

# Northampton County Reporter

(USPS 395-280)

VOL. LVI

EASTON, PA January 7, 2010

NO. 1

Northampton County Reporter Digest—2010-1

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**INSERT:** Blue: 1. Annual Association Meeting

2. "Sentencing/Corrections Reform Legislation and Sentencing Updates"
3. 2010 High School Mock Trial Practice Rounds
4. 2010 Calendar

- Cream: 1. NCBA 2010 Committee Preference Form  
2. NCBA 2010 Calendar of Events

### NOTICE TO THE BAR....

#### **Dues Notices Mailed**

NCBA and PBA dues notices were mailed in December. If you have not received your invoice please contact the NCBA Office.

Remember to complete your Committee Preference Forms. Committees will be reorganizing within a few weeks. Form inside.

**NORTHAMPTON COUNTY BAR ASSOCIATION  
2010 BAR ASSOCIATION OFFICERS**

Jacqueline M. Taschner . . . . . President  
Kerry S. Freidl . . . . . President-elect  
Victor E. Scomillio . . . . . Vice President  
Stanley J. Margle, III . . . . . Treasurer  
Christopher M. Reid . . . . . Secretary  
Joseph A. Corpora, III . . . . . Past President

**BOARD OF GOVERNORS**

Kevin F. Danyi  
Alyssa A. Lopiano-Reilly  
Jessica Frisch Moyer  
Daniel M. O'Donnell  
Matthew C. Potts  
Michael P. Shay

**ZONE II DELEGATES**

Michael C. Deschler  
Barbara L. Hollenbach  
Nicholas Noel, III  
Joel M. Scheer  
Michael P. Shay  
Ronald W. Shipman

*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](mailto:ncba@norcobar.org)**

**PBA (800) 932-0311—PBI (800) 932-4637**

**BAR ASSOCIATION STAFF**

Mary Beth Leeson . . . . . 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.

Subscription Price—\$75.00 per year.

Periodical Postage Paid at Easton, PA and additional office.

Postmaster: Send all communications and address changes to:

**NORTHAMPTON COUNTY REPORTER**

**155 South Ninth St., Easton, PA 18042-4399**

**Telephone (610) 258-6333 FAX (610) 258-8715**

**Edward P. Shaughnessy, Esquire**

**Editor**

**NOTICE TO NCBA MEMBERS – BAR NEWS**

**IN MEMORIUM**

**Morris Mindlin, Esquire**

Admitted to Northampton County Bar: November 19, 1941

- Deceased: December 24, 2009

Services were held on Sunday, December 27, 2009 in  
Congregation Brith Sholom Synagogue.

Memorials may be sent to the Synagogue at  
1190 W. Macada Rd., Bethlehem, PA 18017

~ ~ ~

Ceremonial Induction of Hon. Michael J. Koury, Jr.

The Induction Ceremony of the Hon. Michael J. Koury, Jr. as Judge of Northampton County Court of Common Pleas will be held on Friday, January 8, 2010 at 1:00 p.m. in Courtroom #1.

NCBA Annual Meeting – Thursday, January 14, 2010

5:30 p.m. @ Best Western, Bethlehem.

Registration form inside.

Save the Dates

***Annual Reception for the Court***

Friday, March 19, 2010

***NCBA Bench Bar Conference and U.S. Supreme Court Swearing  
In Ceremony***

October 16-18, 2010

Ignorance of the law is no excuse in any country. If it were, the laws would lose their effect, because it can always be pretended. ~ Thomas Jefferson

**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****AULENBACH, MARGARET F.,**  
dec'd.

Late of the Borough of Wilson,  
Northampton County, PA

Executrix: Patricia Ann Wilson  
c/o Karl H. Kline, Esquire, Karl  
Kline, P.C., 2925 William Penn  
Highway, Suite 301, Easton, PA  
18045-5283

Attorneys: Karl H. Kline, Esquire,  
Karl Kline, P.C., 2925 William  
Penn Highway, Suite 301, East-  
on, PA 18045-5283

**BOWLER, CAROL A.,** dec'd.

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

Executrix: Dorothy C. Cacchio  
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

**CERINO, VITO J.,** dec'd.

Late of the Township of Palmer,  
Northampton County, PA

Executrix: Marianne N. Sigman  
c/o Karl H. Kline, Esquire, Karl  
Kline P.C., 2925 William Penn  
Highway, Suite 301, Easton, PA  
18045-5283

Attorneys: Karl H. Kline, Esquire,  
Karl Kline P.C., 2925 William  
Penn Highway, Suite 301, East-  
on, PA 18045-5283

**DUE, MICHAEL J.,** dec'd.

Late of the Township of Plain-  
field, Northampton County, PA  
Administratrix: Nancy L. Due  
c/o Steven N. Goudsouzian,  
Esquire, 2925 William Penn  
Highway, Suite 301, Easton, PA  
18045-5283

Attorney: Steven N. Goudsou-  
zian, Esquire, 2925 William Penn  
Highway, Suite 301, Easton, PA  
18045-5283

**FRANCZAK, MARGARET E.,**  
dec'd.

Late of Bushkill Township/  
Nazareth, Northampton County,  
PA

Executor: William Franczak, 111  
Wilden Drive, Easton, PA 18045-  
5624

**GALLAGHER, EDITH M.,** dec'd.

Late of the City of Bethlehem,  
Northampton County, PA

Executor: Thomas E. Cressman  
c/o Bradford D. Wagner, Es-  
quire, 662 Main Street, Heller-  
town, PA 18055-1726

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

**GARDNER, STELLA A.,** dec'd.

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

Executor: Howard W. Gardner,  
Jr. c/o Bradford D. Wagner,  
Esquire, 662 Main Street, Hell-  
ertown, PA 18055-1726

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

**GMITTER, ANDREW C.**, dec'd.

Late of the Township of Moore, Northampton County, PA  
Administratrix: Angela Gmitter, 2030 Washington Avenue, Northampton, PA 18067  
Attorneys: Joshua D. Shulman, Esquire, Shulman & Shabbick, 1935 Center Street, Northampton, PA 18067

**GREER, PATRICIA M.**, dec'd.

Late of the City of Easton, Northampton County, PA  
Executor: Kevin F. Greer, Esquire, 7247 Surfbird Circle, Carlsbad, CA 92011  
Attorney: Kevin F. Greer, Esquire, 7247 Surfbird Circle, Carlsbad, CA 92011

**HELLER, JOHN R. a/k/a JACK HELLER**, dec'd.

Late of the Borough of Bangor, Northampton County, PA  
Administratrix: Jane A. Drummond 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

**HOUCK, HAROLD D.**, dec'd.

Late of the Township of Washington, Northampton County, PA  
Executors: Gerald D. Houck, Dale W. Houck and Craig H. Houck 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

**KACMARCIK, PAULA ANN a/k/a**

**PAULA A. KACMARCIK**, dec'd.  
Late of the City of Bethlehem, Northampton County, PA  
Administratrix: Donna M. Applegate, 828 Bridge Street, Bethlehem, PA 18018  
Attorney: Herbert G. Litvin, Esquire, 151 S. 7th Street, Easton, PA 18042

**KESTER, ALBERT LeROY, SR.**, dec'd.

Late of the Borough of West Easton, Northampton County, PA  
Executors: Albert LeRoy Kester, Jr. and John Thomas Kester c/o Gregory R. Reed, Esquire, 141 South Broad Street, P.O. Box 299, Nazareth, PA 18064-0299  
Attorney: Gregory R. Reed, Esquire, 141 South Broad Street, P.O. Box 299, Nazareth, PA 18064-0299

**LANCASTER, FREDERICK W., SR.**, dec'd.

Late of the Township of Palmer, Northampton County, PA  
Executor: Stephen M. Lancaster, Sr., 2840 Nazareth Road, Easton, PA 18045  
Attorney: Herbert G. Litvin, Esquire, 151 S. 7th Street, Easton, PA 18042

**LINDENMOYER, HARRIET E.**, dec'd.

Late of the Borough of Northampton, Northampton County, PA  
Executor: Alfred S. Pierce c/o Alfred S. Pierce, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064  
Attorneys: Alfred S. Pierce, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

**MACK, VIOLA B.,** dec'd.

Late of Washington Township,  
Northampton County, PA  
Executor: Kevin Phillips, 1016  
Miller Road, Nazareth, PA  
18064

**NEWHARD, VIRGINIA H.,** dec'd.

Late of the Township of Palmer,  
Northampton County, PA  
Executor: G. Bruce Miles c/o  
Karl H. Kline, Esquire, Karl Kline  
P.C., 2925 William Penn High-  
way, Suite 301, Easton, PA  
18045-5283  
Attorneys: Karl H. Kline, Esquire,  
Karl Kline P.C., 2925 William  
Penn Highway, Suite 301, East-  
ton, PA 18045-5283

**POOK, THOMAS N.,** dec'd.

Late of the City of Bethlehem,  
Northampton County, PA  
Co-Executors: Ronald Owen  
Pook and Madeline Holloway  
Sachdev a/k/a Madeline Pook  
Sachdev c/o Karl H. Kline, Es-  
quire, Karl Kline P.C., 2925 Wil-  
liam Penn Highway, Suite 301,  
Easton, PA 18045-5283  
Attorneys: Karl H. Kline, Esquire,  
Karl Kline P.C., 2925 William  
Penn Highway, Suite 301, East-  
ton, PA 18045-5283

**SECOND PUBLICATION****AZZALINA, JOSEPH A., SR.,**  
dec'd.

Late of the Borough of Wilson,  
Northampton County, PA  
Executor: Joseph A. Azzalina,  
Jr., 1004 Mine Lane Road, East-  
ton, PA 18045  
Attorneys: Charles Bruno, Es-  
quire, Pfeiffer, Bruno, Minotti &  
DeEsch, P.C., P.O. Box 468,  
Easton, PA 18044-0468

**BREIDINGER, KENNETH P.,**  
dec'd.

Late of Bethlehem, Northampton  
County, PA

Executor: Leonard W. Breidinger  
c/o Lawrence Center, Esquire,  
60 W. Broad St., Ste. 103, P.O.  
Box 1248, Bethlehem, PA  
18016

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

**CHOROST, JANICE K. a/k/a  
JANICE KENNEDY CHOROST  
a/k/a JANICE CHOROST,**  
dec'd.

Late of Easton, Northampton  
County, PA

Administrator: Gary C. Kennedy  
c/o William W. Matz, Jr., Es-  
quire, 211 W. Broad Street,  
Bethlehem, PA 18018-5517

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

**LANG, MARY C.,** dec'd.

Late of the City of Bethlehem,  
Northampton County, PA  
Co-Executors: Anthony A. Lang  
and Mary Anne Lang c/o Ellen  
M. Kraft, Esquire, 3400 Bath  
Pike, Suite 311, Bethlehem, PA  
18017-2485

Attorney: Ellen M. Kraft, Esquire,  
3400 Bath Pike, Suite 311, Beth-  
lehem, PA 18017-2485

**PELONERO, MARY R. a/k/a  
MARY ROSE PELONERO,**  
dec'd.

Late of the City of Easton,  
Northampton County, PA  
Co-Executors: Connie Sigman  
and Michael J. Pelonero c/o  
Theresa Hogan, Esquire, Attor-  
ney-at-Law, 340 Spring Garden  
Street, Easton, PA 18042

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

**PLUCHINSKY, DANIEL F.**, dec'd.  
Late of North Catasauqua,  
Northampton County, PA  
Executor: Daniel R. Pluchinsky,  
Sr. c/o Jeffrey F. Hussar, Es-  
quire, 946 Third Street, White-  
hall, PA 18052  
Attorney: Jeffrey F. Hussar, Es-  
quire, 946 Third Street, White-  
hall, PA 18052

**RAUCH, JUDITH E.**, dec'd.  
Late of Easton, Northampton  
County, PA  
Executrix: Bonnie Kiddish c/o  
Hazen Elder Law, 2000 Lingle-  
stown Road, Suite 202, Harris-  
burg, PA 17110  
Attorneys: Hazen Elder Law,  
2000 Linglestown Road, Suite  
202, Harrisburg, PA 17110

**ROSKO, MICHAEL, JR.**, dec'd.  
Late of the City of Bethlehem,  
Northampton County, PA  
Executor: Paul E. Rosko c/o El-  
len M. Kraft, Esquire, 3400 Bath  
Pike, Suite 311, Bethlehem, PA  
18017-2485  
Attorney: Ellen M. Kraft, Esquire,  
3400 Bath Pike, Suite 311, Beth-  
lehem, PA 18017-2485

**ROUNSLEY, JOANN S.**, dec'd.  
Late of the City of Easton,  
Northampton County, PA  
Executor: Karl H. Kline, Esquire,  
2925 William Penn Highway,  
Suite 301, Easton, PA 18045-  
5283  
Attorney: Karl H. Kline, Esquire,  
Karl Kline P.C., 2925 William  
Penn Highway, Suite 301, East-  
on, PA 18045-5283

**SNYDER, ALMA M.**, dec'd.  
Late of the Borough of Wilson,  
Northampton County, PA  
Executrix: Jill Riefenstahl 205  
Ridgewood Rd., Easton, PA  
18045

Attorney: Steven B. Molder, Es-  
quire, 904 Lehigh Street, Easton,  
PA 18042

**YANZA, GIZELLA**, dec'd.  
Late of Bethlehem, Northampton  
County, PA  
Executrix: Teresa Donchez, 258  
Edward Lane, Catasauqua, PA  
18032  
Attorney: Eric R. Shimer, Es-  
quire, 1 Bethlehem Plz., Ste. 830,  
Bethlehem, PA 18018

### THIRD PUBLICATION

**DOTTA, ADALGISA**, dec'd.  
Late of Washington Township,  
Northampton County, PA  
Executor: Peter Dotta, 238 O.W.  
Road, Bangor, PA 18013  
Attorneys: David B. Shulman,  
Esquire, Shulman & Shabbick,  
1935 Center Street, Northamp-  
ton, PA 18067

**REISS, LORRAINE**, dec'd.  
Late of Bethlehem City, North-  
ampton County, PA  
Co-Executors: PNC Bank, N.A.  
and Douglas Hutchinson, Attn:  
Peter M. Van Dine, Vice Presi-  
dent, 100 South Main Street,  
Suite 100, Doylestown, PA  
18901  
Attorney: Robert G. Moffett, Es-  
quire, 415 W. Broad St., Quak-  
ertown, PA 18951-1240

### NOTICES OF INCORPORATION

NOTICE IS HEREBY GIVEN that  
Articles of Incorporation have been  
filed with the Department of State of  
the Commonwealth of Pennsylvania,  
at Harrisburg, Pennsylvania, for the  
purposes of obtaining a Certificate of  
Incorporation of a proposed business  
corporation to be organized under the  
provisions of the Pennsylvania Busi-  
ness Corporation Law of 1988, ap-  
proved December 21, 1988, P.L.  
1444, No. 177, as amended.



The name of the corporation is:

**GEORGES PIZZERIA &  
RESTAURANT, INC.**

Steven B. Molder, Esquire  
904 Lehigh Street  
Easton, PA 18042

Jan. 7

**PURPLE, INC.**

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

JOSEPH A. GEMBALA, III  
ESQUIRE

1500 Walnut St.  
Suite 2000  
Philadelphia, PA 19102

Jan. 7

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State for the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of 15 Pa.C.S. Section 5306, as amended.

The name of the Corporation is:

**STRIDES FOR SHELTER  
OF BETHLEHEM**

James Martin Connell, Esquire  
251 East Broad Street  
Bethlehem, PA 18018  
(610) 868-8371

Jan. 7

**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 Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, a Certificate for conduct of a business in Pennsylvania under the assumed or fictitious name, style or designation of:

**VINTAGE CLEANING SERVICES**

with its principal place of business at: P.O. Box 166 (154 Virginia Drive) Nazareth, PA 18064.

The names of the persons owning or interested in said business are: Walter and Dawn Seip, III. The certificate was filed on September 23, 2009.

Jan. 7

**CORPORATE FICTITIOUS NAME  
REGISTRATION NOTICES**

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 business in Northampton County, Pennsylvania, under the assumed or fictitious name, style, or designation of:

**ACS HVAC, LLC**

with its principal place of business at: 407 Coffeetown Rd., Easton, PA 18042.

The name and address of the entity owning or interested in said business is: Advanced Comfort Solutions, LLC, 407 Coffeetown Rd., Easton, PA 18042.

The certificate was filed on December 23, 2009.

GARY M. MILLER, ESQUIRE  
MILLER & DAVISON

210 E. Broad Street  
Bethlehem, PA 18018  
(610) 691-0330

Jan. 7

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of 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:



**MILHAM FORD**

with its principal place of business at: 3810 Hecktown Road, Easton, Pennsylvania 18045.

The name and address of the entity owning or interested in said business is: Koch Holdings, Inc., 3810 Hecktown Road, Easton, PA 18045.

Jan. 7

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NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of 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:

**MILHAM SCION**

with its principal place of business at: 3810 Hecktown Road, Easton, Pennsylvania 18045.

The name and address of the entity owning or interested in said business is: Koch Holdings, Inc., 3810 Hecktown Road, Easton, PA 18045.

Jan. 7

---

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of 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:

**MILHAM TOYOTA**

with its principal place of business at: 3810 Hecktown Road, Easton, Pennsylvania 18045.

The name and address of the entity owning or interested in said business is: Koch Holdings, Inc., 3810 Hecktown Road, Easton, PA 18045.

Jan. 7

**LIMITED LIABILITY COMPANY  
NOTICE**

NOTICE IS HEREBY GIVEN that Notice of Certificate of Organization—Domestic Limited Liability Company were filed with the Pennsylvania Department of State at Harrisburg, Pennsylvania for the purpose of creating a Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106, under the name of:

The name of the LLC is:

**JAMES P. WEISS AND  
ASSOCIATES, LLC**

The Certificate of Organization was filed on December 21, 2009.

BOHDAN J. ZELECHIWSKY,  
ESQUIRE

211 West Broad Street  
Bethlehem, PA 18018

Jan. 7

**NOTICE OF DISSOLUTION**

NOTICE IS HEREBY GIVEN to all persons interested or who may be affected, that **Housing Opportunity Council, Inc.**, with its registered office at 456 N. New Street, Bethlehem, Pennsylvania, a Non-Profit Corporation, will file with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania Articles of Election by its Directors to dissolve the said corporation, and that the Board of Directors is now engaged in winding up and settling the affairs of the said corporation and that its corporate existence shall be ended under the provisions of the Pennsylvania Non-Profit Corporation Law of 1988.

LAWRENCE CENTER, ESQUIRE  
Attorney ID No. 01637

Housing Opportunity Council, Inc.  
60 West Broad Street  
Suite 103  
Bethlehem, PA 18018  
(610) 691-3151

Jan. 7

**ASSOCIATE POSITIONS**

Gross McGinley, LLP, Lehigh Valley's largest local law firm has immediate openings for two associate positions to cover its expanding practice throughout Eastern Pennsylvania.

Position 1: An associate with three to five years experience with practice concentrated in transactional work to assist the firm's business and estate planning group in complex business, banking, commercial and real estate matters.

Position 2: An associate with two years of general experience in the legal field.

Strong academic credentials and an interest in practice in New Jersey as well as Pennsylvania. Computer skills and research and writing ability are important for both positions. Resumes can be submitted via email to [dfaulkinberry@grossmcginley.com](mailto:dfaulkinberry@grossmcginley.com) or by mail c/o Deborah Faulkinberry, Managing Director, P.O. Box 4060, Allentown, PA 18105. Application should be accompanied by a resume and writing sample.

Dec. 31; Jan. 7

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**ATTORNEY REQUIRED**

Experienced in Act 261 "Mobile Home Park Rights Act" for possible litigation or legislative work. Call or leave message (610) 837-1537.

Dec. 24, 31; Jan. 7

The law firm of  
**FITZPATRICK LENTZ & BUBBA, P.C.**

takes pleasure in announcing that

**J. BRYAN TUK**

has been named  
a shareholder in the firm.



