

Northampton County Reporter

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VOL. LVI

EASTON, PA March 4, 2010

NO. 9

Northampton County Reporter Digest—2010-3

CONTENTS

Bar News	3	Limited Liability Company Notice	10
Corporate Fictitious Name Registration Notice	11	Northampton County Reporter Digest—2010-3	12
Estate Notices	4	Notice of Dissolution	10
Fictitious Name Registration Notices	10	Notices of Incorporation	9

INSERT: Goldenrod: 1. 2010 Calendar

2. "Analyzing the Marital Estate: Scenarios, Challenges & Problem Solving"
3. Congratulations to our own Northampton High School Mock Trial Team!
4. PA CLE Requirements

Cream: 1. "Northampton County's Mortgage Foreclosure Diversion Program—2010"

2. "Employee or Independent Contractor—Can You Afford to Make a Mistake?"
3. Reception for the Court
4. PBI/CLE Seminars—NCBA Office—March-April 2010

NOTICE TO THE BAR....

Reception for the Court—Friday, March 19, 2010

Northampton County Club—6:30 p.m.

Please RSVP no later than March 12. Registration form inside.

* * * * *

Reporter Deadline Change—the deadline for the April 1st issue of the N.C. Reporter is changed to Monday, March 29, 2010, at Noon.

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Northampton County Reporter

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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

Save the Dates

Quarterly Association Meeting – Thursday, May 20, 2010 – 12:00 p.m.

Program: Malpractice Avoidance Seminar, Best Western, Bethlehem

Summer Outing – Thursday, July 22, 2010

Louise Moore Park, All day food, competitions and fun

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

October 16-17, 18, 2010 – Washington, D.C.

Notice to NCBA Committee Chairs

If you are chairing one of the NCBA committees please schedule your committee meeting by calling the NCBA office to check on available dates.

Experience is a hard teacher because she gives the test first, the lesson afterwards.
~ Vernon Sanders Law

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**BELSHAW, FRANCES A.**, dec'd.

Late of the Township of Palmer, Northampton County, PA
Co-Executors: Eric Edward Belshaw and Jane L. Fraser
Attorneys: Karl H. Kline, Esquire, Karl Kline P.C., 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

COFFIN, LORRAINE B., dec'd.

Late of the Borough of Walnutport, Northampton County, PA
Co-Executrices: Karen K. Schneck and Lois J. Szapacs c/o 669 Main Street, Slatington, PA 18080
Attorneys: James A. Wimmer, Esquire, Philip & Wimmer, 419 Delaware Avenue, P.O. Box 157, Palmerton, PA 18071

DUTT, MARILYN V., dec'd.

Late of the Township of Upper Mt. Bethel, Northampton County, PA
Executrix: Lori R. Poliskiewicz, 242 School Road, Bangor, PA 18013

FINK, ROSE a/k/a ROSE C. FINK, dec'd.

Late of the Township of East Allen, Northampton County, PA

Executor: Mark Gutekunst, 8230 Seemsville Road, Northampton, PA 18067-9307
Attorney: Daniel G. Spengler, Esquire, 110 East Main Street, Bath, PA 18014

GERMANO, SALVATORE T. a/k/a SAM GERMANO, dec'd.

Late of the City of Easton, Northampton County, PA
Administratrix: Concetta Palmisano
Attorneys: McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, Bangor, PA 18013

JORDAN, BETTIE M. a/k/a ELIZABETH M. JORDAN, dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executor: Frank J. Jordan, Jr., 603 S. Lynn Street, Bethlehem, PA 18015
Attorney: Richard S. Luse, Esquire, 316 West Broad Street, Bethlehem, PA 18018

KOPACH, ANDREW S., dec'd.

Late of the Borough of Nazareth, Northampton County, PA
Co-Executrices: Constance M. Sakasits and Ruthann Flad c/o Gregory R. Reed, Attorney-at-Law, 141 South Broad Street, P.O. Box 299, Nazareth, PA 18064-0299

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

LEIDICH, EDNA E., dec'd.

