for Defendants.

Stuart T. Schmookler, Esquire for Defendants.

Order of Court entered November 25, 2003 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Defendants filed Preliminary Objections to Plaintiff's Complaint. Plaintiff responded by filing Preliminary Objections to Defendants' Preliminary Objections, arguing that Defendants' were untimely filed in violation of Pa.R.C.P. 1026(a). The Court found that although Defendants' were eight (8) days late in filing their Preliminary Objections, no prejudice nor any substantial rights of the parties would be affected by considering the substantive legal issues of the Defendants' Preliminary Objections and therefore, denied Plaintiff's Preliminary Objections.

Defendants filed a Preliminary Objection arguing that Plaintiff's Complaint failed to state a cognizable cause of action against Defendants Prass and Bauer. Plaintiff agreed with Defendants that Prass and Bauer should be dismissed from Counts I, II, IV, V and VI. Therefore, the Court ruled the above two Defendants dismissed from the above counts.

Defendants filed a Preliminary Objection for failure of Plaintiff to state in her Complaint whether the agreement she bases her claims on was written or oral. The Court found that Pa.R.C.P. 1019(h) requires the Complaint to specify oral or written. Therefore, the Plaintiff was granted twenty (20) days leave to amend her Complaint.

Defendants filed a Preliminary Objection for failure of Plaintiff to set forth the date of termination of Plaintiff in violation of Pa.R.C.P. 1019(a). Plaintiff claims Defendant has knowledge of this date and therefore need not specify it. The Court found that the fact that Defendant may be aware of the date does not relieve the Plaintiff, as pleader, from specifying the facts. Therefore, the Court granted Plaintiff twenty (20) days to amend her Complaint.

**BOROUGH OF WIND GAP v. RICHARD DENTITH
AND TANYA J. DENTITH**

Preliminary Objections—Demurrer—Attorney’s Fees

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Action—In Equity, No. C0048CV2003005607.

Order of Court entered granting Defendants’ Preliminary Objection.

Leonard N. Zito, Esquire for Plaintiff.

Gary Neil Asteak, Esquire for Defendants.

Order of Court entered on November 25, 2003 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Defendants filed a Preliminary Objection in the nature of a demurrer to Plaintiff’s claim for attorney’s fees. Plaintiff sought award of attorney’s fees under the Judicial Code, 42 Pa.C.S.A. §2503. The Court found that an award of attorney’s fees can only be recovered by the adverse party if there is express statutory authorization, clear agreement by the parties, or some other established exception. This Court found that there was no express statutory authority, no agreement between the parties, and no other exception applied warranting the award of attorney’s fees. Therefore, the Court granted Defendants’ Preliminary Objection.

**JERRY LEE HEINTZ AND JUDITH ANN HEINTZ, HIS WIFE v.
RICHARD J. HENRY AND JUNE R. HENRY**

Action to Quiet Title—Compel Satisfaction of Mortgage—Compound Interest—Amortization Schedule

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division, No. C0048CV2003001171.

Order of Court entered in favor of Defendants and ordering funds held by Prothonotary to be paid to the Defendants plus interest and costs.

Anthony Martino, Esquire for Plaintiffs.

James C. Ohmdahl, Esquire for Defendants.

Order of Court entered on November 25, 2003 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Plaintiffs brought action to quiet title in the nature of a complaint to compel satisfaction of a mortgage A dispute arose over the proper payoff amount of the mortgage after it was discovered that the amortization schedule prepared by Defendants’ attorney was incorrect.

The Court found that when calculating the amount of interest on a mortgage note, it must look to the clear and unambiguous terms of the document to determine the intent of the parties. Further, interest on residential mortgages is customarily calculated on an annual basis, to be paid monthly. Reliance on amounts due on a mortgage should first be placed on the terms of the mortgage note, not the amortization schedule.

GERRY AND RONALD WEAVER v. FREDERICK AND CAROL SZOKE

Preliminary Objections—Punitive Damages—Unfair Trade Practices and Consumer Protection Law

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2002-2707.

Order of Court entered denying Defendants' Preliminary Objections.

William P. Coffin, Esquire for Plaintiffs.

Michael P. Shay, Esquire for Defendants.

Order of Court entered on November 20, 2003 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Defendants raise Preliminary Objections to Plaintiffs' claim for punitive damages arguing that the crux of Plaintiffs' claim lies in the alleged breach of a provision in the lease agreement, particularly, allegedly failing to repair a leaky roof, causing mold to accumulate and subsequent health problems to the Plaintiffs. Defendants argue that the Plaintiffs' causes of action arise out of an alleged breach of the contractual lease agreement, and therefore are based upon a breach of contract theory. This Court found that at this stage, the Plaintiffs have adequately set forth sufficient facts to go forward from this point with a claim for punitive damages. The Court noted that in order for the Plaintiffs to recover on the punitive damages claim, they must present a strong nexus between the mold accumulation and the subsequent medical problems complained of. Therefore, the Court denied the Preliminary Objection.

