Northampton County Reporter

(USPS 395-280)

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Northampton County Reporter Digest—2010-10

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NOTICE TO THE BAR....

Mortgage Foreclosure Avoidance Program

We are always looking for more attorneys to volunteer for this program. Call the NCBA Office to sign up or to learn more about the program.

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Northampton County Reporter
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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

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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

Bridge the Gap – Friday, November 5, 2010, 12:00 – 4:00 p.m.

All new attorneys are required to take this course provided by the PA CLE Board. If you need to take this seminar register early before the out-of-county attorneys begin filling the slots.

Ceremonial Admissions to the Bar – Friday, December 3, 2010, 1:15 p.m.

This ceremony is for all new attorneys who would like to be admitted to the Northampton County Court of Common Pleas. Call the NCBA or Office of Court Administration for the forms. All applications must be submitted one week prior to the ceremony.

Eagles vs. Giants Game – Sunday, November 21, 2010

There are only 9 tickets left. If you are interested in attending the game call the NCBA office now.

Quarterly Association Meeting – Thursday, November 11, 2010

Mark your calendars.

Program: "Beyond the Field of Play: High School Sports and Current Legal Issues"

If Columbus had an advisory committee he would probably still be at the dock.~ Arthur Goldberg

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

BODNARSKY, MICHAEL, dec'd.
Late of the Township of Bethlehem, Northampton County, PA
Executrix: Elizabeth Poleschuk 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

BRADEN, ELIZABETH A., dec'd.
Late of the City of Bethlehem, Northampton County, PA
Executor: Paul D. Braden, 2886 Hope Ridge Drive, Easton, PA 18045
Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064

BRODHEAD, MIRIAM C., dec'd.
Late of the City of Bethlehem, Northampton County, PA
Executor: Scott D. Brodhead c/o Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726
Attorneys: Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726

BROWN, ROBERT J., dec'd.
Late of the Township of Bethlehem, Northampton County, PA
Administrator: William Brown, 3123 Bancroft Road, Baltimore, MD 21215
Attorney: Samuel P. Murray, Esquire, 720 Washington Street, Easton, PA 18042

COSTENBADER, VIRGINIA, dec'd.
Late of Wind Gap, Northampton County, PA
Executors: Dale Costenbader and Sandra Borger c/o William J. Fries, Esquire, The Atrium—Suite 106, 2895 Hamilton Boulevard, Allentown, PA 18104
Attorney: William J. Fries, Esquire, The Atrium—Suite 106, 2895 Hamilton Boulevard, Allentown, PA 18104

CROUSE, JOHN B., dec'd.
Late of the Township of Forks, Northampton County, PA
Executrix: Nancy J. Foulk c/o Joel M. Scheer, Esquire, Fishbone & Scheer, 940 W. Lafayette Street, Easton, PA 18042
Attorneys: Joel M. Scheer, Esquire, Fishbone & Scheer, 940 W. Lafayette Street, Easton, PA 18042

FRIEND, RAYMOND G., dec'd.
Late of the Township of Moore, Northampton County, PA
Executors: Raymond A. Friend, 6024 Chestnut Street, Zionsville, PA 18092-2105, Jack W. Friend, 1754 33rd Street SW, Allentown, PA 18103-6450 and Helene C. Kresini, 40 S. Liberty Street, Nazareth, PA 18064-2324
Attorney: Daniel G. Spengler, Esquire, 110 East Main Street, Bath, PA 18014

GIGLIOTTI, MARIE A., dec'd.
Late of the Borough of Pen Argyl, Northampton County, PA

Executrix: Angela M. Sabia, 147 Victory Lane, Nazareth, PA 18064
Attorneys: Alyssa Lopiano-Reilly, Esquire, Zito, Martino and Karasek, L.L.P., 641 Market Street, Bangor, PA 18013

MOLNAR, BERNARD A., dec'd.
Late of the Township of Upper Nazareth, Northampton County, PA
Administratrix: Bernadette J. Molchan 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

OZDINEC, OLGA, dec'd.
Late of the City of Bethlehem, Northampton County, PA
Executor: Milan Ozdinec, Jr. a/k/a Milan Ozdinec c/o Stanley M. Vasiliadis, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020
Attorneys: Stanley M. Vasiliadis, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

REITER, JOEL S., dec'd.
Late of the Township of Williams, Northampton County, PA
Executrix: Rita M. Reiter 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