Late of Hellertown, Northampton County, PA
Co-Executors: Willis A. Leidich and Shirley M. Leidich c/o Nicholas E. Englesson, Esquire,

740 Main Street, Bethlehem, PA 18018

Attorney: Nicholas E. Englesson, Esquire, 740 Main Street, Bethlehem, PA 18018

OLES, G. ROBERT, dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Paul M. Oles c/o Matthew D. Menges, Esquire, Menges, McLaughlin & Kalasnik, P.C., 145 East Market Street, York, PA 17401

Attorneys: Matthew D. Menges, Esquire, Menges, McLaughlin & Kalasnik, P.C., 145 East Market Street, York, PA 17401

STREADER, MILDRED, dec'd.

Late of the Township of Palmer, Northampton County, PA

Executor: Ernest J. Streader, 279 Bates Street, Phillipsburg, NJ 08865

WELLER, RITA C., dec'd.

Late of the Township of Forks, Northampton County, PA

Executrix: Catherine Ann Oliva 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

YANNOTTI, MARION, dec'd.

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

Executrix: Stephanie Picone, 6 Apache Drive, Mt. Bethel, PA 18343

Attorney: MaryAnn O. Garvey, Esquire, 727 Monroe Street, Stroudsburg, PA 18360

SECOND PUBLICATION

BACHMAN, CHESTER W., JR., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executors: Allen W. Bachman and Sharlene L. Bennett c/o Littner, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18016-1407

Attorneys: Littner, Deschler & Littner, 512 N. New St., P.O. Box 1407, Bethlehem, PA 18016-1407

BACHMANN, LOIS M., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executor: David Bachmann, 151 Hamilton Ave., Westfield, NJ 07090

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

BALDANZA, JOSEPH, dec'd.

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

Executrix: Sara Baldanza c/o Kristie L. Beitler, Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., P.O. Box 20770, Lehigh Valley, PA 18002-0770

Attorneys: Kristie L. Beitler, Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., P.O. Box 20770, Lehigh Valley, PA 18002-0770

BRINK, SUSAN MARIE a/k/a SUSAN M. BRINK, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: William John Lanning Brink c/o Edward L. Redding, Esquire, 548 N. New Street, Bethlehem, PA 18018

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

CHUCKRAN, MARY ANN a/k/a MARY ANN B. CHUCKRAN, dec'd.

Late of the City of Easton, Northampton County, PA

Executor: Mark Joseph Chuckran c/o Littner, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18016-1407

Attorneys: Littner, Deschler & Littner, 512 N. New St., P.O. Box 1407, Bethlehem, PA 18016-1407

CLYMER, DOROTHY M. a/k/a DOROTHY MAY CLYMER, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Jerry A. Clymer c/o Edward H. Butz, Esquire, Lesavoy Butz & Seitz LLC, 7535 Windsor Drive, Suite 200, Allentown, PA 18195

Attorney: Edward H. Butz, Esquire, Lesavoy Butz & Seitz LLC, 7535 Windsor Drive, Suite 200, Allentown, PA 18195

FORTUNE, CHRISTINE D. a/k/a CHRISTINE FORTUNE a/k/a CHRISTINE DENT FORTUNE, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executors: Arthur L. Dent and Robert Christian c/o Susan G. Collings, Esquire, Drinker, Biddle & Reath, LLP, One Logan Sq., 18th & Cherry Streets, Philadelphia, PA 19103

Attorneys: Susan G. Collings, Esquire, Drinker, Biddle & Reath, LLP, One Logan Sq., 18th & Cherry Streets, Philadelphia, PA 19103

GETZ, STEVEN J., dec'd.

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

Executrix: Joyce A. Flamisch c/o Gregory R. Reed, Attorney-at-Law, 141 South Broad Street, P.O. Box 299, Nazareth, PA 18064-0299

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

HILL, HOWARD C., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: David A. Hill

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

JEFF, EVELYN M., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executors: Carol J. Scott, Ronald C. Jeff, or Dennis W. Jeff c/o Edward H. Butz, Esquire, Lesavoy Butz & Seitz LLC, 7535 Windsor Drive, Suite 200, Allentown, PA 18195

Attorneys: Edward H. Butz, Esquire, Lesavoy Butz & Seitz LLC, 7535 Windsor Drive, Suite 200, Allentown, PA 18195

KUNSMAN, CHARLES R., JR., dec'd.