Defendants also raised Preliminary Objections to Plaintiffs' cause of action for violation of the Unfair Trade Practices and Consumer Protection Law arguing that the Consumer Protection Law does not provide for a private cause of action as the one asserted by the Plaintiffs. The Court denied the Defendants' objection, finding that a private person can raise of cause of action under the Law.

**JOHN A. FRINZI, JR. AND MARION L. FRINZI, HUSBAND
AND WIFE, PLAINTIFFS v. THOMAS SHERMAN AND
DAVID W. MANNER, T/A COLONIAL GARDEN CONDOMINIUMS,
A PARTNERSHIP, DEFENDANTS**

Preliminary Objections—Doctrine of Laches—Reformation of a Deed—Parol Evidence Rule—Doctrine of Merger

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Equity, No. C0048E-2003-00006134.

Order of Court entered overruling Preliminary Objections.

Leonard M. Mellon, Esquire for Plaintiffs.

E. Jerome Brose, Esquire for Defendants.

Order of Court entered November 26, 2003 by Jack A. Panella, Judge.

DESCRIPTION OF DECISION

Defendants filed Preliminary Objections to Plaintiffs' Bill of Equity. The Court overruled Defendants' preliminary objections based upon the doctrine of laches because Plaintiffs have set forth a colorable reason or excuse for the inordinate delay of nine years in seeking reformation. The Court further determined that Plaintiffs have properly set forth a claim for reformation alleging mutual mistake. The Court also held that merger of a contract in a deed is the rule except when the intention of the parties is otherwise.

**JOSEPH DELANEY AND TAMMY DELANEY, HUSBAND AND WIFE, AND
BRITTANY CARWELL, A MINOR, BY TAMMY DELANEY, HER
GUARDIAN, PLAINTIFFS v. RONALD RYPINS, D.M.D., DEFENDANT**

Motion for Sanctions—Third-Party Witness—Failure to Appear at Deposition—Expert Testimony by a Witness

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2001006576.

Order of Court entered denying all Motions for Sanctions.

Michael J. Brooks, Esquire for Plaintiffs.

Candy Barr Heimbach, Esquire for Defendant.

Gregory S. Nesbitt, Esquire for Dr. Gschrey.

Order of Court entered November 26, 2003 by Jack A. Panella, Judge.

DESCRIPTION OF DECISION

Plaintiffs filed a Motion for Sanctions against both Defendant, Ronald Rypins, D.M.D., Medical Protective Company and Stephen R. Gschrey, D.M.D. for Dr. Gschrey's failure to appear at a subpoenaed deposition. The Court determined that there was a misunderstanding between Dr. Gschrey and counsel for Medical Protective regarding the subpoenaed deposition and found that sanctions were not warranted. The Court further ruled that Dr. Gschrey could not be compelled to give expert testimony against his will.

**WAYNE WATKINS, PLAINTIFF v. LINETTE GOERLITZ, RICHARD
ORLOSKI, ESQUIRE, MARGARET GILLIGAN HINGA, ESQUIRE,
ROBERT PANDALEON, ESQUIRE, RICHARD LAW ORLOSKI, ESQUIRE,
ORLOSKI, HINGA, PANDALEON & ORLOSKI, DEFENDANTS**

Preliminary Objections—Legal Insufficiency of Pleading—Wrongful Use of Civil Proceedings—Dragonetti Act

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2002-8733.

Order of Court entered sustaining Defendants' Preliminary Objections.

Timothy M. Kolman, Esquire for Plaintiff.

Richard J. Orloski, Esquire for Defendants.

Order of Court entered November 26, 2003 by Jack A. Panella, Judge.

DESCRIPTION OF DECISION

Plaintiff commenced an action against Defendants for wrongful use of civil proceedings, the "Dragonetti Act." Defendants filed preliminary objections thereto. The Court determined that Plaintiff failed to set forth factual averments that Defendants caused the underlying proceedings to be instituted without probable cause. The Court sustained the preliminary objections and dismissed Plaintiff's Complaint.

JOSEPH A. TAVIANINI, PLAINTIFF v. BATH BOROUGH, CATHY KICHLINE, AND RYAN CHRISTMAN, DEFENDANTS

Preliminary Objections—Legal Insufficiency of Pleading—Demurrer—Malicious Prosecution—Scandalous and Impertinent Matter

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No.C0048CV2003002228.

