

Northampton County Reporter

(USPS 395-280)

VOL. LVI

EASTON, PA August 5, 2010

NO. 31

Northampton County Reporter Digest—2010-8

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2. "Everything You Need to Know About the New Support Guidelines"
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2. A Show of Faith Run/Walk for Makaeya Registration Form
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NOTICE TO THE BAR....

Bench Bar Conference – U.S. Supreme Court Admissions Application Deadline

If you plan to join us for the Supreme Court Admissions on Monday, October 18th, all of the paperwork needs to be submitted to the NCBA no later than August 27, 2010.

Order a "Certificate of Good Standing" from the PA Supreme Court as early as possible. For instructions visit "For the Legal Profession" at www.courts.state.pa.us.

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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.

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

Quarterly Association Meeting – Thursday, September 16, 2010

Registration form inside.

Bench Bar Conference – U.S. Supreme Court Admissions Application Deadline

If you plan to join us for the Supreme Court Admissions on Monday, October 18th, all of the paperwork needs to be submitted to the NCBA no later than August 27, 2010.

Order a “Certificate of Good Standing” from the PA Supreme Court as early as possible. For instructions visit “For the Legal Profession” at www.courts.state.pa.us.

Lunch Lectures – Registration forms inside.

“A General Practitioner’s Guide to Special Education Law”

Wednesday, August 18 @ Noon, NCBA Office

“Everything You Need to Know About the New Support Guidelines”

Monday, August 23 @ Noon, NCBA Office

“Conversion Roth IRAs: Planning Opportunities for 2010 and Beyond”

Wednesday, August 25 @ Noon, NCBA Office

We Need Your Help!

Sunday, September 19 – “A Show of Faith 5K Run/Walk for Makaeya” sponsored by the Northampton County Bar Association.

We need sponsors, runners, walkers and volunteers. If you can help us out please call the NCBA Office to learn how you can help – (610) 258-6333.

2010/2011 Directory of Attorneys

The new directories have been distributed. If any member needs additional Directories for their office staff they may be purchased for \$2.00 each and picked up at the NCBA Office. Directories will not be mailed.

It is better to keep your mouth shut and appear stupid than to open it and remove all doubt. ~ Mark Twain

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**ADAMS, ETHEL G. a/k/a ETHEL DUH ADAMS**, dec'd.

Late of Fort Mohave, Mohave County, Arizona

Administratrix: Danielle Adams c/o William A. Duh, Esquire, 2046 Leithsville Road, P.O. Box BB, Hellertown, PA 18055-0120

Attorney: William A. Duh, Esquire, 2046 Leithsville Road, P.O. Box BB, Hellertown, PA 18055-0120

BECK, WILLIAM H., dec'd.

Late of Bushkill Township, Northampton County, PA

Executrix: Anne L. Peters, 141 Hillendale Avenue, Nazareth, PA 18064-9163

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

BROWN, LINDA KERN a/k/a LINDA K. BROWN, dec'd.

Late of the Township of Forks, Northampton County, PA

Executors: John R. Brown, III and Amy Brown a/k/a Amy Lopez c/o Daniel E. Cohen, Attorney, Seidel, Cohen, Hof & Reid, L.L.C., 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

KUCHAR, HELEN M., dec'd.

Late of the Township of Lehigh, Northampton County, PA

Executrix: Helen P. Sommers, 429 Walnut Drive, Northampton, PA 18067

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

MERHI, DENISE M. a/k/a DENISE MARIE MERHI, dec'd.

Late of the Borough of Northampton, Northampton County, PA

Administratrix: Ms. Geraldine K. Dorwart, 3013 North Third Street, Whitehall, PA 18052

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

MORGAN, ROBERT a/k/a ROBERT L. MORGAN, dec'd.

Late of the Township of Moore, Northampton County, PA

Executrix: Elizabeth Miller, 2409 Dewey Avenue, Northampton, PA 18067

Attorneys: James A. Wimmer, Esquire, Philip & Wimmer, 419 Delaware Avenue, P.O. Box 157, Palmerton, PA 18071

SCHMITZ, PAUL J., dec'd.