Late of Hanover Township, Northampton County, PA

Administrator: Charles R. Kunsman, 4990 Township Line Road, Bethlehem, PA 18017

MACKARAVITZ, WILLIAM V., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executors: William V. Mackaravitz, Jr., Reba A. Pike, and Scott W. Mackaravitz c/o Keith D. Cacciatore, Esquire, Suite 23, 3005 Brodhead Road, Bethlehem, PA 18020

Attorney: Keith D. Cacciatore, Esquire, Suite 23, 3005 Brodhead Road, Bethlehem, PA 18020

MATTES, MARY M., dec'd.

Late of the City of Easton, Northampton County, PA

Co-Executrices: Jane M. Borg, 18 Plymouth Street, Pennington, NJ 08534 and Nancy M. Brandl, 9454 105th Street, Scottsdale, AZ 85258

SIMONETTA, JO ANNE, dec'd.

Late of the City of Easton, Northampton County, PA

Executrix: Marilyn Unger c/o Diane K. Foxman, Esquire, Hamburg, Rubin, Mullin, Maxwell & Lupin, P.C., 375 Morris Rd., P.O. Box 1479, Lansdale, PA 19446-0773

Attorneys: Diane K. Foxman, Esquire, Hamburg, Rubin, Mullin, Maxwell & Lupin, P.C., 375 Morris Rd., P.O. Box 1479, Lansdale, PA 19446-0773

STEMMERMAN, STEPHANIE C., dec'd.

Late of the City of Easton, Northampton County, PA

Executor: Henry R. Newton, Jr. Attorneys: Herster, Newton & Murphy, 127 N. 4th St., P.O. Box 1087, Easton, PA 18044-1087

TERLESKI, NICK, dec'd.

Late of Easton, Northampton County, PA

Executrix: Margaret Terleski, 712 Butternut Lane, Easton, PA 18045-5122

Attorney: William C. Clements, Esquire, 65 East Elizabeth Avenue, Suite 510, Bethlehem, PA 18018

TICSON, LEATRICE, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Adam T. Ticson, 4005 Oliver Ave., Bethlehem, PA 18020

Attorneys: Gary M. Miller, Esquire, Miller & Davison, 210 E. Broad Street, Bethlehem, PA 18018

TRAVIS, MARGUERITE C., dec'd.

Late of Nazareth, Northampton County, PA

Executor: Harold J. Smith c/o Nicholas E. Englesson, Esquire, 740 Main Street, Bethlehem, PA 18018

Attorney: Nicholas E. Englesson, Esquire, 740 Main Street, Bethlehem, PA 18018

VALO, ELMER GENE, dec'd.

Late of the Township of Moore, Northampton County, PA

Administrator: Terry D. Valo, 2788 Kuter Road, Bath, PA 18014

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

THIRD PUBLICATION

BERNE, GIUSTINA, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Administratrices: Livia Grube and Mirella Kohler c/o Littner, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18016-1407

Attorneys: Littner, Deschler & Littner, 512 N. New St., P.O. Box

1407, Bethlehem, PA 18016-1407

FULMER, IRENE M., dec'd.

Late of the Borough of Hellertown, Northampton County, PA
Co-Executors: Gerald W. Fulmer and Susan K. Fulmer a/k/a Susan Fulmer Salwitz 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

KLOTZ, PAULINE E., dec'd.

Late of the Township Upper Nazareth, Northampton County, PA

Co-Executrices: Barbara Lynn-Sarley, 1340 Silo Drive, Bath, PA 18014 and Kathy E. Sigafos, 145 W. St. Elmo Street, Nazareth, PA 18040

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

NEMESH, ELSIE W., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Patricia Ann Schoenen c/o Littner, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18016-1407

Attorneys: Littner, Deschler & Littner, 512 N. New St., P.O. Box 1407, Bethlehem, PA 18016-1407

ODENWELDER, JOAN F., dec'd.

Late of the Township of Forks, Northampton County, PA

Executor: Scott D. Odenwelder, 2719 Meadow Lane Drive, Easton, PA 18040

Attorney: Antonia M. Grifo, Esquire, 318 Spring Garden Street, Easton, PA 18042-3552

PETERS, RICHARD H., dec'd.

Late of Lower Saucon Township, Northampton County, PA

Executrix: Lorraine Osterstock 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

REILY, CAROL A., dec'd.

