

# Northampton County Reporter

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Northampton County Reporter Digest—2008-2

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- INSERT:** Pink: 1. "None of Your Business! Privacy in the workplace: Electronic communications, zones of privacy and medical information"  
2. "The Nuts and Bolts of the Pennsylvania Worker's Compensation Act"  
3. NCBA Quarterly Association Meeting  
4. 2008 Calendar of Events

### **NOTICE TO THE BAR....**

Quarterly Association Meeting—March 13, 2008  
"Pennsylvania Gaming Law Update"  
Registration form inside.

**NORTHAMPTON COUNTY BAR ASSOCIATION  
2008 BAR ASSOCIATION OFFICERS**

Michael C. Deschler . . . . . President  
Joseph A. Corpora, III. . . . . President-elect  
Jacqueline M. Taschner. . . . . Vice President  
Kerry S. Freidl . . . . . Treasurer  
Victor E. Scomillio . . . . . Secretary  
Joel H. Ziev. . . . . Past President

**BOARD OF GOVERNORS**

Steven N. Goudsouzian  
Abraham P. Kassis  
Alyssa A. Lopiano-Reilly  
Samuel P. Murray  
Daniel M. O'Donnell  
Barbara Rush Renkert  
Christopher M. Reid

**ZONE II DELEGATES**

Barbara L. Hollenbach  
Nicholas Noel, III  
Joel M. Scheer  
Michael P. Shay  
Ronald W. Shipman  
Joel H. Ziev

*Northampton County Reporter*

**Attorney Referral & Information Service**

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**PBA (800) 932-0311—PBI (800) 932-4637**

**BAR ASSOCIATION STAFF**

Mary Beth Leeson. . . . . Executive Director  
Stephanie Pasquel . . . . . Accounting  
Heather Rizzotto-Stefanik. . . . . Legal Journal  
Gloria A. Robison . . . . . Attorney Referral  
Deborah J. Flanagan . . . . . Attorney Referral

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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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**Robert C. Brown, Jr., Esquire**

**Editor**

**NOTICE TO NCBA MEMBERS – BAR NEWS**

***Calling all Young Lawyers!***—The YLD members of both the Northampton County Bar Association and the Bar Association of Lehigh County scheduled an outing to the Lehigh Valley Iron Pigs vs. Rochester Red Wings game on Saturday, April 26<sup>th</sup> at 7:05 p.m. Young lawyers, spouses and children, family and friends are invited. Tickets are \$7.50. *Deadline to register—February 29, 2008.* Contact Jonathan Acklen at [jacklen@cohenfeeley.com](mailto:jacklen@cohenfeeley.com) to reserve tickets.

***Law Library Telephones***—Two telephones are now available for use by our attorneys in the Lounge of the Courthouse Library. The Lawyers' Lounge is on the second floor of the Law Library. In addition, the new furniture should be arriving soon.

***Mark Your Calendars***

*Quarterly Association Meeting*—Thursday, March 13, 2008, 5:30 p.m. at the Best Western, Bethlehem. Registration form inside.

*Annual Reception for the Court*—scheduled for Friday, April 4, 2008, at the Northampton Country Club.

*Summer Outing*—Thursday, July 24, 2008. This is a week later than usual. Please clear the date on your calendars so you are available to attend!

The administration of justice is the firmest pillar of government.—George Washington

**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****BECK, ALICE A.,** dec'd.

Late of Lehigh Township, Northampton County, PA

Co-Administrators: Cynthia Beck Deppe, 3641 Magnolia Drive, Northampton, PA 18067, Darrell V. Beck, 4515 Loraine Lane, Bethlehem, PA 18017 and Dennis G. Beck, 395 Valley High Court, Northampton, PA 18067  
Attorneys: David B. Shulman, Esquire, Shulman Shabbick & Sebelin, 1935 Center Street, Northampton, PA 18067

**BUTLER, CAROL,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA  
Executrix: Laurie E. Butler 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

**COMPANY, ALEX L., JR.,** dec'd.

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

Executrix: Geraldine L. Company 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

**DARROHN, GLADYS M.,** dec'd.

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

Co-Executors: Linda Ann Fluer a/k/a Linda Ann Flurer and Harold Allen Darrohn 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

**DUSINSKI, ALEXANDER J. a/k/a ALEX J. DUSINSKI,** dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executor: Rodger S. Dusinski 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

**FODI, ELIZABETH MARGARET,** dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Executor: John Edward Friedman c/o William P. Leeson, Esquire, Leeson, Leeson & Leeson, 70 E. Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

Attorneys: William P. Leeson, Esquire, Leeson, Leeson &

Leeson, 70 E. Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

**FRY, EVELYN J.,** dec'd.

Late of the Borough of Stockertown, Northampton County, PA  
Co-Executors: Albert C. Fry, P.O. Box 243, Sterling, AK 99672-0243, Cheryl K. Hahn, 1758 Verona Drive, Pen Argyl, PA 18072-1358, Larry B. Fry, 502 East Chestnut Street, Nazareth, PA 18064-1703 and Randy J. Fry, 202 Lincoln Avenue, P.O. Box 381, Stockertown, PA 18083-0381

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

**FULLER, MARGARET L.,** dec'd.

Late of the Township of Palmer, Northampton County, PA  
Executor: Howard Campbell c/o Charles W. Elliott, Esquire, 26 N. Third St., