

Northampton County Reporter

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VOL. LVI

EASTON, PA February 4, 2010

NO. 5

Northampton County Reporter Digest—2010-2

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INSERT: Goldenrod: 1. "Sentencing/Corrections Reform Legislation and Sentencing Updates"
2. 2010 Calendar
3. Quarterly Association Meeting
4. "Analyzing the Marital Estate: Scenarios, Challenges & Problem Solving"

NOTICE TO THE BAR....

Kindly be advised that we are adding the following Status Conference dates to the 2010 Court Calendar:

February 16, 2010

July 20, 2010

May 13, 2010

October 20, 2010

June 3, 2010

December 9, 2010

If you have any questions concerning this change, please call the Court Administrator's Office at 610-559-6700.

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

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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

Mary Beth Leeson Executive Director
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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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Edward P. Shaughnessy, Esquire

Editor

NOTICE TO NCBA MEMBERS – BAR NEWS

Notice from N.C. Courthouse Law Librarian – Proposed Ordinances

Effective immediately, the Northampton County Law Library will no longer charge a filing fee for proposed ordinances.

Commonwealth Court of Pennsylvania Appellate Law Clerk

Position available. See ad for details. Page 13.

NCBA Dues Payments

All full payments and first installment payments were due on January 31, 2010. If you have not sent in your payment please do so at your earliest convenience.

Quarterly Association Meeting – Thursday, March 4, 2010

Registration form inside.

NCBA Committees

New committees are forming. Complete and return the 2010 Committee Preferences form if you would like to sit on any committees.

Save the Dates

Annual Reception for the Court

Friday, March 19, 2010 - 6:30 p.m. at Northampton Country Club

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

October 16-18, 2010 – Washington, D.C.

Half of the American people have never read a newspaper. Half never voted for president. One hopes it is the same half. ~ Gore Vidal

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

Late of the Borough of Glendon, Northampton County, PA

Executor: Trina E. Kadjeski c/o Paul A. Florenz, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738

Attorneys: Paul A. Florenz, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738

CRITSER, PHYLLIS J. a/k/a PHYLLIS CRITSER, dec'd.

Late of Palmer Township, Northampton County, PA

Executor: Gary P. Critser c/o Constantine M. Vasiliadis, Esquire, Kolb, Vasiliadis and Florenz, 74 W. Broad Street, Suite 170, Bethlehem, PA 18018-5738

Attorneys: Constantine M. Vasiliadis, Esquire, Kolb, Vasiliadis and Florenz, 74 W. Broad Street, Suite 170, Bethlehem, PA 18018-5738

GARDNER, IRA LEONARD a/k/a LEONARD GARDNER, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Lila R. Gardner c/o Fox Tobey, P.C., 1834 Pennsylvania Avenue, Hanover Township, Allentown, PA 18109

Attorneys: Fox Tobey, P.C., 1834 Pennsylvania Avenue, Hanover Township, Allentown, PA 18109

KONDASH, BERNADINE M., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executors: Eileen M. Boligitz and George J. Kondash c/o Mary Ann Snell, Esquire, 3400 Bath Pike, Suite 311, Bethlehem, PA 18017

Attorney: Mary Ann Snell, Esquire, 3400 Bath Pike, Suite 311, Bethlehem, PA 18017

LAUBACH, RODNEY J., dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Administratrix: Patricia Ann Oravec 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

O'CONNELL, LILLIAN G., dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Brenda Werner c/o Constantine M. Vasiliadis, Esquire, Kolb, Vasiliadis and Florenz, 74 W. Broad Street, Suite 170, Bethlehem, PA 18018-5738

Attorneys: Constantine M. Vasiliadis, Esquire, Kolb, Vasiliadis and Florenz, 74 W. Broad Street, Suite 170, Bethlehem, PA 18018-5738

PULLO, GRACE, dec'd.

Late of the Borough of Roseto, Northampton County, PA

Executrix: Maria Stocker, 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

ROOF, MARY E., dec'd.

Late of Wind Gap, Northampton County, PA

Executor: Guy R. Roof c/o Sally L. Schoffstall, Esquire, Schoffstall & Focht, P.C., 2987 Corporate Court, Suite 200, Orefield, PA 18069

Attorneys: Sally L. Schoffstall, Esquire, Schoffstall & Focht, P.C., 2987 Corporate Court, Suite 200, Orefield, PA 18069

RUGGIERO, MARGARET, dec'd.

Late of the Borough of Roseto, Northampton County, PA

Executrix: Kathleen A. Marinucci, 115 Roseto Avenue, Roseto, PA 18013

Attorneys: Ronold J. Karasek, Esquire, Martino, Karasek, Martino and Lopiano-Reilly, L.L.P., 641 Market Street, Bangor, PA 18013

ZELLNER, GERALDINE C., dec'd.

Late of Bethlehem Township, Northampton County, PA

Executor: Fulton Bank, National Association c/o Joel M. Scheer, Fishbone and Scheer, 940 West Lafayette Street, Easton, PA 18042

Attorneys: Joel M. Scheer, Esquire, Fishbone and Scheer, 940 West Lafayette Street, Easton, PA 18042

SECOND PUBLICATION

ANTHONY, WILLIAM THOMAS, JR., dec'd.

Late of 2270 Woodlark Circle, Bethlehem, Northampton County, PA

Executor: William T. Anthony c/o Bohdan J. Zelechiwsky, Esquire, 211 West Broad Street, P.O. Box 1414, Bethlehem, PA 18016

Attorney: Bohdan J. Zelechiwsky, Esquire, 211 West Broad Street, P.O. Box 1414, Bethlehem, PA 18016

BIANCKINI, HELEN ELEANOR a/k/a HELEN E. BIANCKINI a/k/a HELEN BIANCKINI, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Administratrix: Kathleen M. Prutzman, 3045 Mission Road, Bethlehem, PA 18017

Attorney: James J. Holzinger, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

CROZIER, MARY L., dec'd.

Late of the Borough of Wilson, Northampton County, PA

Executrix: Susan L. Beling

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

DUE, MICHAEL J., dec'd.

Late of the Township of Plainfield, 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. Goudsouzian, Esquire, 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

ENGLING, ELEANOR A., dec'd.

Late of Walnutport, Northampton County, PA

Executor: Jason P. Gehret, 1316 Main Street, Northampton, PA 18067

GALLAGHER, ELIZABETH A.,
dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Executor: Steven C. Gallagher
c/o Gregory R. Reed, Attorney-
at-Law, 141 South Broad Street,
P.O. Box 299, Nazareth, PA
18064-0299

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

GRIFFITH, PHYLLIS, dec'd.

Late of the Township of Plainfield,
Northampton County, PA

Administratrix: Gail Weiner
Shearer, Esquire, 70 E. Broad
Street, P.O. Box 1426, Bethle-
hem, PA 18016-1426

Attorney: Gail Weiner Shearer,
Esquire, 70 E. Broad Street, P.O.
Box 1426, Bethlehem, PA 18016-
1426

HALLMAN, THOMAS B. a/k/a
THOMAS B. HALLMAN, SR.,
dec'd.

Late of 1813 Johnston Drive,
Bethlehem, Northampton Coun-
ty, PA

Executor: Jerome D. Hallman
c/o Bohdan J. Zelechiwsky, Es-
quire, 211 West Broad Street,
P.O. Box 1414, Bethlehem, PA
18016

Attorney: Bohdan J. Zelechiw-
sky, Esquire, 211 West Broad
Street, P.O. Box 1414, Bethle-
hem, PA 18016

JOHNSON, IRVING H. a/k/a IR-
VING HOWARD JOHNSON,
dec'd.

Late of Walnutport, Northamp-
ton County, PA

Executrix: Jean M. Casolaro c/o
Sally L. Schoffstall, Esquire,

Schoffstall & Focht, P.C., 2987
Corporate Court, Suite 200,
Orefield, PA 18069

Attorneys: Sally L. Schoffstall,
Esquire, Schoffstall & Focht,
P.C., 2987 Corporate Court,
Suite 200, Orefield, PA 18069

KNOPF, FRANCES C. a/k/a FRAN-
CES C. TIMAR, dec'd.

Late of the Borough of Northamp-
ton, Northampton County, PA
Executrix: Bernadette Chambers
c/o Joel H. Ziev, Esquire, 700
Washington Street, Easton, PA
18042

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

MAKOS, LESLIE S., dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Administratrix: Michelle H.
Hughes c/o Steven N. Goudsou-
zian, 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

MILLER, LaVERNE G., dec'd.

Late of the City of Easton,
Northampton County, PA

Administratrix: Gail Weiner
Shearer, Esquire, 70 E. Broad
Street, P.O. Box 1426, Bethle-
hem, PA 18016-1426

Attorney: Gail Weiner Shearer,
Esquire, 70 E. Broad Street, P.O.
Box 1426, Bethlehem, PA 18016-
1426

MILLER, SHIRLEY ANN, dec'd.

Late of the Township of Hanover,
Northampton County, PA

Co-Executors: Jeffrey A. An-
drews and Patricia A. Andrews

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

RABUCK, JOAN M. a/k/a JOAN MARIE RABUCK, dec'd.

Late of the Township of Palmer, Northampton County, PA

Executor: Raymond J. DeRaymond, Esquire

Attorneys: Raymond J. DeRaymond, Esquire, Gross McGinley, LLP, 717 Washington Street, Easton, PA 18042-4386

RECZEK, MARGARET T., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Betty J. Reczek c/o Mary Ann Snell, Esquire, Suite 311, 3400 Bath Pike, Bethlehem, PA 18017

Attorney: Mary Ann Snell, Esquire, Suite 311, 3400 Bath Pike, Bethlehem, PA 18017

RUSH, CARL D., dec'd.

Late of the Township of Williams, Northampton County, PA

Executors: Kenneth Rush and Dorothy A. Cyphers

Attorneys: Raymond J. DeRaymond, Esquire, Gross McGinley, LLP, 717 Washington Street, Easton, PA 18042-4386

SAYLOR, KATHRYN V., dec'd.

Late of 830 W. Berwick Street, Easton, Northampton County, PA

Administratrix: Margaret E. Saylor, 11 Woodview Court, Bath, PA 18014

Attorney: Timothy J. Prendergast, Esquire, 704 Washington Street, 2nd Floor, Easton, PA 18042

SIGAFOOS, EDITHE C. a/k/a EDITHE SIGAFOOS, dec'd.

Late of Bethlehem Township, Northampton County, PA

Executors: Brian Sayago and Stephanie S. Bell c/o Joel M. Scheer, Esquire, Fishbone & Scheer, 940 West Lafayette Street, Easton, PA 18042

Attorneys: Joel M. Scheer, Esquire, Fishbone & Scheer, 940 West Lafayette Street, Easton, PA 18042

SMULL, WILLIAM J., JR., dec'd.

Late of the Township of Plainfield, Northampton County, PA

Executor: John Smull, 135 James Street, Easton, PA 18042
Attorney: William P. Coffin, Esquire, 100 North Fourth Street, Easton, PA 18042

STITT, JAMES W., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Thomas P. Stitt, Sr. c/o Thomas P. Stitt, Esquire, 576 Nazareth Pike (RT 191), Nazareth, PA 18064-8400

Attorney: Thomas P. Stitt, Esquire, 576 Nazareth Pike (RT 191), Nazareth, PA 18064-8400

SWOPE, GLORIA M., dec'd.

Late of the Township of Moore, Northampton County, PA

Executor: Michael G. Swope, 2219 George Lane, Bath, PA 18014

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

SYLVESTER, SALLY, dec'd.

Late of the Township of Palmer, Northampton County, PA

Executor: Craig Muff

Attorney: Nicholas R. Sabatine, III, Esquire, 16 S. Broadway, Suite 1, Wind Gap, PA 18091

WOLST, ANNA C., dec'd.

Late of the Borough of Hellertown, Northampton County, PA
Co-Executors: Diane R. Krchnavy and Jeffrey D. King 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

THIRD PUBLICATION

BEATTY, ETHEL E., dec'd.

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

Executors: Stewart R. Beatty, Russell D. Beatty and David F. Beatty 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

BUCK, SHIRLEY A., dec'd.

Late of the City of Easton, Northampton County, PA

Executrix: Brenda Rustay c/o Joseph A. Corpora, III, Esquire, Sovereign Bank Building, 100 North Third Street, Suite 502, Easton, PA 18042

Attorney: Joseph A. Corpora, III, Esquire, Sovereign Bank Building, 100 North Third Street, Suite 502, Easton, PA 18042

CAPOZZOLO, FRANCES M., dec'd.

Late of the Borough of Portland, Northampton County, PA

Executrix: Cecelia L. Pritchard a/k/a Cecelia L. Curcio c/o Mc-

Fall, 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

CAPOZZOLO, RUTHANN, dec'd.