Late of the City of Easton, Northampton County, PA

Executrix: Elfriede U. Schmitz c/o Frank S. Poswistilo, Esquire, 204 N. Thirteenth Street, Easton, PA 18042

Attorney: Frank S. Poswistilo, Esquire, 204 N. Thirteenth Street, Easton, PA 18042

STANLEY, GEORGE H., JR., dec'd.

Late of Borough of Nazareth, Northampton County, PA

Executor: Kerry G. Stanley, 1122 Hollow Road, Collegetown, PA 19426-1518

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

STOCKLAS, WILLIAM, P. a/k/a WILLIAM STOCKLAS, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executors: Robert J. Stocklas and James F. Stocklas 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

WEAVER, MERRITT F., dec'd.

Late of Borough of Hellertown, Northampton County, PA

Executrix: Sandra L. Herod, 1 Holdridge Court, Mystic, CT 06355

SECOND PUBLICATION

BENKO, MILAN, dec'd.

Late of the Township of Williams, Northampton County, PA

Executrix: Virginia Maiwaldt 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

CIFERRI, RITZIE a/k/a RITZIE J. CIFERRI, dec'd.

Late of Easton, Northampton County, PA

Executor: Joseph R. Ciferri, 3125 Jefferson St., Bethlehem, PA 18020

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

GARDNER, ANNA P., dec'd.

Late of Bath, Northampton County, PA

Executrix: Priscilla Oncheck, 4249 Mountain View Drive, Walnutport, PA 18088

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

GIZA, DOREEN a/k/a DOREEN A. GIZA, dec'd.

Late of the Township of Moore, Northampton County, PA

Executors: Angelo W. Zingaretti and William L. Zingaretti

Attorney: Joseph S. Falchek, Esquire, 412 Mill Street, Plains, PA 18705-2818

HERR, MATHIAS F., dec'd.

Late of the Borough of Northampton, Northampton County, PA

Executor: Joseph Herr Jr. c/o Dean C. Berg, Esquire, 1820 Main Street, P.O. Box 10, Northampton, PA 18067

Attorney: Dean C. Berg, Esquire, 1820 Main Street, P.O. Box 10, Northampton, PA 18067

MASSEY, BRUCE E., dec'd.

Late of the Township of Palmer, Northampton County, PA

Administratrix: Holly Massey, 1441 Blair Street, Easton, PA 18045

Attorneys: Charles Bruno, Esquire, Pfeiffer, Bruno, Minotti & DeEsch, P.C., P.O. Box 468, Easton, PA 18044-0468

MATHESON, SUSAN E., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: James R. Lothian, 5570 N. Halbea Street, Bethlehem, PA 18017

Attorneys: James J. Holzinger, Esquire, Boyer, Holzinger, Harak & Scmillio, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

METZGER, FREDERICK J., dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Judy A. Metzger c/o Robert B. Roth, Esquire, The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102

Attorneys: Robert B. Roth, Esquire, The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102

MICHAYLIRA, STEPHEN J. a/k/a STEPHEN J. MICHAYLIRA, SR., dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executrix: Mrs. Winifred D. Michaylira, 1405 Quarry Drive, Bethlehem, PA 18020

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

MOHR, VIRGINIA L., dec'd.

Late of Bath, Northampton County, PA

Executrix: Anna Marie Zieger c/o Larry R. Roth, Esquire, The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102

Attorneys: Larry R. Roth, Esquire, The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102

PAPPAS, JOHN G., dec'd.

Late of the Township of Allen, Northampton County, PA

Executors: Marcella A. Carter and Minerva A. Eno 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

PERINO, ELIZABETH E., dec'd.

Late of 2117 8th Street, Bethlehem, Northampton County, PA

Executor: Anthony Molinaro c/o Norman E. Blatt, Jr., Esquire, Scherline & Associates, 512 Walnut Street, Allentown, PA 18101

Attorneys: Norman E. Blatt, Jr., Esquire, Scherline & Associates, 512 Walnut Street, Allentown, PA 18101

PROVENZANO, ELIZABETH, dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Co-Executors: Richard W. Folajtar and Lorraine B. Donchez 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

WALTER, ANDREW A., dec'd.