SCHLEPPY, STEPHEN L., dec'd.
Late of the City of Bethlehem, Northampton County, PA
Administratrix: Barbara Schleppy, 1502 Callone Avenue, Bethlehem, PA 18017
Attorney: Richard S. Luse, Esquire, 316 West Broad Street, Bethlehem, PA 18018

SLUSSER, VIRGINIA L., dec'd.
Late of the Borough of Nazareth, Northampton County, PA
Administratrix C.T.A.: Virginia D. Smith, 4989 Old Carriage Road, Northampton, PA 18067
Attorney: Daniel G. Spengler, Esquire, 110 East Main Street, Bath, PA 18014

ST. CLAIR, MARY GENA a/k/a MARY ST. CLAIR, dec'd.
Late of the City of Bethlehem, Northampton County, PA
Executor: George A. St. Clair, Jr. c/o Littner, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18016-1407
Attorneys: Littner, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18016-1407

TONN, RUTH L., dec'd.
Late of Borough of Hellertown, Northampton County, PA
Executor: Aaron J. Tonn 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

SECOND PUBLICATION

AMBROSE, ROBERT JACK, SR. a/k/a ROBERT J. AMBROSE a/k/a ROBERT J. AMBROSE, SR., dec'd.
Late of Wind Gap, Northampton County, PA

Executors: Gayle Marie Steinmetz and Robert Jack Ambrose, Jr., 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

BAHNICK, ELIZABETH ANNA a/k/a ELIZABETH A. BAHNICK a/k/a ELIZABETH BAHNICK, dec'd.
Late of the Borough of Northampton, Northampton County, PA
Executrices: Joan Bahnick Bell and Linda Catherine O'Neill 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

BAKOS, MARGARET a/k/a MARGARET I. BAKOS, dec'd.
Late of 1896 Leithsville Road, Hellertown, Northampton County, PA
Executrix: Gloria Crownover c/o Todd H. Lahr, Esquire, 3570 Hamilton Blvd., Suite 303, Allentown, PA 18103-4513
Attorney: Todd H. Lahr, Esquire, 3570 Hamilton Blvd., Suite 303, Allentown, PA 18103-4513

BEAHM, ELIZABETH L., dec'd.
Late of 1531 Callone Avenue, Bethlehem, Northampton County, PA
Executor: David P. Beahm 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

CENTOLANZA, RALPH A., dec'd.
Late of Northampton Borough, Northampton County, PA
Executrix: Gail A. Danner, 5452 Amanda Drive, Laurys Station, PA 18059
Attorneys: Chistopher M. McLean, Esquire, Zator Law Offices, LLC, 4400 Walbert Avenue, Allentown, PA 18104

DICKEY, ARLENE C., dec'd.
Late of the Township of Bethlehem, Northampton County, PA
Executrices: Sandra C. Matyger, 483 Jacobsburg Road, Nazareth, PA 18064 and Susan A. Mertz, 81 Irvington Avenue, Somerset, NJ 08873
Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064-2083

HOLOTA, RICHARD M. a/k/a RICHARD HOLOTA, dec'd.
Late of the Borough of Northampton, Northampton County, PA
Executrix: Doris A. Halushak c/o Frank M. Skrapits, Esquire, affiliated with Steckel and Stopp, 2152 Main Street, Northampton, PA 18067-1211

JELINEK, ELLA, dec'd.
Late of the Township of Upper Mt. Bethel, Northampton County, PA
Executrix: HelenBeth Vilcek c/o McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, Bangor, PA 18013
Attorneys: McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, Bangor, PA 18013

NEITZEL, HAL B., dec'd.
Late of the Township of Palmer, Northampton County, PA
Executrix: Jan B. Neitzel c/o Judith A. Harris, Esquire, Tallman, Hudders & Sorrentino, P.C., PA Office of Norris McLaughlin & Marcus, P.A., 1611 Pond Road, Suite 300, Allentown, PA 18104
Attorneys: Judith A. Harris, Esquire, Tallman, Hudders & Sorrentino, P.C., PA Office of Norris McLaughlin & Marcus, P.A., 1611 Pond Road, Suite 300, Allentown, PA 18104

RICE, HARRY T., dec'd.
Late of Lower Mt. Bethel Township, Northampton County, PA
Executor: Henry G. Borneman 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