Order of Court entered sustaining in part and overruling in part Preliminary Objections.

John Molnar, Esquire for Plaintiff.

Andrew J. Bellwoar, Esquire for Defendants.

Order of Court entered October 31, 2003 by Jack A. Panella, Judge.

DESCRIPTION OF DECISION

Plaintiff filed a Complaint alleging malicious prosecution/abuse of process against Defendants, Bath Borough, Cathy Kichline and Ryan Christman. Defendants filed preliminary objections thereto. The Court held that Defendant, Bath Borough is a local agency and falls within 41 Pa. C.S.A. §8541 and, as Plaintiff's allegations for malicious prosecution do not fall within an exception to government immunity, the Court dismissed Bath Borough from the pending lawsuit.

**KAREN LAWRENCE AND CLARENCE LAWRENCE,
HUSBAND AND WIFE, PLAINTIFFS v. RODNEY RUSSEL KLINE;
SHARKAN SUPPLY COMPANY; FRANCIS ELDEN BAUER; AND
C.R. ENGLAND, INC., DEFENDANTS**

Motion for Sanctions—Pa.R.C.P. 4019(c)

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, Nos. C0048CV2002003331 and C0048CV2002006770.

Edward P. Shaughnessy, Esquire for Plaintiffs.

Steven E. Hoffman, Esquire for Defendants Kline and Sharkan Supply Company.

Kandice Giurintano, Esquire for C.R. England and Francis Bauer.

Order of Court entered September 22, 2003 by Jack A. Panella, Judge.

DESCRIPTION OF DECISION

Plaintiffs and Defendants Kline and Sharkan Supply Company seek the imposition of sanctions against Francis Elden Bauer and C.R. England, Inc. for failure to comply with the Court's discovery Order of July 3, 2003. The Court entered a directed verdict against Francis Elden Bauer on the issue of negligence because Bauer was illegally parked in a "no parking zone" in front of a stop sign in violation of 75 Pa. C.S.A. §3353(a)(2)(iv), which is negligence per se. The Court determined that a directed verdict was warranted for his failure to appear at a Court ordered deposition and failure to keep the court and his counsel notified of his present whereabouts.

**BARRY OLIVIERI AND ASHLEY OLIVIERI, PLAINTIFFS v.
THOMAS KAVANAUGH AND MARYELLEN KAVANAUGH, DEFENDANTS
v. TODD ALTIERI, INDIVIDUALLY AND T/A SHARP CUT
LAWN CARE, ADDITIONAL DEFENDANTS**

Preliminary Objections—Joinder of Additional Defendant

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV20030000107.

Order of Court entered overruling Additional Defendant's Preliminary Objections.

Keith D. Cacciatore, Esquire for Plaintiffs.

James M. Flood, Esquire for Defendants.

Gladys E. Wiles, Esquire for Additional Defendant.

Order of Court entered on October 28, 2003 by Jack A. Panella, Judge.

DESCRIPTION OF DECISION

Additional Defendants filed Preliminary Objections to Plaintiff's Joinder Complaint. The Court determined that Plaintiff's Joinder Complaint was timely pursuant to Pa. R.C.P. 2253 because Rule 2253 permits joinder of an additional defendant within sixty days of any amendment to a pleading. Further, the Court held that any claims against Additional Defendants for sole liability are precluded as the statute of limitations has expired. However, the Additional Defendants may be joined after the applicable statute of limitations where Plaintiffs are seeking contribution and/or indemnification.

**CAROL DECKER AND TERRENCE DECKER, PLAINTIFFS v.
EMIL J. DIORIO, M.D.; COORDINATED HEALTH SYSTEMS;
CHS PROFESSIONAL PRACTICE, P.C.; AND CHS AMBULATORY
SURGERY CENTER, DEFENDANTS**

Preliminary Objections—Venue in Medical Professional Liability Actions

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2002000895.

Order of Court entered denying Preliminary Objections.

Bruce S. Zero, Esquire for Plaintiffs.

David W. Saba, Esquire for Defendants.

Order of Court entered September 24, 2003 by Jack A. Panella, Judge.

DESCRIPTION OF DECISION

Defendants filed Preliminary Objections raising improper venue. The Court found that venue is proper in Northampton County under Pa. R.C.P. 1006(a.1) as the cause of action for medical negligence arose from the surgery which was performed in Northampton County.

**FAIRBANKS CAPITAL CORP., PLAINTIFF v.
CATHERINE M. FARTUN, DEFENDANT**

Motion for Stay of Execution of Sheriff's Sale—Act 6 and Act 91 Notices

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 1996-C-1644.

Order of Court entered granting Motion for Stay of Execution of Sheriff's Sale.

Gary A. Brienza, Esquire for Plaintiff.