Late of the Borough of Bangor, Northampton County, PA

Executor: 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

THIRD PUBLICATION

BONNEMA, JOHN M. a/k/a JOHN MARTIN BONNEMA, dec'd.

Late of Bangor, Northampton County, PA

Co-Administrators: Jennifer Leigh Bonnema and John Douglas Bonnema c/o Joel M. Scheer, Esquire, 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

EDDINGER, T. JAMES, dec'd.

Late of the Borough of Hellertown, Northampton County, PA
 Executor: Thomas J. Eddinger 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

HABRIAL, GORDON E., dec'd.

Late of the Township of Plainfield, Northampton County, PA
 Co-Executors: Glenn A. Habrial, 53 Union Brick Road, Blairstown, NJ 07825 and Shawn G. Habrial, 1240 Maple Street, Bethlehem, PA 18018

Attorney: Alfred S. Pierce, 124 Belvidere Street, Nazareth, PA 18064-2114

KISE, ROBERT J. a/k/a ROBERT JOSEPH KISE, dec'd.

Late of Roseto, Northampton County, PA

Executrix: Sherri A. Molitoris, 6224 Opossum Lane, Slatington, PA 18080

Attorneys: Charles W. Stopp, Esquire, Steckel and Stopp, 125

S. Walnut Street, Suite 210, Slatington, PA 18080

SUPPA, ROBERT JOSEPH a/k/a ROBERT J. SUPPA, dec'd.

Late of the Borough of Hellertown, Northampton County, PA
 Co-Administratrices: Anne V. Suppa and Patricia J. English 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

WHITCOMB, TRAVIS MATTHEW a/k/a TRAVIS M. WHITCOMB, dec'd.

Late of Bath, Northampton County, PA

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

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

TRUST NOTICE

NOTICE IS HEREBY GIVEN of the existence of the trust of the deceased settlor set forth below. All persons having claims or demands against said trust are requested to make known the same, and all persons indebted to said trust are requested to make payment, without delay, to the trustee or to its attorney named below.

SNYDER, MARGARET a/k/a MARGARET KELLOGG SNYDER a/k/a MARGARET MAUGER KELLOGG, dec'd.

Late of the Township of Washington, Northampton County, PA

Trustee: The Northern Trust Company, Attn: James E. Polites, Jr., CFP, 50 South La Salle Street B-6, Chicago, IL 60603
Attorneys: Brian R. Price, Esquire, Brian R. Price & Associates, 140 E. Butler Avenue, Chalfont, PA 18019

July 22, 29; Aug. 5

NOTICE 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 Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is:

**BACKYARD TREEHOUSE
PEDIATRIC THERAPY
CENTER, P.C.**

Timothy J. Duckworth, Esquire
Mosebach, Funt, Dayton &
Duckworth, P.C.

P. O. Box 20770
Lehigh Valley, PA 18002-0770

Aug. 5

LIMITED LIABILITY COMPANY

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

The name of the Domestic Limited Liability Company is:

BIG WOODY'S BETHLEHEM, LLC

The Certificate of Organization was filed on June 17, 2010.

LEESON, LEESON & LEESON
Attorneys at Law

70 East Broad Street
P.O. Box 1426
Bethlehem, PA 18016-1426
(610) 691-3320

Aug. 5

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

IN RE: CHANGE OF NAME OF
JILL PETERS SWIRSDING
NO. C48CV-2010-7795

NOTICE

NOTICE IS HEREBY GIVEN that on July 23, 2010, the Petition for Change of Name has been filed by Jill Peters Swirsding filed in Northampton County requesting an Order to change her name to Jill Peters. The Court has fixed September 9, 2010 at 9:00 a.m. in Courtroom #4 of the Northampton County Courthouse, Easton, PA 18042 as the time and place for the hearing on said Petition for Change of Name, when and where all interested parties may appear and show cause, if any, why the request of the Petitioner should not be granted.