Late of the Township of Upper Mt. Bethel, Northampton County, PA

Executors: John H. Capozzolo, James I. Capozzolo and Charles A. Capozzolo c/o James R. Clark, Esquire, 277 Millwood Road, Lancaster, PA 17603

Attorney: James R. Clark, Esquire, 277 Millwood Road, Lancaster, PA 17603

DAILEY, JEFFREY R., dec'd.

Late of Palmer Township, Northampton County, PA

Administrators: Robert C. Dailey and Jane L. Dailey 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

FINDON, AMELIA, dec'd.

Late of the Borough of Wind Gap, Northampton County, PA

Executor: Gary Findon 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

HULL, GLORIA M., dec'd.

Late of 175 West North Street, Nazareth, Northampton County, PA

Executrix: Gloria Sabia, 98 Palmer Road, Bangor, PA 18013

Attorney: Louis D. Powlette, Esquire, 231 Park Avenue, Stroudsburg, PA 18360

KOZISCHEK, CHARLES R., dec'd.

Late of the City of Easton, Northampton County, PA

Executrix: Suzanne Mullick c/o Joseph A. Corpora, III, Esquire, Sovereign Bank Building, 100 North Third Street, Suite 502, Easton, PA 18042

Attorney: Joseph A. Corpora, III, Esquire, Sovereign Bank Building, 100 North Third Street, Suite 502, Easton, PA 18042

McGUGIN, NANCY a/k/a NANCY E.

McGUGIN, dec'd.

Late of Upper Nazareth Township, Northampton County, PA
Executrix: Martha Shank 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

PETRO, MICHAEL, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Administrators: John J. Petro, 1175 Granite Drive, Bethlehem, PA 18017 and Joanne M. Long, 2608 Lynnhurst Drive, Bethlehem, PA 18017

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

PINE, LOUISE MOORE a/k/a LOUISE MOORE VAN VLECK a/k/a LOUISE W. MOORE a/k/a G. LOUISE MOORE PINE, dec'd.

Late of Lower Nazareth Twp., Northampton County, PA

Executors: Patricia Wilde McNamara, Robert S. Logan, Charles H. Logan, Jr. and Antonia M. Grifo c/o Joseph L. Monte, Jr., Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., 344 W. Front St., Media, PA 19063

Attorneys: Joseph L. Monte, Jr., Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., 344 W. Front St., Media, PA 19063

ROTH, CHARLES A., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executors: Margenett H. Roth, 118 Pond Road, Nazareth, PA 18064-9582, Margenett R. Schleifer, 3148 Patterson Drive, Bethlehem, PA 18017-2733 and Charles A. Roth, II, 462 North Black Cat Road, Meridian, ID 83642-5316

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

STEFFY, DEAN MICHAEL a/k/a D. MICHAEL STEFFY a/k/a MICHAEL STEFFY, dec'd.

Late of the Borough of Portland, Northampton County, PA

Administratrix: Ms. Delcy L. Steffy c/o Robert A. Nitchkey, Jr., Esquire, Hemstreet, Nitchkey & Freidl, 730 Washington Street, Easton, PA 18042

Attorneys: Robert A. Nitchkey, Jr., Esquire, Hemstreet, Nitchkey & Freidl, 730 Washington Street, Easton, PA 18042

LIMITED LIABILITY COMPANY NOTICE

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 a Limited Liability Company organized under the provisions of the Limited Liability Company Act approved December 7, 1994, as amended. The name of the limited liability company is:

**MID-ATLANTIC
RENEWABLES, LLC**

This Certificate was filed January 7, 2010

Feb. 4

**FICTITIOUS NAME
REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN that an application for registration of the assumed name:

**EMPLOYEE EMPLOYER
SOLUTIONS**

for the conduct of business in Northampton County, Pennsylvania, with the principal place of business being: 1936 Peach Tree Lane, Bethlehem, PA was made to the Department of State of Pennsylvania at Harrisburg, Pennsylvania, on February 9, 2009, pursuant to 54 Pa.C.S. §311. The names and address of the individuals owning or interested in the said business are: Robert L. Knauss, Rhonda Knauss, Employee Employer Solutions, 1936 Peach Tree Lane, Bethlehem, PA 18015.

Feb. 4

**CORPORATE FICTITIOUS NAME
NOTICES**

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

AQUA POOLS OF EASTON

with its principal place of business at: 1504 Sullivan Trail, Easton, PA 18042.