Late of Lower Saucon Township, Northampton County, PA

Executor: Richard V. Reily, Jr. 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

RILEY, DORIS C., dec'd.

Late of the City of Easton, Northampton County, PA

Executrix: Janet Riley c/o Theresa Hogan, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042

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

ROUND, DOROTHY H., dec'd.

Late of the Township of Palmer, Northampton County, PA

Executor: Kenneth D. Round 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

VILLANI, ARMANDO, dec'd.

Late of the City of Bethlehem, Northampton County, PA
 Executrix: Rachel Scipioni, 578 Daniels Road, Nazareth, PA 18064

Attorney: Gene F. Roscioli, Esquire, 830 Lehigh Street, Easton, PA 18042

WEILAND, WESLEY G. a/k/a WESLEY WEILAND, dec'd.

Late of the Borough of Hellertown, Northampton County, PA
 Executrix: Bonnie S. Sohn c/o 3101 Emrick Blvd., Suite 205, Bethlehem, PA 18020

Attorneys: Daniel E. Cohen, Attorney, Seidel, Cohen, Hof & Reid, L.L.C., 3101 Emrick Blvd., Suite 205, Bethlehem, PA 18020

YASZEWSKI, CHARMAINE C., dec'd.

Late of the Borough of Hellertown, Northampton County, PA
 Executrix: Sharon Warden 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

TRUST NOTICE

NOTICE IS HEREBY GIVEN of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said trusts are requested to make known the same, and all persons indebted to said trusts are requested to make payment, without delay, to the trustees or to their attorneys named below.

GRAY, KARL F., dec'd.

Late of Bethlehem Township, Northampton County, PA

The Gray Revocable Living Trust, dated November 30, 1993

Trustee: Ruth E. Gray c/o Dionysios C. Pappas, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

Attorneys: Dionysios C. Pappas, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

NOTICES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of 1988 (1988, Dec. 21, P.L. 1444, No. 177, Section 103) of the Commonwealth of Pennsylvania.

The name of the proposed corporation is:

MARTELLUCCI'S PIZZERIA, LLC

Articles of Incorporation were filed on February 22, 2010.

The purpose for which the corporation has been organized is: Pizza Shop. This corporation is to be incorporated under the Business Corporation Law of Pennsylvania of 1988 (1988, Dec. 21, P.L. 1444, No. 177, Section 103).

EDWARD L. REDDING, ESQUIRE
 548 North New Street
 Box 558
 Bethlehem, PA 18016-0558

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, for the purposes 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:

PSnC, Inc.

BARRY N. MOSEBACH,
ESQUIRE

MOSEBACH, FUNT, DAYTON &
DUCKWORTH, P.C.
1620 Pond Road, Suite 75
Allentown, PA 18104-2280

Mar. 4

NOTICE IS HEREBY GIVEN that Articles of Incorporation—Nonprofit were filed with the Department of State of the Commonwealth of Pennsylvania, with respect to the following corporation:

**THE 912 PROJECT OF THE
LEHIGH VALLEY, INC.**

The corporation has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, as amended.

JENNY Y.C. CHENG, ESQUIRE
CHENG LAW OFFICES, P.C.

232 Delaware Avenue
Palmerton, PA 18071
(610) 826-2100

Mar. 4

NOTICE OF DISSOLUTION

NOTICE IS HEREBY GIVEN to all persons interested or who may be affected by ENVIRONMENTAL ASSOCIATES OF THE LEHIGH VALLEY, INC., a domestic corporation, that the shareholders have approved a proposal that the corporation dissolve voluntarily and that the board of directors is now engaged in winding up and settling the affairs of said corporation, so that its corporate existence shall be ended by filing its Articles of Dissolution with the Secretary of the Commonwealth of Penn-

sylvania, under the provisions of Section 1975 of the Business Corporation Law of the Commonwealth of Pennsylvania of 1988, as amended. For inquiries contact: Stewart T. Herman and Carol A. Herman.

Mar. 4

**LIMITED LIABILITY COMPANY
NOTICE**

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a Domestic Limited Liability Company was filed with the Department of State of the Commonwealth for:

OLD STONEHOUSE FARM, LLC

in accordance with the provisions of the Limited Liability Act of 1994.