SMITH, EVELYN S., dec'd.
Late of the Borough of Wind Gap, Northampton County, PA
Executrix: Patricia A. Kirchhofer 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

STAMUS, LOUIS P., dec'd.
Late of 1453 Lehigh Street, Easton, Northampton County, PA
Executrix: Mary Stamus, 1453 Lehigh Street, Easton, PA 18042 c/o William Hronis, Esquire, Sovereign Executive Offices, 609 Hamilton Street, Allentown, PA 18101
Attorney: William Hronis, Esquire, Sovereign Executive Offices, 609 Hamilton Street, Allentown, PA 18101

STOLE, ALICE JUNE, dec'd.
Late of Mt. Bethel, Northampton County, PA
Executor: Kenneth Raymond Stole, 1924 Amacher Drive, Spring Hill, TN 37174
Attorney: William J. Reaser, Jr., Esquire, 111A North Seventh St., Stroudsburg, PA 18360

THICH, MARLENE M., dec'd.
Late of the City of Bethlehem, Northampton County, PA
Executor: Max G. Miller c/o Douglas Jon Tkacik, Esquire, 18 East Market Street, Post Office Box 30, Bethlehem, PA 18016-0030
Attorney: Douglas Jon Tkacik, Esquire, 18 East Market Street, Post Office Box 30, Bethlehem, PA 18016-0030

WIRTH, ENOLA M., dec'd.
Late of Lower Saucon Township, Northampton County, PA
Executrix: Patricia M. Wirth 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

YOUNG, RUTH ANN, dec'd.
Late of the Borough of Bath, Northampton County, PA
Administratrix: Pamela Fehnel c/o Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, 940 West Lafayette Street, Suite 100, Easton, PA 18042-1412

Attorneys: Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, 940 West Lafayette Street, Suite 100, Easton, PA 18042-1412

THIRD PUBLICATION

CHIMICS, ETHEL, dec'd.
Late of Walnutport, Northampton County, PA
Executrix: Judy Holzer c/o Everett Cook, Esquire, Tidd & Cook, LLC, 1835 Main Street, Northampton, PA 18067
Attorneys: Everett Cook, Esquire, Tidd & Cook, LLC, 1835 Main Street, Northampton, PA 18067

DERHAMMER, LEON R., dec'd.
Late of Lehigh Township, Northampton, Northampton County, PA
Co-Executors: Glenn L. Derhammer and Wendy J. DiOdoardo c/o Beth A. Dobis Beers, Esquire, 315 E. Main Street, Bath, PA 18014
Attorney: Beth A. Dobis Beers, Esquire, 315 E. Main Street, Bath, PA 18014

SCHEUERLE, PAUL H., dec'd.
Late of the Township of Bushkill, Northampton County, PA
Executrix: Claire C. Scheuerle 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

SIMONS, ARLENE C., dec'd.
Late of the Township of Plainfield, Northampton County, PA
Executrix: Margaret E. Lynn, 813 Bangor Road, Nazareth, PA 18064
Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064

STROUSE, LYNN I., dec'd.
Late of Stehr Street, Bethlehem, Northampton County, PA
Executor: John Strouse, 1425 Stehr Street, Bethlehem, PA 18018
Attorneys: Charles W. Stopp, Esquire, Steckel and Stopp, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

WASSEL, MICHAEL J. a/k/a MICHAEL JOSEPH WASSEL, dec'd.
Late of the City of Easton, Northampton County, PA
Executor: Thomas M. Wassel c/o Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042
Attorney: Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042

TRUST NOTICES

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.

BISHOP, WILMA S., dec'd.
Late of Bethlehem, Northampton County, PA
Co-Trustees: Ben L. Bishop, Jr. and Davidson Trust Company c/o Noonan & Prokup, 526 Walnut St., Allentown, PA 18101

Attorneys: Noonan & Prokup, 526 Walnut St., Allentown, PA 18101

Sept. 23, 30; Oct. 7

ROMANN, JACQUELINE B., dec'd.

Late of Williams Twp., Northampton County, PA

The John F. Romann and Jacqueline B. Romann Revocable Living Trust, dated January 9, 1991.

Trustee: John D. Romann, 515 Bougher Hill Rd., Easton, PA 18042

Sept. 30; Oct. 7, 14

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 purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988 (P.L. 1444, No. 177), by the following corporation:

The Name of the Corporation is:

ARCHERY ADDICTIONS, LTD.