The name and address of the entity owning or interested in said business is: Aqua Pool & Spa Supply, Inc., 1504 Sullivan Trail, Easton, PA 18042.

QUINTES D. TAGLIOLI, ESQUIRE
MARKOWITZ & RICHMAN

512 Hamilton Street
#200
Allentown, PA 18101

Feb. 4

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

**AQUA POOLS
OF WIND GAP**

with its principal place of business at: 31 West First St., Units F & G, Wind Gap, PA 18091-1515.

The name and address of the entity owning or interested in said business is: Aqua Pool & Spa Supply, Inc., 1504 Sullivan Trail, Easton, PA 18042.

QUINTES D. TAGLIOLI, ESQUIRE
MARKOWITZ & RICHMAN

512 Hamilton Street
#200
Allentown, PA 18101

Feb. 4

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 business in Pennsylvania, under

the assumed or fictitious name, style or designation of:

TERRY'S ITALIAN RESTAURANT
with its principal place of business at:
200 South Delaware Drive, Easton,
PA 18042.

The name and address of the entity owning or interested in said business is: The KTC Group LLC, 1536 South Krocks Road, Wescosville, PA 18106.

QUINTES D. TAGLIOLI, ESQUIRE
MARKOWITZ & RICHMAN
512 Hamilton Street
#200
Allentown, PA 18101

Feb. 4

OFFICE SPACE

Second floor three room office suite available on well traveled West Broad Street in Bethlehem. Conveniently located to major highways and both courthouses. Rent is \$1000 per month which includes all utilities with the exception of phone and internet. This office has a finished 3rd floor which allows for growth if desired. A full kitchen on the 1st floor is available to tenant as well. Please call (610) 867-8150 with all inquiries.

Feb. 4

LEGAL SECRETARY

Busy Northampton County litigation law practice seeks experienced legal secretary for full-time position. Personal Injury experience preferred. Send letter of interest, work history, resume, and references, in confidence to:

MARTINO, KARASEK, MARTINO

and LOPIANO-REILLY, LLP

641 Market Street, Bangor, Pennsylvania 18013

Phone: (610) 588-0224

mjg@mkmandl-r-lawoffices.com

Jan. 28; Feb. 4

ATTORNEY WANTED

Mid-size Lehigh Valley law firm seeks associate with 0-2 year's experience. Candidate must be licensed in both Pennsylvania and New Jersey. We offer a competitive salary and benefits. Please send resume in confidence to Dennis Winegar, Esq. via email winegard@verizon.net and/or via fax to (908) 454-3322.

Feb. 4, 11

**COMMONWEALTH COURT
OF PENNSYLVANIA****APPELLATE LAW CLERK**

Judge Robert (“Robin”) Simpson of the Commonwealth Court of Pennsylvania has an opening for an appellate law clerk in Nazareth, PA. Duties include drafting opinions and legal memoranda for matters on appeal from state agencies and the courts of common pleas, and reviewing other law clerks’ opinions and memoranda for accuracy and conformity with the rules of citation. Strong research and writing skills are a must. Competitive salary and excellent benefits package offered. Please fax cover letter, resume and transcript to (610) 746-7754.

Jan. 28; Feb. 4



Errol C. Deans, Jr. has been promoted to Senior Counsel for the law firm of Gross McGinley, LLP. Mr. Deans is a member of Gross McGinley's litigation practice group. He concentrates his practice on commercial litigation, employment law and medical malpractice defense.

Mr. Deans, a Lehigh Valley resident, is very involved in the community. Currently he sits on the board for Big Brothers Big Sisters of the Lehigh Valley and is actively involved in its fund-raising efforts.

Mr. Deans is a graduate of New York University School of Law.