McFALL, LAYMAN & JORDAN, P.C.
134 Broadway
Bangor, PA 18013

Mar. 4

**FICTITIOUS NAME
REGISTRATION NOTICES**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Names Act of 1982, 54 Pa.C.S. Section 301 et seq., that an application for registration of a fictitious name was filed in the office of the Secretary of Commonwealth of Pennsylvania at Harrisburg, Pennsylvania for the conduct of business in Pennsylvania, under the assumed or fictitious name, style or designation of:

ION time

with its principal place of business at: 4735 Henry St., Easton, Pennsylvania 18045. The name and address of the person owning or interested in said business is: Cyndy Brinker, 4735 Henry St., Easton, Pennsylvania 18045. The certificate was filed on February 5, 2010.

Mar. 4

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act No. 295,

approved December 16, 1982, P.L. 1309, of the filing, in the office of Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, on October 26, 2009, of a fictitious name registration for the conduct of a business in Pennsylvania under the assumed or fictitious name, style or designation of:

WHITE SHORE MUSIC

with its principal place of business at: 660 Almond Road, Walnutport, Pennsylvania. The name and address of the person interested in said business is: Kimberlee Edwards, 660 Almond Road, Walnutport, PA 18088.

JOSHUA D. SHULMAN, ESQUIRE
SHULMAN & SHABBICK
1935 Center Street
Northampton, PA 18067

Mar. 4

**CORPORATE FICTITIOUS NAME
REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Names Act of 1982, 54 Pa.C.S. Section 301 et seq., that an application for registration of a fictitious name was filed in the office of the Secretary of Commonwealth of Pennsylvania at Harrisburg, Pennsylvania for the conduct of business in Pennsylvania, under the assumed or fictitious name, style or designation of:

THE COMPUTER MONITORS

with its principal place of business at: 416 Wyandotte St., Bethlehem, PA 18015. The name and address of the entity owning or interested in said business is: Bak to Werk LTD, 400 Bridle Path Road #2, Bethlehem, Pennsylvania 18017. The certificate was filed on January 22, 2010.

Mar. 4

NORTHAMPTON COUNTY REPORTER DIGEST—2010-3

Caption: Amy Rowshandel Farley v. Richard Kociuba, Brenda Godown, Coldwell Banker Heritage Real Estate, Charles Hanson, Weichert Realtors and Timothy R. Weis

Term No.: C-0048-CV-2005-2299

Keywords: Real Estate; Summary Judgment; Merger of Title

Attorney(s): Kevin L. Orlaski, Esquire for Plaintiff
Ralph J. Bellafato, Esquire for Defendant

Date of Order: January 14, 2009

Judge: William F. Moran, J.

Description of Decision:

Plaintiff purchased a home from Defendant-seller, after he had undertaken certain renovations. A pipe burst in the home, causing damage and Plaintiff filed a Complaint alleging claims of breach of implied warranty of habitability, breach of contract, fraud and justifiable reliance against Defendant. Defendant filed a motion for summary judgment, which the court granted as to all claims, after finding that Plaintiff had failed to offer *prima facie* evidence in support of her claims.

Caption: Anil Thakrar v. Prakash Thakrar

Term No.: C-0048-CV-2008-5109

Keywords: Summary Judgment; Parol Evidence Rule; Admission Exception

Attorney(s): Charles Shoemaker, Esquire for Plaintiff
Anne Manley, Esquire for Defendant

Date of Order: April 22, 2009

Judge: William F. Moran, J.

Description of Decision:

Plaintiff filed. The parties were business partners who agreed to dissolve their partnership. The terms of the dissolution were reduced to a signed writing. However, subsequent to dissolution, Plaintiff filed a complaint alleging counts of breach of contract; unjust enrichment; fraud; misrepresentation and conversion against Defendant, on the basis of Defendant's alleged breach of an alleged oral agreement made between the parties prior to or contemporaneous with the written agreement. Defendant then filed a motion for summary judgment, arguing that given the existence of an integrated written agreement, evidence of any oral agreements made in connection therewith, and any claims stemming therefrom, were barred by the parol evidence rule. The Court agreed, but denied the motion for summary judgment given the possible application of the admission exception to the parol evidence rule in the case, and the need for further discovery.