CHRISTOPHER T. SPADONI,
ESQUIRE

Pa. I.D. No. 24817

Attorney for Jill Peters Swirsding
1413 Easton Avenue
P.O. Box 522
Bethlehem, PA 18018
(610) 867-3938
FAX (610) 625-4788

Aug. 5, 26

NORTHAMPTON COUNTY REPORTER DIGEST—2010-8

Caption: Discover Bank v. Jay F. Donchez
Term No.: C-48-CV-2007-2654
Keywords: Motion for Summary Judgment
Attorney(s): Robert M. Kline, Esquire, for Plaintiff Discover Bank
Jay F. Donchez, Pro Se
Date of Order: October 28, 2009
Judge: The Honorable Emil Giordano
Description of Decision:

Plaintiff alleged Defendant admitted liability to Plaintiff when he failed to respond to Plaintiff's "Requests for Admission, Directed to Defendant" pursuant to Pa.R.C.P. §4014(b). The Court found Plaintiff was unable to establish service for the admission of its requests as required under Pa.R.C.P. §4014(b). Thus, the Court denied Plaintiff's Motion for Summary Judgment finding a genuine issue of material fact existed as to whether Defendant owed Plaintiff two-thousand, one-hundred, thirty-seven dollars and twenty six cents (\$2,137.26).

Caption: Carl Robinson, Jr. v. R.S. Mowery & Son, Inc. and United Rentals (North America), Inc.
Term No.: C-48-CV-2009-4406
Keywords: Defendant's Preliminary Objections
Attorney(s): Peter M. Patton, Esquire, Galfand Berger, LLP, for Plaintiff Carl Robinson, Jr.
Laura J. Herzog, Esquire, and Bernard T. Kwitowski, Esquire, Thomas, Thomas & Hafer, LLP, for Defendant R. S. Mowery & Son, Inc.
Date of Order: November 4, 2009
Judge: The Honorable Emil Giordano
Description of Decision:

The Court granted Defendant Mowery's request strike the phrases "among other things" in paragraph 20, "both generally and," in paragraph 34, "inter alia," in paragraph 34(g), and "including but not limited to," in paragraphs 21 and 34(h- i), as overbroad, "catch-all" allegations of negligence lacking the requisite specifically required under Pennsylvania law.

The Court granted in part and denied in part Defendant Mowery's objections to paragraphs 34(n), 34(r), 34(dd), and 34(ee) of Plaintiff's Complaint. Specifically, the Court found 34(n) and 34(r) of Plaintiff's Complaint were overbroad, lacking sufficient specificity to place Defendant Mowery and the Court on notice of the statutes Plaintiff is referring to.

The Court denied Defendant Mowery's objections to paragraphs 33, 34(b), 34(j), 34(o), and 34(q) of Plaintiff's Complaint finding these paragraphs sufficiently identified with specificity the facts needed for Defendant Mowery to draft a proper answer and defense. The Court denied Defendant Mowery objections to paragraphs 34(a), 34(c), 34(t), and 34(cc) of Plaintiff's Complaint finding they identify or articulate how Defendant Mowery was negligent.

The Court denied Defendant Mowery's objections to paragraphs 28-29 of Plaintiff's Complaint finding them essential to Plaintiff's claim. However, the Court granted

Defendant Mowery's objection to paragraph 27 of Plaintiff's Complaint finding it to be an impertinent conclusion of law.

Caption: Arora Engineers, Inc. v. William George
Term No.: C-48-CV-2009-4513
Keywords: Defendant's Preliminary Objections
Attorney(s): Patrick T. Henigan, Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., for Plaintiff Arora Engineers, Inc. Shawn Phillips, Esquire, Thomas, Thomas, & Hafer, for Defendant, William George.
Date of Order: December 7, 2009
Judge: The Honorable Emil Giordano
Description of Decision:

The Court found "the law of the case doctrine" applies with respect to whether Plaintiff has asserted a breach of contract claim against Defendant. Thus, this Court denied Defendant's first preliminary objection in the form of a demurrer to Count I of Plaintiff's Complaint.