Feb. 4

NORTHAMPTON COUNTY REPORTER DIGEST—2010-2

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

Caption: Clifford Ransom, Sr. v. Easton Area School District
Term No.: C-48-CV-2008-11366
Keywords: False Light; Breach of Contract; Settlement; Confidential; Political Subdivision Tort Claims Act; Right-to-Know Law; 42 Pa.C.S. §8541; 65 P.S. §67.101
Attorney(s): Richard Orloski, Esquire for Plaintiff
John E. Freund, Esquire for Defendant
Date of Order: May 8, 2009
Judge: Paula A. Roscioli, J.
Description of Decision:

Defendant filed preliminary objections in the nature of a demurrer to Plaintiff’s Complaint, which alleged causes of action in false light and breach of contract. Plaintiff alleged that Defendant breached the parties’ prior settlement agreement in a discrimination case by providing false and confidential information to the press regarding that settlement. Defendant argued that it was immune from suit on the false light claim as a political subdivision and local agency, and that Plaintiff could not possibly aver sufficient facts to support a claim for breach of contract because the provision being sued upon was unenforceable. Plaintiff conceded that the Political Subdivision Tort Claims Act made Defendant immune from suit on the false light claim, and the Court dismissed that claim. The Court found that while the settlement agreement, which required Defendant to keep the terms of the settlement confidential “to the extent permitted by law,” may have been subject to the Right-to-Know Law, Plaintiff had asserted sufficient facts to support his claim that Defendant breached the parties’ contract by providing additional interpretive statements to the press regarding the nature of the settlement agreement, which conduct is not required by law. Accordingly, Defendant’s second preliminary objection was overruled.

Caption: Pawan J. Singh and Sandhya A. Singh v. Old Mill Estates, Inc.
Term No.: C-48-CV-2009-422
Keywords: Contract Interpretation; Motion To Strike; Real Estate Contract
Attorney(s): Kevin T. Fogerty, Esquire for Plaintiffs
Leo V. DeVito, Esquire for Defendant
Date of Order: May 13, 2009
Judge: Paula A. Roscioli, J.
Description of Decision:

Plaintiffs filed preliminary objections in the nature of a motion to strike in response to Defendant’s Answer and New Matter, wherein Defendants relied upon a paragraph in the parties’ contract to support their arguments which was different than the paragraph which the Plaintiffs had relied upon in making their arguments in their Complaint. Finding that a contract is to be read as a whole and that Defendant was well within its right to direct the attention of the Court to a provision of the parties’ contract which it believed was relevant, the Court overruled the preliminary objections.

Caption: Commonwealth v. Jamal Middleton
Term No.: CR-2009-1283
Keywords: Mens Rea; Sufficiency of Evidence; Motion To Dismiss
Attorney(s): Roy A. Manwaring, Esquire for the Commonwealth
Dwight L. Danser, Esquire for Defendants
Date of Order: June 2, 2009
Judge: Paula A. Roscioli, J.

Description of Decision:

Defendant was charged with the crimes of conspiracy, theft, receiving stolen property, underage drinking, and unauthorized use of an automobile, all arising out of an incident in which Defendant was the passenger in a vehicle that had been reported stolen. Each of the charges was bound over for court by the magistrate, with the exception of the unauthorized use charge. Finding that the charge of conspiracy and theft each required that the Commonwealth prove that the Defendant possessed a mens rea of intent, and that the charge of receiving stolen property required that the Commonwealth prove that the Defendant possessed a mens rea of either knowledge or recklessness, and finding that there was no evidence of record that Defendant possessed either mens rea, the Court granted Defendant's motion to dismiss the charges of conspiracy, theft, and receiving stolen property.

Caption: Gary Gavornik and Kimberly Gavornik v. Troy-Bilt, LLC and Lowe's Home Centers, Inc., and Lowe's Home Center
Term No.: C-48-CV-2009-1748
Keywords: Warranty; Costs; Prejudgment Interest; Delay Damages; Pa. R.C.P. 238; 13 Pa. C.S.A. §2607(c); Statute of Limitations
Attorney(s): Neil E. Durkin, Esquire for Plaintiff
Gregory Samurovich, Esquire for Defendants
Date of Order: June 17, 2009
Judge: Paula A. Roscioli, J.

Description of Decision:

