

Northampton County Reporter

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Northampton County Reporter Digest—2009-6

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NOTICE TO THE BAR....

Save the Date!
Summer Outing—Thursday, July 23, 2009
Louise Moore Park
Registration form inside.

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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 Date

NCBA Summer Outing—Thursday, July 23, 2009

Miniature golf is back by popular demand along with the “friendly” Quoits Tournament.

Clear your calendar for a fun day of activities, good food and friends.

Reporter Deadline Change—July 2, 2009 Issue

Due to the July 4th holiday, the deadline for the July 2 Reporter is changed to Monday, June 29 @ 12:00 p.m. Please mark your calendars.

Lehigh County Bar Association CLE Program—Thursday, June 25, 2009

“The Role of Problem Solving Courts as a Subset Within
Pennsylvania’s County Courts”

Presented by: PA Supreme Court Justice Seamus P. McCaffery
See registration information inside.

If you can't explain it simply, you don't understand it well enough. ~ Albert Einstein

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**CHU, VINCENT H. K.,** dec'd.

Late of the Township of Hanover, Northampton County, PA
Executrix: Yiqin Chu c/o Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., P.O. Box 20770, Lehigh Valley, PA 18002-0770

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

CUVO, CATHERINE A., dec'd.

Late of Palmer Township, Northampton County, PA
Co-Executrices: Barbara A. Unangst, 2702 Bushkill St., Easton, PA 18045 and Geraldine C. Hess, 4130 Bayard St., Easton, PA 18045

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

DORIA, FRANK S., dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Executor: Gary G. Febbo, Esquire, 801 Walnut Avenue, Easton, PA 18042

Attorney: Samuel P. Murray, Esquire, 720 Washington Street, Easton, PA 18042

GREEN, WILLARD E., dec'd.

Late of the Borough of Walnutport, Northampton County, PA
Co-Executors: Dennis E. Green, 221 Fifth Street, Walnutport, PA 18088 and Donna Marie Frantz, 220 New Street, Walnutport, PA 18088

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

HALL, MARION E., dec'd.

Late of the Township of Allen, Northampton County, PA
Co-Executors: Jon K. Hall and Donald L. Hall c/o Alfred S. Pierce, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

Attorneys: Alfred S. Pierce, Esquire, I.D. No. 21445, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

HARTZELL, MARION K., dec'd.

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

Executor: Bruce Fox 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

LIS, LESTER M., dec'd.

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

Executrix: Sabrina J. Lis, 53 Boulder Drive, Mt. Bethel, PA 18343

Attorneys: Alyssa Lopiano-Reilly, Esquire, Zito, Martino and Kara-

sek, L.L.P., 641 Market Street, Bangor, PA 18013

MAKOS, ANNE H., dec'd.

Late of the Borough of Hellertown, Northampton County, PA
Executor: Thomas P. Lenner 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

MELLIN, ANNA M., dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Executrix: Antonette Lebeduik 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

PREBOSNYAK, WILLIAM J., dec'd.

Late of Hellertown, Northampton County, PA
Executor: Robert W. Prebosnyak c/o John W. Rybak, Esquire, 408 Adams Street, Bethlehem, PA 18105
Attorney: John W. Rybak, Esquire, 408 Adams Street, Bethlehem, PA 18105

SMITH, JAMES JOSEPH, dec'd.

Late of the Borough of Wilson, Northampton County, PA
Executor: Bruce James Smith 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

STAATS, MARGARET A., dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Executrix: Joan Ann Kunsman, 5729 Crawford Drive, Bethlehem, PA 18017

STAHL, EMMA E., dec'd.

Late of the Township of Allen, Northampton County, PA
Executor: Melvin Chontofalsky, 4422 Indian Trail Road, Northampton, PA 18067-9483
Attorney: Daniel G. Spengler, Esquire, 110 East Main Street, Bath, PA 18014

VOROS, ERNEST L., dec'd.

Late of Bethlehem, Northampton County, PA
Executrix: Susan M. Williams c/o Thomas J. Maloney, Esquire, Maloney, Danyi, McKarski & O'Donnell, 901 West Lehigh Street, P.O. Box 1279, Bethlehem, PA 18016-1279
Attorneys: Thomas J. Maloney, Esquire, Maloney, Danyi, McKarski & O'Donnell, 901 West Lehigh Street, P.O. Box 1279, Bethlehem, PA 18016-1279

VOUTSINAS, HELEN, dec'd.