The Articles of Incorporation were filed on August 2, 2010.

JERRY A. SNYDER, ESQUIRE
SNYDER & WILES, P.C.
7731 Main Street
Fogelsville, PA 18051-1600
(610) 391-9500

Oct. 7

LIMITED LIABILITY COMPANY NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a Domestic Limited Liability Company has been filed with the Department of State of the Commonwealth of Pennsylvania for the purpose of obtaining approval of a Limited Liability Company, organized under the provisions of the Limited Liability Company Law approved December 7, 1994, as amended. The name of the limited liability company is:

BLUE VALLEY STUDIO, L.L.C.

The Certificate was filed September 24, 2010.

GREGORY R. REED
Attorney-at-Law
P.O. Box 299
Nazareth, PA 18064

Oct. 7

NOTICES OF DISSOLUTION

NOTICE IS HEREBY GIVEN that Articles of Dissolution were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on September 17, 2010 for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa. C.S. Section 3977. The name of the corporation was **ccom soft Inc.**

The purpose for which the corporation was organized was Software development, testing, consulting, Project management, maintenance.

Oct. 7

THIS IS TO NOTIFY YOU that the **Pen Argyl Evergreen Cemetery Company,** a Pennsylvania corporation with offices at 35 Palmer Road, Bangor, Pennsylvania, is dissolving and winding up its business.

Judy Parsons
Secretary

Oct. 7

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY CIVIL ACTION—LAW

NOTICE FOR CHANGE OF NAME (MINOR CHILD)

No. C-48-CV-2010-11053

NOTICE IS HEREBY GIVEN that on September 30, 2010, the Petition

of Alexis B. Broennle, a minor, by and through her Guardian ad litem, Tanean Schaller has been filed in the above named Court, praying for a Decree to change the name of minor child from Alexis Brianne Broennle to Alexis Brianne Schaller.

The Court has fixed November 30, 2010 at 9:00 A.M. in Courtroom No. 4, Northampton County Courthouse, Easton, Pennsylvania, as the date and place for the hearing of said Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of said Petitioner should not be granted.

WILLIAM P. EXAROS, ESQUIRE
Attorney for Petitioner
146 East Broad Street
Bethlehem, PA 18016

Oct. 7

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PA

IN RE: ALEX SEMER

No. C-48CV2010-11052

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on September 30, 2010; the Petition of ALEX SEMER was filed in the above named Court, praying for a decree to change his name to ALISSAN RESSIMOV SEMERDJIEV.

The Court has fixed December 7, 2010, at 9:00 a.m. in Courtroom No. 4, Northampton County Courthouse, Easton, Pennsylvania, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said petition should not be granted.

NICHOLAS R. SABATINE, III, ESQUIRE
Attorney I.D. No. 23771
NICHOLAS R. SABATINE, III, P.C.
Attorneys for Petitioner

Oct. 7

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLANIA

CIVIL ACTION

CONFESSION OF JUDGMENT FOR MONEY

CLEVELAND BROTHERS EQUIPMENT CO., INC.
Plaintiff

vs.

JAMES NOEL d/b/a JAMES NOEL EXCAVATING,
Defendant

NO. C-48-CV-2005-4815

NOTICE

To: James Noel d/b/a James Noel Excavating

You are notified that the plaintiff has commenced a proceeding to revive and continue the lien of the judgment entered to No. C-48-CV-2005-4815.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral Service
155 S. Ninth Street
Easton, PA 18042
(610) 258-6333

BRIAN P. DOWNEY, ESQUIRE
JUSTIN G. WEBER, ESQUIRE
PEPPER HAMILTON LLP
Attorneys for Plaintiff, Cleveland Brothers Equipment Co., Inc.
100 Market Street
Suite 200
Post Office Box 1181
Harrisburg, PA 17108-1181
(717) 255-1150
(717) 238-0575 Fax

Oct. 7

LITIGATION ASSOCIATE: Tallman Hudders & Sorrentino, the PA office of Norris McLaughlin & Marcus seeks a litigation associate to handle commercial disputes. Position provides opportunity to work independently & as part of our litigation team. Candidate will have at least 3 years of experience handling sophisticated commercial litigation matters or equivalent judicial clerkship experience. Candidate must have excellent academic credentials, research, writing & communication skills. Email resume to: mknapp@nmmlaw.com