Shelia L. Kissinger, Esquire for Defendant.

Order of Court entered October 6, 2003 by Jack A. Panella, Judge.

DESCRIPTION OF DECISION

Plaintiff filed a Writ of Execution to proceed to a Sheriff's Sale of Defendant's property. Defendant filed the instant Motion for Stay of Execution of the Sheriff's Sale because no new Act 61 and Act 91 were provided since 1996. The Court found that it would be both unfair and inequitable to permit the Plaintiff to proceed the execution of a sheriff's sale, after having accepted payments on Defendant's property without first providing the requisite notices and providing Defendant with the opportunity to cure such default prior to sheriff's sale.

**DIANE M. LIPPINCOTT, NOW DIANE M. RICHNER, PLAINTIFF v.
DOLORES M. FULLER, DEFENDANT**

Preliminary Objections—Legal Insufficiency of Pleading—Demurrer—Implied Warranty of Habitability—Unfair Trade Practice and Consumer Protection Law

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No.C0048CV20030000661.

Order of Court entered overruling and sustaining Preliminary Objections.

William P. Coffin, Esquire for Plaintiff.

Paul M. Aaroe, II, Esquire for Defendant.

Order of Court entered October 28, 2003 by Jack A. Panella, Judge.

DESCRIPTION OF DECISION

Defendant filed Preliminary Objections contending that Plaintiff's Complaint fails to state a cause of action against a Defendant based on a breach of implied warranty of habitability for the recovery of rents already paid. The Court found that Plaintiff sufficiently pled a cause of action for breach of implied warranty of habitability in that she alleged that prior to the accident, Defendant was notified in writing of the alleged defect and then failed to repair the steps after being requested to do so. Further, the Court found that the unfair trade practices and consumer protection law is applicable to residential leases.

**GRAY CONNECTIVE, INC., GRAYTECH, INC., D/B/A GRAY ASSOCIATES
AND KEVIN GRAY, PLAINTIFFS v. DAVID VAN ALLEN, DEFENDANT**

Preliminary Objections—Legal Insufficiency of Pleading—Demurrer—Real Party in Interest

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2002007110.

Order of Court entered overruling Preliminary Objections.

Steven N. Goudsouzian, Esquire for Plaintiffs.

George S. Kounoupis, Esquire for Defendant.

Order of Court entered October 28, 2003 by Jack A. Panella, Judge.

DESCRIPTION OF DECISION

Defendant filed Preliminary Objections to Plaintiff's Amended Complaint. Kevin Gray was added as a new Plaintiff in the Amended Complaint. Defendant contends that the Amended Complaint fails to show privity of contract between Gray and Van Allen. The Court found that Kevin Gray is a proper Plaintiff as he is a real party in interest, as defined by Pa. R.C.P. 2002.

**RUTH ANN DENNISON, ADMINISTRATRIX OF THE ESTATE OF GRACE
RITTER, AND FOR HEIRS-AT-LAW OF GRACE RITTER, DECEASED,
PLAINTIFFS v. NORTHAMPTON MEDICAL ASSOCIATES, SACRED
HEART HEALTHCARE SYSTEMS, INC., D/B/A NORTHAMPTON
MEDICAL ASSOCIATES, VICTOR OTERO, D.O., MARY ELLEN
KISTLER, D.O., ANDREA SEIBERT, P.A.C., THOMAS LITTLE, M.D., P.C.,
STEPHEN KSIAZEK, M.D., PREMIER HEART SPECIALISTS, SACRED
HEART HOSPITAL AND SACRED HEART HOSPITAL OF ALLENTOWN,
INC., AND D/B/A SACRED HEART HOSPITAL, DEFENDANTS**

Motion To Amend Caption—Pa.R.C.P. 1033

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2002004318.

Order of Court entered granting Motion to Amend Caption.

Jaffa F. Stein, Esquire for Plaintiff.

Georgine A. Olexa, Esquire for Defendants Northampton Medical Associates, Sacred Heart Healthcare Systems, Siebert and Sacred Heart Hospital.

Patrick C. Carey, Esquire for Defendants Otero and Kistler.

Christopher Nace, Esquire for Defendants Premier Heart Specialists, Ksiazek & Little.

Order of Court entered on September 19, 2003 by Jack A. Panella, Judge.

DESCRIPTION OF DECISION

Plaintiff filed a Motion to Amend the Caption to delete the initials "P.C." from Defendant's, Thomas Little, M.D., P.C., name in the caption. The Court permitted the deletion of the initials "P.C." as their addition was a typographical error. The Court found that it is clear that the right party was sued but under the wrong designation as the Complaint is void of any allegations against the corporation, Thomas Little, M.D., P.C.