Late of Hellertown, Northampton County, PA
Executor: Walter Weber c/o Nicholas M. Zanakos, Esquire, 742 North Main Street, Bethlehem, PA 18018
Attorney: Nicholas M. Zanakos, Esquire, 742 North Main Street, Bethlehem, PA 18018

SECOND PUBLICATION

BRUNE, JULIA E. a/k/a JULIA MILLER BRUNE, dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executrices: Caroline M. DiGiacomo, Eva W. Bishop and

Diana M. Steele 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

KOEHLER, WARREN A., dec'd.

Late of Allen Township, Northampton County, PA

Administrator C.T.A.: Thomas L. Koehler, 1024 Valley Road, Northampton, PA 18067

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

KRYK, JEFFREY L., dec'd.

Late of Washington Township, Northampton County, PA

Administratrix: Vicki Kryk, 307 Promontory Point Drive, Cary, NC 27513

ROSMARIN, FLORENCE E., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Gene B. Rosmarin c/o Justin K. McCarthy, Esquire, Suite 100, 528 N. New Street, Bethlehem, PA 18018

Attorney: Justin K. McCarthy, Esquire, Suite 100, 528 N. New Street, Bethlehem, PA 18018

SNOEY, ADRIANUS, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Melissa A. Mittl 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

TAYLOR, RICHARD STOCKTON, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Paulette M. Balshi c/o Richard J. Haber, Esquire, Haber, Corriere and Backenstoe, 433 East Broad Street, P.O. Box 1217, Bethlehem, PA 18016-1217

Attorneys: Richard J. Haber, Esquire, Haber, Corriere and Backenstoe, 433 East Broad Street, P.O. Box 1217, Bethlehem, PA 18016-1217

UHLER, MARY E., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executrix: Gail L. Kromer, 59 West High Street, Nazareth, PA 18064.

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

URBAN, DAVID M., dec'd.

Late of Williams Township, Northampton County, PA

Administratrix: Mary Koziol c/o Richard J. Marusak, Esquire, Ustynoski & Marusak, LLC, 101 West Broad St., Suite 205, Hazleton, PA 18201

Attorneys: Richard J. Marusak, Esquire, Ustynoski & Marusak, LLC, 101 West Broad St., Suite 205, Hazleton, PA 18201

WERT, CLAYTON S., dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Executrix: Carolyn A. Wert 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**BARBERI, JOHN J.,** dec'd.

Late of Northampton, Northampton County, PA

Co-Executrices: Patricia A. Smith, Susan M. Mease and Vicki J. Barberi c/o E. Keller Kline, III, Esquire, Kline and Kline, 731 Turner Street, Allentown, PA 18102

Attorneys: E. Keller Kline, III, Esquire, Kline and Kline, 731 Turner Street, Allentown, PA 18102

CARPENTER, ROBERT L., dec'd.

Late of the Township of Moore, Northampton County, PA

Executor: Brett R. Carpenter c/o Karl H. Kline, Esquire, Karl Kline P.C., 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

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

DEUTSCH, DENNIS J., dec'd.

Late of the Township of Bushkill, Northampton County, PA

Executrix: Deborah A. Deutsch, 1243 Clearfield Road, Nazareth, PA 18064

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

DUNBAR, HARVEY L., dec'd.

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

Executrix: Joy G. Hemming, 5905 Old Carriage Road, Bath, PA 18014

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

HILL, KATHRYN ELIZABETH

a/k/a KATHRYN HILL, dec'd.

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

Co-Executors: Thomas D. Hill and Robert E. Hill 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

KRENOS, JOSEPH P., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Beverly Krenos 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

MALITSKY, EDWARD J., dec'd.

Late of Lower Nazareth Township, Northampton County, PA

Executor: Thomas Malitsky, 417 Grange Rd., Allentown, PA 18106

MARZUOLI, JOSEPH A., dec'd.

Late of 166 Canal Street, Easton, Northampton County, PA

Administrator: Steven J. Marzuoli c/o George M. Baurkot, Esquire, 227 S. 7th Street, Easton, PA 18042

Attorney: George M. Baurkot, Esquire, 227 S. 7th Street, Easton, PA 18042

PETROLLINI, HENRY A., dec'd.