The Court found counts I – III of Plaintiff's Complaint were based on the alleged contractual covenant entered into between Plaintiff and Defendant, which does not provide a right to recover attorney's fees in the event of a breach. Thus, the Court granted Defendant's Motion to Strike Plaintiff's requests for attorney's fees in counts I – III of Plaintiff's Complaint.

The Court denied Defendant's Motion to Strike Plaintiff's request for attorney's fees in Count IV of Plaintiff's Complaint finding the Pennsylvania Uniform Trade Secrets Act provides for such relief. However, Plaintiff's Complaint lacked the requisite specificity to request attorney's fees under the statute. However, Plaintiff was ordered to amend its Complaint to allege willful and malicious conduct.

The Court denied Defendant's motion to strike Plaintiff's request for damages in counts II – IV of Plaintiff's Complaint finding Plaintiff's request for future damages from Defendant's past conduct proper given the difficult nature of determining damages from an alleged breach of a non-compete covenant.

The Court granted Defendant's motion to strike Count II of Plaintiff's Complaint based on the "gist of the action" doctrine finding Plaintiff's breach of fiduciary duty claim arose out of the alleged breach of contract claim asserted in Count I of Plaintiff's Complaint.

Caption: Sherwood J. McEwen v. William J. Hembury and Joseph L. Ozark, Jr.
Term No.: C-48-CV-2009-2658
Keywords: Defendants' Preliminary Objections
Attorney(s): James L. Zulick, Esquire, Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, for Plaintiff Sherwood J. McEwen
Michael T. Vough, Esquire, Vough & Associates, for Defendant William J. Hembury
Henri Marcel, Esquire, and Steven E. McCord, Esquire, Deasey, Mahoney, & Valentini, LTD, for Defendant Joseph L. Ozark, Jr.
Date of Order: November 30, 2009

Judge: The Honorable Emil Giordano

Description of Decision:

The Court denied Defendants' motion to dismiss Counts I-III of Plaintiff's Complaint for lack of jurisdiction. The Court denied Defendant Hembury's motion to strike to Count I of Plaintiff's Amended Complaint for lack of specificity finding Plaintiff set forth sufficient facts to enable Defendant Hembury to prepare a proper defense and answer. The Court granted Defendant Ozark's motion to strike Count I of Plaintiff's Amended Complaint for lack of specificity finding the Complaint failed to indicate any implied or written contract between Plaintiff and Defendant Ozark as required by Pa.R.C.P. §1019(h).

The Court granted Defendant Hembury's motion to strike Count II of Plaintiff's Amended Complaint alleging interference with contractual relations finding Plaintiff failed to indicate an existence of a contract between Plaintiff and a third party in which Defendant Hembury could interfere with. The Court Denied Defendant Ozark's motion to strike Count II of Plaintiff's Amended Complaint alleging interference with contractual relations finding all elements had been alleged.

The Court denied Defendants' second and third preliminary objections with respect to Count III of Plaintiff's Amended Complaint finding Plaintiff's Amended Complaint sets forth sufficient facts to allege fraud against Defendants. The Court also denied Defendants' motions to dismiss for failure to state a claim.

Caption: Capital One Bank (U.S.A.), N.A., v. George Wiedman

Term No.: C-48-CV-2008-11047

Keywords: Defendants' Preliminary Objections

Attorney(s): Kimberly F. Scian, Esquire, Apothaker & Associates, P.C., for Plaintiff, Capital One Bank (U.S.A.), N.A.
David A. Martino, Esquire, Zito, Martino and Karesek, L.L.P., for Defendant George Wiedman.

Date of Order: December 3, 2009

Judge: The Honorable Emil Giordano

Description of Decision:

The Court granted Defendant's Motion to Strike Plaintiff's Second Amended Complaint finding Plaintiff failed to comply with the Order dated April 8, 2009, requiring Plaintiffs to produce a running statement of account, cardholder agreement, and any assignments therefrom. The Court granted Defendant's motion to strike Plaintiff's Complaint for failure to properly verify the Second Amended Complaint as required by Pa.R.C.P. §1024 and the Order dated April 8, 2009.



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, August 9, 2010**