Defendants filed eight preliminary objections to Plaintiffs' Complaint, which asserted causes of action in strict liability, negligence, and breach of both express and implied warranties. Defendants first objected to the inclusion in each count of the Complaint of a demand for costs. The Court found that a demand for record costs was appropriate, but that no other costs of suit were recoverable, in the absence of statutory authorization or an agreement of the parties. Defendants' second objection was to the inclusion of demands for delay damages. Finding demands in the Complaint for delay damages to be premature and inconsistent with Pa. R.C.P. 238, the Court sustained that preliminary objection. Defendants next objected to Plaintiffs' demands for prejudgment interest. Concluding that such demands were premature on Plaintiffs' tort claims, but that they were appropriate in the Complaint on Plaintiffs' contract claims, the Court sustained the objection in part and overruled it in part. The Court dismissed Plaintiffs' claims for breach of express warranty upon the objection of Defendants, on the grounds that Plaintiffs had not pleaded with specificity the existence or terms of an express warranty, had failed to attach such a warranty to the Complaint, and had failed to account for its absence. The Court also dismissed Plaintiffs' claims for breach of implied warranty, as the record reflected that Plaintiffs had failed to notify Defendants within a reasonable time of the

alleged breach, as they were required to do by 13 Pa. C.S.A. §2607(c). Plaintiffs were directed to file a more specific Complaint after the Court sustained Defendants' sixth preliminary objection on the grounds that Plaintiffs had failed to aver the date of tender in the Complaint, which information was potentially essential to Defendants' statute of limitations defense. Defendants conceded that the Complaint did not set forth a particular purpose for the equipment in question, and that, absent a particular purpose, there could be no warranty of fitness for a particular purpose. Accordingly, Defendants' seventh preliminary objection was sustained. Finally, the Court sustained Defendants' eighth preliminary objection, finding that Plaintiffs had not set forth sufficient facts to support their claims for breach of express warranty.

Caption: **Barry L. Haydt and Barbara J. Dorshimer v. Dettmer's Outdoor Recreation, Inc. and Polaris Sales, Inc.**

Term No.: C-48-CV-2006-3783

Keywords: Pa. R.C.P. 401; Pa. R.C.P. 402; Pa. R.C.P. 403; Motion in Limine

Attorney(s): Erik J. Conrad, Esquire for Plaintiff
Michael D. Kracht, Esquire for Defendant Dettmer's
Clem C. Trischler, Esquire for Defendant Polaris

Date of Order: June 29, 2009

Judge: Paula A. Roscioli, J.

Description of Decision:

Defendant Dettmer's presented a Motion in Limine to preclude the introduction of evidence at trial regarding Plaintiff Barry Haydt's use or non-use of protective equipment during the incident at issue, on the grounds that the evidence was irrelevant and would be unduly prejudicial. Finding that the evidence was in fact relevant to the issue of whether the defendant operated its ATV safety training course in a negligent manner, as alleged, and that the probative value of the evidence was not outweighed by the danger of unfair prejudice, the Court denied the motion.

Caption: **Barry L. Haydt and Barbara J. Dorshimer v. Dettmer's Outdoor Recreation, Inc. and Polaris Sales, Inc.**

Term No.: C-48-CV-2006-3783

Keywords: Pa. R.C.P. 401; Pa. R.C.P. 402; Pa. R.C.P. 403; Motion in Limine; Credibility; Impeachment

Attorney(s): Erik J. Conrad, Esquire for Plaintiff
Michael D. Kracht, Esquire for Defendant Dettmer's
Clem C. Trischler, Esquire for Defendant Polaris

Date of Order: June 29, 2009

Judge: Paula A. Roscioli, J.

Description of Decision:

Plaintiff presented a Motion in Limine to preclude the introduction of evidence at trial regarding certain paperwork which was allegedly signed by Plaintiff Barry Haydt at the time he purchased the ATV in question, on the grounds that the evidence was irrelevant and would be unduly prejudicial. Finding that the evidence was in fact relevant to the issue of the plaintiff's credibility and that the probative value of the evidence was not outweighed by the danger of unfair prejudice, the Court denied the motion.

Caption: Barry L. Haydt and Barbara J. Dorshimer v. Dettmer's Outdoor Recreation, Inc. and Polaris Sales, Inc.

Term No.: C-48-CV-2006-3783

Keywords: Motion in Limine; Vicarious Liability; Dealer Agreement

Attorney(s): Erik J. Conrad, Esquire for Plaintiff
Michael D. Kracht, Esquire for Defendant Dettmer's
Clem C. Trischler, Esquire for Defendant Polaris

Date of Order: June 29, 2009

Judge: Paula A. Roscioli, J.

Description of Decision:

Defendant Polaris presented a Motion in Limine to preclude any evidence, argument, or charge at trial suggesting that it was vicariously liable for the negligent acts of Defendant Dettmer's, on the grounds that the relationship between the two defendants could not possibly give rise to vicarious liability. Having examined the dealership agreement contract in place between the defendants at the time of the accident at issue, the Court determined that a master-servant relationship did exist between the defendants, as Polaris enjoyed a significant level of control over Dettmer's, and the motion was denied.