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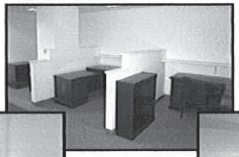
TRANSACTIONAL ASSOCIATE: Tallman Hudders & Sorrentino, the PA office of Norris McLaughlin & Marcus seeks a transactional associate with experience handling complex commercial transactions, including M&A's and/or finance. Undergraduate degree in finance and/or accounting is preferred. Ideal candidate will have at least 3 years experience. Candidate must have excellent academic credentials, research, writing and communication skills. Email resume to: mknapp@nmmlaw.com

Sept. 30; Oct. 7

"FULLY FURNISHED OFFICE SUITE"

8,228 SqFt Office Suite for Lease
Prestigious, High Quality Building . On-Site Owner/Property Manager. Energy Efficient Geo Thermal HVAC. Plenty of On-Site Parking & Optional Garage Parking.
High Security Controlled Access System



Pictures not staged.
These are actual furnishings!

For more information call owner at: ***610-841-4235***

ST. THOMAS MORE SOCIETY
OF THE DIOCESE OF ALLENTOWN

celebrates the tradition of the

RED MASS

The Board of Governors of the Society invites you and your family to join us

on Sunday, **October 31, 2010**
at **2:00 p.m.**

at the

Cathedral of St. Catharine of Siena

18th and Turner Streets
Allentown, Pennsylvania 18104

followed by a reception in the Parish Activity Center

The principal celebrant and homilist will be

The Most Reverend
JOHN O. BARRES, D.D.
Bishop of Allentown

Please confirm your attendance by contacting us

phone: 610.282.1100 ext. 1244
e-mail: info@stmsallentown.org

Begun in the thirteenth century, the tradition of the Red Mass – so named for the red vestments worn by the clerics and the red robes worn by the judges of the High Court in England – is celebrated today in more than half of the states in the U.S. This Votive Mass of the Holy Spirit invokes divine blessings upon all those involved in the pursuit of justice – especially judges, lawyers, and elected officials.

Oct. 7, 14, 21, 28

NORTHAMPTON COUNTY REPORTER DIGEST—2010-10

Caption: **Michael Tarn, David Jones, Joseph Ali, Jesse Pickel, and Victor Berkley, on behalf of themselves and others similarly situated v. Joseph Straub, Keith Oldt, Westen Fenner, Clarence Hein and Straub Enterprises. Inc.**

Term No.: C-48-CV-2005-009482

Keywords: Class Action; Summary Judgment; Breach of Contract; Economic Loss Doctrine; Gist of the Action; Conversion; Deceit and Non-Disclosure; Civil Conspiracy

Attorney(s): Vincent A. Coppola, Esquire for the Plaintiffs
Richard H. Pepper, Esquire for the Defendants

Date of Order: December 3, 2009

Judge: Stephen G. Baratta, J.

Description of Decision:

The Court denied the Defendants' Motion for Summary Judgment in this class action dispute between car dealership employers and employees. Plaintiffs' suit is based on allegations that the Defendants surreptitiously altered internal accounting records to reflect acquisition costs for used car inventory that were much higher than the dealership actually paid for such inventory, thereby reducing the gross profit-based commissions paid to the dealership's employees. Plaintiffs brought claims for breach of contract, conversion, deceit and concealment, civil conspiracy, and non-disclosure.

Defendants allege they are entitled to summary judgment because (1) Plaintiffs fail to establish a cause of action for breach of contract in that Plaintiffs' theory for recovery is based upon "subjective understandings" of the meaning of a crucial contract term, "gross profit"; (2) claims are precluded by the economic loss doctrine; (3) claims are precluded by the gist of the action doctrine; (4) Plaintiffs' failed to establish their right to recover for conversion; (5) as to the claim of concealment, Plaintiffs failed to adduce evidence indicating any material fact was intentionally concealed by Defendants or that Defendant Straub Enterprises, Inc. had any duty to disclose; (6) as to the claim of civil conspiracy, the Defendants were all agents or employees of Defendant Straub Enterprises and therefore, incapable of conspiring with themselves and Plaintiffs failed to provide evidence of malice or intent to injure.