Caption: Victaulic Company v. Innoveer Solutions, Inc.

Term No.: C-0048-CV-2009-0197

Keywords: Preliminary Objection; Unjust Enrichment; Express Warranty; Fiduciary Duty; Good Faith and Fair Dealing; Pleading in the Alternative

Attorney(s): Oldrich Foucek, III Esquire for Plaintiff
Shawn P. Phillips, Esquire for Defendant

Date of Order: May 7, 2009

Judge: William F. Moran, J.

Description of Decision:

Plaintiff filed a complaint against Defendant setting forth claims of breach of contract, unjust enrichment, breach of express warranty, breach of duty of good faith and fair dealing and breach of fiduciary duty in connection with an agreement (“Agreement”) between the parties whereby Defendant was to design, develop and install an upgrade to a software system utilized by Plaintiff, and train Plaintiff’s staff on the use of the new system. Defendant filed preliminary objections thereto. By the first preliminary objection, Defendant moved to strike Plaintiff’s claim for unjust enrichment on the basis of a written contract between the parties. The Court overruled the objection on the basis that under the law, a plaintiff may concurrently plead competing theories. Defendant raised an identical objection to Plaintiff’s breach of express warranty claim, and the Court overruled it on the same basis. The Court then sustained Defendant’s preliminary objection to Plaintiff’s good faith and fair dealing claim on the basis that the Commonwealth recognizes good faith and fair dealing as the basis for a breach of contract claim, but not as a separate cause of action. Defendants also objected to Plaintiff’s claim for breach of fiduciary duty on the basis of its alleged insufficiency and duplicativeness, which the Court overruled.

Caption: American Express Centurion v. James D. Nechin

Term No.: C-0048-CV-2009-1115

Keywords: Pa. R.C.P. 1024; Attorney Verification; Explanation

Attorney(s): Kimberly F. Scian, Esquire for Plaintiff
Vicki Pointek, Esquire for Defendant

Date of Order: May 29, 2009

Judge: William F. Moran, J.

Description of Decision:

Defendant filed preliminary objections to the Plaintiff’s Amended Complaint alleging a violation of Pennsylvania Rule of Civil Procedure 1024, governing verification of pleadings. While it was permissible for Plaintiff’s attorney to verify the Complaint, no explanation was provided for the same, as required by Pa. R.C.P. 1024(c). On the basis of such defect, the Court sustained Defendant’s preliminary objections and granted Plaintiff twenty (20) days within which to file a second Amended Complaint.

Caption: Emmanuel and Maria Sossiadis v. Miguel Abrantes and Maria H. Abrantes d/b/a M&L Real Estate Development, LLC

Term No.: C-0048-CV-2009-0446

Keywords: Written Agreement; Counsel Fees

Attorney(s): Vivian Zumas, Esquire for Plaintiffs
Matthew Potts, Esquire for Defendants

Date of Order: May 29, 2009

Judge: William F. Moran, J.

Description of Decision:

Defendant filed preliminary objections to the Plaintiff’s complaint, seeking to strike Plaintiff’s request for attorney fees. The Court overruled Defendant’s objection on a finding that an unchallenged written lease agreement executed by the parties provided for such fees.

Caption: **Bradley J. Miller and Teri L. Miller v. Norman H. Gundrum and RE/MAX Unlimited**

Term No.: C-48-CV-2005-3905

Keywords: Summary Judgment; Intentional/Fraudulent Misrepresentation; Negligent Misrepresentation; UTPCPL; Agency Theory

Attorney(s): Neil D. Ettinger, Esquire for the Plaintiff
John P. Karoly, Jr., Esquire for the Defendant

Date of Order: May 28, 2009

Judge: Stephen G. Baratta, J.

Description of Decision:

Defendant's motion seeking summary judgment is granted for failure to establish any misrepresentation or justifiable reliance on the misrepresentation. Second, Defendant's motion for summary judgment is granted as there is no issue of material fact with regard to whether Defendant made a misrepresentation to the Plaintiffs regarding the ability to subdivide Lot #3. The statement was true at the time it was made therefore, there is no misrepresentation. The Plaintiffs further failed to establish a cause of action for a continuing duty to provide notice of the zoning variance, nor have they established the element of justifiable reliance. Third, this Court finds there is no claim available to Plaintiffs under the UTPCPL as the record is devoid of any indication that the Defendants made a misrepresentation to the Plaintiffs regarding the zoning status of Lot #3. There is also no evidence to support the Plaintiffs' claim that the Defendants' failure to notify them when the lot owners were granted a variance to subdivide Lot #3, induced them to complete the purchase of Lot #10. Fourth, the Plaintiffs may not recover against Defendant under an agency theory because there is no viable cause of action against the alleged agent.