**FITZPATRICK LENTZ & BUBBA**  
ATTORNEYS AT LAW

*Celebrating more than 20 years  
as the Valley's law firm of choice.*

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Corporate,  
Business and  
Banking

Real Estate,  
Land Use and  
Development

Litigation

Estate  
Planning and  
Administration  
of Estates  
and Trusts

Health Care

Employment  
Law

Bankruptcy

Elder Law

Family Law



**LEGAL SECRETARY/ASSISTANT  
POSITION AVAILABLE**

Full-time position available in Allentown, Hanover Township general practice law firm for motivated legal secretary/assistant. Salary commensurate with experience. Benefits available. Opportunity for growth. Bankruptcy experience a plus. Please send resume and letter of interest with salary requirements to Jill at Fox Tobey, P.C., 1834 Pennsylvania Avenue, Allentown, Pennsylvania, 18109, via email at [jmmanos@foxtobey.com](mailto:jmmanos@foxtobey.com), or via facsimile at (610) 861-5989.

Jan. 7

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**NORTHAMPTON COUNTY REPORTER DIGEST—2010-1**

The following are recent decisions of the Court of Common Pleas of Northampton County, Pennsylvania. The full opinion may be viewed online, downloaded and printed under "Records Search" at [www.northamptoncounty.org](http://www.northamptoncounty.org)

**Caption:** Commonwealth of Pennsylvania v. Adrian Kipkin  
**Term No.:** 2153-2008  
**Keywords:** Omnibus Pretrial Motion; Motion To Suppress  
**Attorney(s):** Michael J. Thompson, Esquire, Attorney for Commonwealth  
Matthew C. Potts, Esquire, Attorney for Defendant  
**Date of Order:** March 5, 2009  
**Judge:** Emil Giordano, J.  
**Description of Decision:**

Defendant's Motion to Suppress denied because the investigative detention of Defendant and frisk of Defendant was lawful.

---

**Caption:** Daniel Scott Nemura v. Rodnie Gruber and Rachael Gruber, Husband and Wife, and Gruber Concrete, Inc.  
**Term No.:** 48-CV-2007-1914  
**Keywords:** Non-Jury Trial, Debt Collection, Breach of Contract  
**Attorney(s):** Christopher M. Shipman, Esquire, Attorney for Plaintiff  
Rodnie Gruber, Pro Se, for Defendants  
**Date of Order:** April 2, 2009  
**Judge:** Emil Giordano, J.  
**Description of Decision:**

Judgment entered against Defendant Rodnie Gruber on breach of implied contract claim. All other claims dismissed.

---

**Caption:** Kevin A. Hardy and Allyson C. Hardy, husband and wife v. Stocker Enterprises, LLC and Atlantic Ridge Landscape Design-Build  
**Term No.:** C-48-CV-2007-4362  
**Keywords:** Summary Judgment  
**Attorney(s):** Kevin A. Hardy, Esquire, Attorney for Plaintiffs  
Mark R. Zimmer, Esquire, Attorney for Defendants  
**Date of Order:** April 2, 2009  
**Judge:** Emil Giordano, J.  
**Description of Decision:**

Court denied motion for summary judgment as there were numerous issues of material fact.

---

**Caption:** Commonwealth of Pennsylvania. v. Erik P. Lillydahl  
**Term No.:** CP-48-SA-239-2008  
**Keywords:** De Novo Appeal; Underage Drinking  
**Attorney(s):** Sandra Foster McClure, Esquire, Attorney for Commonwealth  
Mark S. Sigmon, Esquire, Attorney for Defendant  
**Date of Order:** April 2, 2009  
**Judge:** Emil Giordano, J.

**Description of Decision:**

Court found sufficient evidence of underage drinking, and found Defendant guilty of charged offenses.

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**Caption:** Appeal of Scudese Family Limited Partnership from the Decision of the Zoning Hearing Board of East Allen Township Dated November 17, 2007

**Term No.:** C-48-CV-2007-11138

**Keywords:** Land Use Appeal

**Attorney(s):** John F. Hacker, Esquire, Attorney for Appellant  
Joseph J. Piperato, III, Esquire, Attorney for Appellee

**Date of Order:** April 2, 2009

**Judge:** Emil Giordano, J.

**Description of Decision:**

Appellant appealed from decision of zoning hearing board denying building permit on numerous grounds. Court upheld the decision of the board on multiple grounds, reversed on others.