Caption: Barry L. Haydt and Barbara J. Dorshimer v. Dettmer's Outdoor Recreation, Inc. and Polaris Sales, Inc.

Term No.: C-48-CV-2006-3783

Keywords: Partial Summary Judgment; Coordinate Jurisdiction; Punitive Damages; Prima Facie Case; Substantial Change

Attorney(s): Erik J. Conrad, Esquire for Plaintiff
Michael D. Kracht, Esquire for Defendant Dettmer's
Clem C. Trischler, Esquire for Defendant Polaris

Date of Order: June 29, 2009

Judge: Paula A. Roscioli, J.

Description of Decision:

Defendant Polaris presented a Motion for Partial Summary Judgment, seeking summary judgment on claims against it for punitive damages. The Honorable Edward G. Smith had previously ruled in a discovery motion that Plaintiffs had failed to demonstrate a prima facie case for punitive damages. Plaintiffs argued that new evidence had emerged which lent substantial support to its claim for punitive damages. Applying the doctrine of coordinate jurisdiction and determining that Plaintiffs had failed to demonstrate a substantial change in the evidence available since the time of Judge Smith's ruling, the Court granted the motion. The Court further found that, even in the absence of the prior ruling, the evidence of record was insufficient to support a claim for punitive damages.

Caption: James D. Davitt and Josephine Davitt v. Easton Warren Urology, Scott Yeaw, M.D., Franklin Margolis, M.D., Summit Urology, Eric Zeller, P.A., and Easton Hospital

Term No.: C-48-CV-2009-1413

Keywords: Agency; Insufficient Specificity; Loss of Consortium; Vague and Overbroad; Informed Consent; Corporate Liability

Attorney(s): John P. Karoly, Jr., Esquire for Plaintiff

Candy Barr Heimbach, Esquire for Defendants Margolis and Summit

Howard S. Stevens, Esquire for Defendant Easton Hospital

James R. Kahn, Esquire for Defendant Eric Zeller

Date of Order: July 1, 2009

Judge: Paula A. Roscioli, J.

Description of Decision:

Defendants Franklin Margolis, M.D., Summit Urology, Easton Hospital, and Eric Zeller, P.A. each made preliminary objections to Plaintiffs' Complaint, which alleged causes of action in negligence and loss of consortium against all defendants, as well as causes of action in vicarious liability and corporate liability against Summit Urology and Easton Hospital. Defendant Easton Hospital first objected on the grounds that the agency allegations against it were vague and overbroad. Finding that those allegations in the Complaint were insufficient to permit the Hospital to determine which individuals Plaintiffs were referring to, the Court sustained the objection. Finding that Plaintiffs had not pleaded a valid cause of action for failure to obtain informed consent, the Court sustained the Hospital's second preliminary objection and dismissed the claim. The Court sustained the Hospital's third preliminary objection upon a finding that Plaintiffs demanded compensation for injuries which are not compensable under a loss of consortium claim. The Court sustained in part and overruled in part the Hospital's final preliminary objection, finding that Plaintiffs had failed to allege sufficient material facts to permit the Hospital to prepare a meaningful defense against certain negligence claims. The Court similarly sustained in part and overruled in part the first preliminary objection of Dr. Margolis and Summit Urology, on the grounds that the Complaint was insufficiently specific to allow those defendants to prepare a meaningful defense to many of the negligence claims against them. The Court again sustained an objection to Plaintiffs' agency claims, on the grounds that Plaintiffs failed to plead sufficient facts to support those claims against the Margolis and Summit Defendants. Finding that Plaintiffs had not and could not set forth a cognizable claim for corporate liability against the physician's practice, the Court dismissed that claim with prejudice. The Court dismissed without prejudice Plaintiffs' claim against Dr. Margolis for failure to obtain informed consent, because Plaintiffs had failed to allege sufficient facts to support such a claim. Dr. Margolis and Summit Urology's final objection echoed that of the Hospital with regard to the loss of consortium claim, and was also sustained. Finally, the Court sustained both of Defendant Zeller's preliminary objections, dismissing the claims against him without prejudice, as Plaintiffs had failed to aver sufficient facts to support their claims against him of negligence, loss of consortium, or agency.

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