The Court rejects the Defendants' motion for summary judgment on the breach of contract claim on the grounds that the difference of opinion between the parties as to the definition of "gross profit" is a class legal dispute that must be resolved by the judicial system. The Court denies the Defendants' motion as to the conversion, deceit and concealment, nondisclosure and civil conspiracy claims as the evidence of intentional concealment is tantamount to fraud and, therefore, precludes the application of the economic loss doctrine.

In denying the Defendants' motion as to the claims for conversion, deceit and concealment, nondisclosure and civil conspiracy, the Court rejects the Defendants' argument that the gist of the action doctrine precludes these claims. The Court based this upon the fact that the allegations against the Defendants and the record developed during discovery fully support that the matter is not a simple breach of contract case, but is, in fact, a claim founded upon significant fraud.

The Court also found that the claim for conversion was sufficient because the claim was not based on the collection of a debt, but rather to establish the existence of

fraudulent conduct designed to cheat the Plaintiffs out of earned commissions. As to the claim for deceit and nondisclosure, the Court held that there has been a sufficient record developed as to whether the Defendants intentionally concealed a material fact in order to deceive the Plaintiffs and that the issue of concealment and deceit should be submitted to the jury.

Caption: **Willow Green Condominium Association v. Allen Township**
Term No.: C-48-CV-2009-7119
Keywords: Preliminary Objections; Failure to Exhaust Statutory Remedies; Failure to Allege a Claim Upon Which Relief Can Be Granted; Failure to Join Indispensible Party
Attorney(s): Thomas H. Dinkelacker, Esquire for the Plaintiff
B. Lincoln Treadwell, Jr., Esquire for the Defendant
Date of Order: November 9, 2009
Judge: Stephen G. Baratta, J.
Description of Decision:

Defendant filed preliminary objections to Plaintiff's Complaint. Through its Complaint, Plaintiff is seeking declaratory and equitable relief as a result of allegedly illegal and inequitable application of sewer rental fees and charges imposed and collected by Defendant. Defendant makes three objections, (1) Plaintiff failed to exhaust statutory remedies, (2) Plaintiff failed to allege entitlement to any relief with the required legal specificity, and (3) Plaintiff failed to join an indispensible party.

The Court denies all three objections. First, the Court finds there was no failure to exhaust administrative remedies because Plaintiff was not subject to the time line for appeal since this is not a "challenge" to the decision of the Township, but rather Plaintiff is challenging the legal ability of the Township to impose a sewer rental fee or in the alternative, Plaintiff is challenging the amount of the fee imposed as arbitrary or an abuse of discretion. Next, the Court finds that Plaintiff averred facts sufficient to establish a cause of action for violation of the Sewer Rental Act as it related to the authority of the Township to impose and calculate sewer rental fees under the unique set of circumstances presented by this case. Finally, the Court determines that unit owners and/or residents are not indispensible parties.

Caption: **Selective Insurance Company of America v. Gerald Pritchard T/A The Pritchard Company**
Term No.: C-48-CV-2008-4373
Keywords: Motion for Judgment on the Pleadings; Failure to File a Response; New Matter; Legal Conclusions
Attorney(s): Jorge M. Pereira, Esquire for the Plaintiff
Michael A. Snover, Esquire for the Defendant
Date of Order: November 30, 2009
Judge: Stephen G. Baratta, J.
Description of Decision:

Plaintiff filed the instant action alleging that Defendant owes unpaid workers' compensation insurance premiums. Defendant filed a Motion for Judgment on the Pleadings on the grounds that more than twenty days elapsed since service of Defendant's New Matter and the Plaintiff has failed to present a response. Therefore, Defendant asserts that the allegations contained within New Matter have been admitted. The Court de-

nies Defendant's Motion on the grounds that Defendant's New Matter contains legal conclusions stated as affirmative defenses and no response was required. As to the two very general factual allegations contained in the new matter, the Court finds that Defendant has incorrectly labeled them as new matter, when they are merely defensive or negative pleadings in response to Plaintiff's Complaint. Therefore, even though Defendant attached a Notice to Defend to the face of his Answer and New Matter, the Court found that the Rules of Civil Procedure and case law do not require Plaintiff to respond because the bulk of the pleading contained legal conclusions without stating any facts in support thereof.