Caption: **Roselli Family Company, LLC d/b/a Jill's Hallmark #2 v. SCI Palmer Town Center Fund 21, LLC**

Term No.: C-48-CV-2007-3456

Keywords: Motion To Modify the Court's Decision; Failure To Join An Indispensible Party

Attorney(s): John B. Dunn, Esquire for the Plaintiff
Peter A. Lesser, Esquire for Defendant

Date of Order: May 29, 2009

Judge: Stephen G. Baratta, J.

Description of Decision:

Defendant's motion to modify the Court's decision is denied as the Court did not extend its decision beyond the relief requested in the Complaint by detailing the time periods during which certain specific businesses were open for business and whether they could be considered bona fide retail establishments. There was also sufficient evidence to allow the Court to find that Beneficial Consumer Discount and Citi Financial Services are banks and to allow the Court to find that the 70% occupancy rate for bona fide retail establishments was not met from November 2005 to September 2007.

Defendant's motion to dismiss for failure to join an indispensable party is dismissed. Given the ambiguity of the situation, it was reasonable for the Plaintiff to identify the Defendant as the proper party from whom to seek redress.

Plaintiff's motion to modify the court's decision on the awarding of attorney's fees is denied as this was only an action in declaratory judgment. Also, since it was not shown that the rent commencement date for Jack's Art Gallery fell on a date other than the beginning of November, the Court's finding that Jack's Art Gallery was open for business in November 2005 was appropriate. Plaintiff's motion to modify the court's decision that Regis Corporation, LA Weightloss and Magic Nails are bona fide retail establishments is denied. Additionally, the Court was without sufficient evidence in the record to make a final determination of the monetary relief due to Plaintiff.

Caption: Eric Hernandez v. Northampton County Primecare Medical, Inc., Dr. Sprague, Todd Haskins, R.N., et al.

Term No.: C-48-CV-2008-10864

Keywords: Preliminary Objections; Demurrer

Attorney(s): Eric Hernandez, Plaintiff, Pro Se
David J. MacMain, Esquire for Defendant Northampton County
Thomas E. Brenner, Esquire and Joseph M. Sembrot for Defendant Primecare Medical

Date of Order: May 29, 2009

Judge: Stephen G. Baratta, J.

Description of Decision:

Plaintiff's complaint is insufficient as a matter of law because the Plaintiff has failed to aver any of the elements of a negligence claim. Further, Plaintiff has alleged either a claim that a licensed professional deviated from an acceptable professional standard or a claim of corporate negligence/vicarious liability, as such the Plaintiff is required to submit a Certificate of Merit and has failed to do so.

Caption: Barbara C. Thomas and Scott A. Thomas, Husband and Wife v. Andrew Pagano D.M.D., Thomas P. Englert, D.M.D., and Sam Guido D/B/A Tri City Dental Laboratory

Term No.: C-48-CV-2009-3525

Keywords: Preliminary Objection; Punitive Damages; Negligence Involving Inadvertence, Mistake, or Error in Judgment

Attorney(s): John D. Lychak, Esquire for the Plaintiff
Gary V. Gittleman, Esquire for Defendant Englert
Thomas A. McCormack, Esquire for Defendant Englert
Thomas J. Weber, Esquire for Defendant Pagano
Melissa P. Rudas, Esquire for Defendant, Guido

Date of Order: June 29, 2009

Judge: Stephen G. Baratta, J.

Description of Decision:

Defendant's motion seeking to dismiss the claims for punitive damages is sustained. If the allegations and inferences taken from the complaint are accepted as true, the Defendant's conduct is a negligent inadvertence and an error in judgment. There are no allegations showing that the Defendant knew or should have known that his conduct created a high risk of harm to the Plaintiff. The factual allegations against the Defendant do not rise to the level of outrageous behavior or reckless indifference.

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