Late of No. 2210 Weida Lane, Hellertown, Northampton County, PA

Executrix: Alice E. Petrollini c/o Thomas C. Anewalt, Esquire,

234 North 6th Street, Reading,
PA 19601

Attorney: Thomas C. Anewalt,
Esquire, 234 North 6th Street,
Reading, PA 19601

RHOADES, KARL A., dec'd.

Late of the Township of Palmer,
Northampton County, PA

Executrix: Kay M. Mancke c/o
Stanley M. Vasiliadis, Esquire,
Vasiliadis & Associates, 2551
Baglyos Circle, Suite A-14, Beth-
lehem, PA 18020

Attorneys: Stanley M. Vasiliadis,
Esquire, Vasiliadis & Associates,
2551 Baglyos Circle, Suite A-14,
Bethlehem, PA 18020

SCHECK, FRANK, dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Executor: Frank J. Scheck c/o
John Kotsatos, Esquire, Law Of-
fices of Peter G. Angelos, P.C., 60
W. Broad St., Suite 200, Bethle-
hem, PA 18018

Attorneys: John Kotsatos, Es-
quire, Law Offices of Peter G.
Angelos, P.C., 60 W. Broad St.,
Suite 200, Bethlehem, PA
18018

TURCIC, PETER J., dec'd.

Late of the Township of Upper
Mt. Bethel, Northampton Coun-
ty, PA

Co-Executors: Elizabeth Turcic,
63 Swamp Road, Phillipsburg,
NJ 08865 and James Turcic,
378 Mountain Lake Road, Great
Meadows, NJ 07838

Attorney: Gary Neil Asteak, Es-
quire, 726 Walnut Street, East-
on, PA 18042

TRUST NOTICES

NOTICE IS HEREBY GIVEN of the
existence of the trusts of the deceased

settlers 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 per-
sons indebted to said trusts are re-
quested to make payment, without
delay, to the trustees or to their at-
torneys named below.

KUKLENTZ, RICHARD C., dec'd.

Late of Bethlehem Township,
Northampton County, PA

Successor Trustees: Richard C.
Kuklantz, Jr. and Guy W.
Kuklantz c/o Paul A. Florenz,
Esquire, Kolb, Vasiliadis and
Florenz, 74 W. Broad St., Ste.
170, Bethlehem, PA 18018-5738

Attorneys: Paul A. Florenz, Es-
quire, Kolb, Vasiliadis and Flo-
renz, 74 W. Broad St., Ste. 170,
Bethlehem, PA 18018-5738

May 28; June 4, 11

KRUG, EDYTHE E., dec'd.

Late of the Borough of Nazareth,
Northampton County, PA

Successor Trustees: Edward
G.A. Krug and Jane K. Bradley
c/o Mary Ann Snell, Esquire,
3400 Bath Pike, Suite 311, Beth-
lehem, PA 18017-2485

Attorney: Mary Ann Snell, Es-
quire, 3400 Bath Pike, Suite 311,
Bethlehem, PA 18017-2485

June 11, 18, 25

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that
Articles of Incorporation were filed
with the Department of State of the
Commonwealth for:

DESIGNERS EDGE

MODULAR HOMES, INC.

The corporation has been incor-
porated under the Pennsylvania

Business Corporation Law of 1988,
as amended.

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

June 11

**LIMITED LIABILITY COMPANY
NOTICE**

NOTICE IS HEREBY GIVEN that
on May 13, 2009, Certificate of Or-
ganization was filed in the Depart-
ment of State of the Commonwealth
of Pennsylvania for:

**TAYLOR BROTHERS
PROPERTIES GP, LLC**

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

JAMES L. BROUGHAL, ESQUIRE
BROUGHAL & DeVITO, L.L.P.
38 West Market Street
Bethlehem, PA 18018

June 11

**IN THE NORTHAMPTON COUNTY
COURT OF COMMON PLEAS
ORPHANS' COURT DIVISION**

The following Executors, Admin-
istrators, Guardians & Trustees have
filed Accounts in the Office of the
Orphans' Court:

ESTATE; Accountant
ANDREW M. BETZ; Michael A.
Betz, III Administrator, C.T.A.
W. THOMAS KAVANAGH; Thom-
as E. Kavanagh and Mary Jane
Bealer, Co-Executors