Caption: **Robin Lombardo v. Kent Ozman, D.C. and Starkent Chiropractic & Kinesiolog**
Term No.: C-48-CV-2009-4603
Keywords: Preliminary Objections; Agency
Attorney(s): Jack E. Feinberg, Esquire and Sarah P. Katowitz, Esquire for the Plaintiff
Paul F. Laughlin, Esquire and Mark S. Royster, Esquire for the Defendants
Date of Order: November 25, 2009
Judge: Stephen G. Baratta, J.
Description of Decision:

Plaintiff filed Complaint alleging that Defendants performed chiropractic manipulation on Plaintiff, which resulted in numerous physical injuries to Plaintiff's person. Defendants filed Preliminary Objections to the Complaint, which the Court sustained. Defendants argued through these Preliminary Objections that Paragraphs 5 and 6 of the Complaint should be stricken because Plaintiff failed to plead agency with the requisite specificity. The Court agreed that Paragraphs 5 and 6 did not satisfy the Pennsylvania Rules of Civil Procedure because nowhere in the Complaint are there any allegations which identify an agent by name or appropriate description or describes the nature of the agency. Further, there are no specific actions attributed to the agents. Defendants cannot investigate Plaintiff's claims and prepare a defense when there has been no attempt by Plaintiff to identify the agents or agents' actions.

Caption: **Delores Becker v. Garry M. Carbone, M.D. and Garry M. Carbone, M.D., P.C.**
Term No.: C-48-CV-2006-2952
Keywords: Medical Malpractice; Reconsideration; Omnibus Pre-Trial Motion
Attorney(s): David Kuritz, Esquire for the Plaintiff
Steven D. Costello, Esquire for the Defendant
Date of Order: November 17, 2009
Judge: Stephen G. Baratta, J.
Description of Decision:

Court denied Plaintiff's Motion for Reconsideration. The Complaint arises out of alleged medical malpractice. Court ruled on Omnibus Motion in Limine filed on behalf of Defendants. In response, Plaintiff filed this Motion for Reconsideration.

First, the Court denied Plaintiff's motion for reconsideration as to it's granting of Defendants' request that Plaintiff be precluded from presenting causation testimony from Dr. Richard Limonges, a psychiatrist, against Dr. Carbone's medical care rendered

as an internist. The Court maintained that medical treatment provided by an internist is outside Dr. Limonges specialty and therefore, inadmissible. Next, Plaintiff seeks reconsideration of the Court's ruling that Dr. Limonges should not be permitted to offer his opinion that, to a reasonable degree of medical certainty, Dr. Carbone's addiction (alcoholism) affected his ability to practice medicine. The Court maintains that this opinion is not relevant.

Plaintiff also challenges the Court's ruling granting Defendants' request that Plaintiff be precluded from presenting Dr. David Fried's opinions that (1) the care and treatment provided by Dr. Carbone in October 2001, fell below the acceptable standard of medical care and (2) that Dr. Carbone's alcoholism most likely affected his ability to appropriately care for Plaintiff. Court held that the opinions are irrelevant and not within a reasonable degree of medical certainty, therefore they are properly precluded.

Plaintiff's final challenge is to the Court's decision granting Defendants' request that Plaintiff be precluded from presenting any testimony or evidence regarding the marriage/divorce of Dr. Carbone and his wife, a nurse who practiced with Dr. Carbone at the time he rendered care to Plaintiff. Court maintains that the quality of the marital relationship between Dr. Carbone and his nurse wife is wholly irrelevant. However, the act of tampering with medical records is a relevant consideration and admissible, so should Mrs. Carbone confirm the suspicion of Plaintiff's counsel that she was intimidated or forced to tamper with Plaintiff's medical record, such direct testimony is admissible.

Caption: **George W. Kern v. Dawn G. Kern**
Term No.: C-0048-CV-2006-3406
Keywords: Child Custody
Attorney(s): Daniel G. Spengler, Esquire for Plaintiff
Alexander J. Karam, Esquire for Defendant
Date of Order: July 26, 2010
Judge: Craig A. Dally, J.
Description of Decision:

Defendant Mother filed a Petition for Contempt and a Petition for Contempt and Modification, and Plaintiff Father filed a Petition for Modification of Custody, both parties seeking modification of the current child custody order. Acknowledging the serious problems impeding the Plaintiff Father's relationship with his children and the parties' inability to parent the children together, the Court dismissed both Plaintiff's and Defendant's Petitions and modified the previous child custody order in accordance with the best interests of the children.

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