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**Caption:** ALC v. Hornby Properties

**Term No.:** C-48-CV-2008-10831

**Keywords:** Preliminary Objections; Demurrer

**Attorney(s):** David C. Najarian, Esquire, Attorney for Plaintiffs  
Joel B. Wiener, Esquire, Attorney for Defendant

**Date of Order:** April 2, 2009

**Judge:** Emil Giordano, J.

**Description of Decision:**

Court denied preliminary objections, but dismissed the complaint for failure to comply with Pa. R.C.P. 1019 and 1020.

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**Caption:** Mark A. Cotturo v. Graham C. Folkner

**Term No.:** C-48-CV-2007-8158

**Keywords:** Action for Ejectment; Doctrine of Consentable Line; Boundaries, Recognition and Acquiescence; Deed, Rules of Construction

**Attorney(s):** Ronald J. Karasek, Esquire for Plaintiff  
David J. Jordan, Jr., Esquire for Defendant

**Date of Order:** September 3, 2009

**Judge:** Anthony S. Beltrami, J.

**Description of Decision:**

The plaintiff's action for ejectment is granted. Plaintiff has a right to immediate possession of the disputed property under standard principles of deed interpretation, as the defendant's purported interpretation would be contrary to the intent of the original grantor/grantee. In the alternative, plaintiff prevails under the doctrine of consentable line, specifically recognition and acquiescence. The bungalow has existed in its current location for approximately 100 years with all parties, including the defendant, treating the building as completely within the plaintiff's property until this dispute.

**Caption:** Commonwealth of Pennsylvania v. Ernest Moser

**Term No.:** CR-3318-2008

**Keywords:** Probable Cause; Warrant

**Attorney(s):** Michelle Kluk, Esquire for the Commonwealth  
Edward J. Connor, Esquire for Defendant

**Date of Order:** February 23, 2009

**Judge:** Paula A. Roscioli, J.

**Description of Decision:**

Defendant filed a Motion to Quash Warrant, claiming that the warrant to search his home was issued without probable cause. Applying a totality of the circumstances test, the Court found that information supplied by confidential informants and an unwitting informant, police surveillance, and controlled buys, taken as a whole, presented sufficient evidence from which the issuing magistrate could have properly concluded that there was a fair probability that evidence of a crime would be found in Defendant's home. The attesting officer need not have presented evidence to the issuing magistrate sufficient to support a prima facie case. While much of the information supplied was hearsay, sufficient indicia of reliability were provided to the magistrate such that she could properly consider and rely upon it. The circumstances of the case made clear that the information supplied was not stale.

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**Caption:** Amanda Fournier v. Mark Augello, D.C.; Kelley Best, D.C.; Augello Chiropractic; Tecla Brabazon, D.O.; Colleen Wladyslewski, M.D.; Lehigh Valley Hospital—Muhlenberg; and L.V.H., Inc. d/b/a Lehigh Valley Hospital and Health Network

**Term No.:** C-48-CV-2008-6799

**Keywords:** Agency; Insufficient Specificity; Vague and Overbroad

**Attorney(s):** Craig D. Harvath, Esquire for Plaintiff  
George L. Young, Esquire, Mark H. Scoblionko, Esquire and Howard S. Stevens, Esquire for Defendants

**Date of Order:** March 5, 2009

**Judge:** Paula A. Roscioli, J.

**Description of Decision:**

Defendants Brabazon, Wladyslewski, Lehigh Valley Hospital—Muhlenberg, and L.V.H., Inc. objected to the allegations of agency contained in Plaintiff's third amended complaint, on the grounds that they were vague and overbroad. The Court found that Plaintiff had failed to plead sufficient facts to support the five factors of a properly pleaded claim of agency, and that Plaintiff had failed to be sufficiently specific in her identification of alleged agents so as to allow the Defendants to prepare their defense. Plaintiff was admonished not to include identical vague and overbroad language in her third amended complaint, as the same language had twice before been stricken by the Court.



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