FLORENCE A. KELLER, MARITAL
TRUST UNDER DEED DATED NO-
VEMBER 1, 1994; PNC Bank, Na-
tional Association and David P. Keller
(who died 7/18/06) Trustees as
stated by PNC Bank, National As-
sociation Surviving Trustee

FLORENCE A. KELLER, RESIDU-
ARY TRUST UNDER DEED DATED
NOVEMBER 1, 1994; PNC Bank,
National Association and David P.
Keller (who died 7/18/06) Trustees
as stated by PNC Bank, National As-
sociation Surviving Trustee

ROBERT MACALUSO; Barbara A.
Macaluso, Executrix

JAMES A. TURNER a/k/a JAMES
A. TURNER, SR.; Rhondasue Kresge
a/k/a Rhondasue Myers, Executrix
AUDIT NOTICE

All Parties interested are notified
that an audit list will be made up of
all Accounts and the said list will be
called for audit at the Northampton
County Government Center, Easton,
PA on: FRIDAY, JUNE 26, 2009 AT
9:00 A.M. IN COURTROOM #1.

Dorothy L. Cole
Clerk of Orphans' Court
June 11, 18

**PARALEGAL OR LEGAL SECRE-
TARY** needed for bankruptcy prac-
tice. Temporary, part-time position—
call Attorney David Schwartz,
Whitehall @ (610) 434-2023.

June 11

CITY OF BETHLEHEM**Legal Assistant**

Full-time, experienced Legal Assistant needed for high volume confidential legal matters. Experience coordinating work flow, updating & delegating tasks to ensure progress to deadlines, show initiative in coordination with various departments to keep projects on schedule. Ability to prioritize mail & phone messages. Process replies on own initiative or from superiors' dictation or notes. Handle all inquiries, manage schedule for lawyers & paralegal to ensure productivity. Maintain calendar & coordinate presence of appropriate representatives at meetings. Ability to handle research projects, including legal research, as delegated. Proficient typing skills, computer literate with knowledge of Microsoft Word & Outlook along with filing & other clerical tasks as needed. Discretion & initiative a must. Excellent benefits & collegial working environment. Starting annual salary—\$37,030. Send cover letter & resume to Solicitor's Office, 10 E Church St, Rm. B-308, Bethlehem PA 18018, no later than FRIDAY, JULY 10, 2009. EOE

June 11, 18

BACH ELDER LAW www.Bach-Elder-Law.com

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Wills & Trusts, Real Estate, Tax Planning

Babette B. Bach, Esq. Elder Law Board Certified

Fredric C. Jacobs, Esq. LLM (Taxation)

NORTHAMPTON COUNTY REPORTER DIGEST—2009-6

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: **Martin Stofanak and Diane Stofanak v. Zoning Hearing Board of Bethlehem Township**

Term No.: C-48-CV-2008-12183

Keywords: Appeal from Zoning Hearing Board Decision

Attorney(s): Steven N. Goudsouzian, Esquire for Plaintiffs
Michael J. Vargo, Esquire for Defendant

Date of Order: May 8, 2009

Judge: Anthony S. Beltrami, J.

Description of Decision:

The plaintiffs’ appeal from the decision of the Zoning Hearing Board of Bethlehem Township is denied. The Zoning Hearing Board’s determination that the plaintiffs’ decorative concrete design business does not qualify as a home occupation is upheld.

Caption: **National Grange Mutual Insurance Company v. Catherine T. Cameron, Administratrix of the Estate of Sean Cameron, Deceased et al.**

Term No.: C-48-CV-2005-4507

Keywords: Declaratory Judgment; Pa. R.C.P. 1038.1; Insurance Liability Coverage; Named Insured; “Reasonable” Belief; “Permissive Use”; Fatality; Underage Drinking; Express Permission; Implied Permission

Attorney(s): Allan C. Molotsky, Esquire and Frances A. Lettieri, Esquire for Plaintiff
Richard E. Santee, Jr., Esquire, Jerry R. Knafo, Esquire, Joel H. Ziev, Esquire, Gerald A. Connor, Esquire, John R. Vivian, Jr., Esquire and Matthew F. Golden, Esquire for Defendant

Date of Order: March 23, 2009

Judge: Leonard N. Zito

Description of Decision:

The parties agreed to submit this matter on the basis of stipulated facts for decision by a Judge without a jury pursuant to Pa.R.C.P. 1038.1. At issue was whether the Plaintiff, National Grange Mutual Insurance Company, was required to provide insurance liability coverage for Defendant, Daniel Scheetz, the teenage driver of an automobile involved in a fatal single-car accident on July 2, 2003. The automobile, a 2003 Pontiac Sunfire, was owned by Defendant, Jacqueline McClellan, the named insured under an insurance agreement with National Grange and was primarily used by her teenage daughter, Shannon McClellan.

The liability coverage consisted of both personal and umbrella automobile insurance policies. The personal insurance policy provided for a single liability limit of \$500,000, and excluded coverage where, *inter alia*, an “insured” drove a covered vehicle without a “reasonable belief” that he or she was entitled to do so. The Court found that Scheetz “reasonably believed” he was entitled to drive the Sunfire at the time of the accident and was therefore entitled to liability coverage under the personal insurance policy.

On the other hand, the umbrella insurance policy provided a single liability limit of \$1,000,000, and covered any person using a covered vehicle with the permission of either the named insured or an adult member of the named insured's household. The Court found that Scheetz did not have express or implied permission to drive the Sunfire from Jacqueline McClellan, the named insured, or Richard McClellan, the only other adult member of the McClellan household, National Grange was therefore not required to provide liability coverage under the umbrella insurance policy.

Caption: David J. Vonderheide, Plaintiff v. Nazareth Ford, Inc., d/b/a Brown-Daub Ford Lincoln Mercury, Defendant

Term No.: CV2007-4568

Keywords: Limited Warranty; Breach of Contract; Replevin; Automobile Sales and Service; Summary Judgment; Pa. R.C.P. 1035.2

Attorney(s): Kevin Hardy, Esquire for Plaintiff
Stanley J. Margle III, Esquire for Defendant

Date of Order: April 15, 2009

Judge: Leonard N. Zito

Description of Decision:

The Plaintiff brought suit for breach of contract and replevin based upon the Defendant's refusal to cover the cost of repairs performed in December, 2006, upon a used truck the Plaintiff had purchased from the Defendant under its accompanying limited warranty. The Defendant moved for summary judgment on the ground that the limited warranty had expired prior to the request for repairs. According to the Defendant, the limited warranty began to run on the vehicle's "in-service" date of June 10, 2000, and therefore expired on June 10, 2006. The Plaintiff countered that the limited warranty began to run on the purchase date, January 17, 2003, and was therefore valid until January 17, 2009. The parties filed cross-motions for summary judgment, which were denied by the Court. The Court reasoned that the terms of the limited warranty terms were ambiguous because the warranty could reasonably be construed to expire on either date. The Court granted partial summary judgment on the Plaintiff's claim for a violation of the Unfair Trade Practices and Consumer Protection Law because there was no indication that the Defendant had engaged in fraudulent conduct.

Caption: Mark J. Wilson, Plaintiff v. Regal Cinemas, Inc., Regal Entertainment Group, Inc., and Julio LaSalle

Term No.: CV2007-4662

Keywords: Summary Judgment; Pa. R.C.P. 1035.2; Negligence; Restatement of Torts (Second) Section 344; Expert Witness Testimony

Attorney(s): Abraham P. Kassis, Esquire for Plaintiff
Frank A. Baker, III, Esquire for Defendant

Date of Order: April 15, 2009

Judge: Leonard N. Zito

Description of Decision:

The Plaintiff was patronizing the Defendants' movie theater when he became involved in an altercation with Co-Defendant, LaSalle. The theater's manager was summoned, and LaSalle voluntarily left the theater. However, LaSalle subsequently re-entered the theater and struck the Plaintiff with a baseball bat. The Plaintiff filed a negligence claim against Defendants, Regal Cinemas, Inc., and Regal Entertainment

Group, Inc., alleging a breach of their duty to maintain the premises in a reasonably safe condition. The Defendants moved for summary judgment based upon the Plaintiff's failure to support its allegations with expert witness testimony concerning the movie industry standard for security measures. The Court denied the Defendant's motion. The Court reasoned that the case did not involve technical or factually complex issues, and, in light of the universality of the theater-going experience, the jury could reach a conclusion without expert testimony based upon its own common sense notions of safety and security.

***The Pennsylvania Bar Association
announces a great new member benefit:***



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PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, June 15, 2009**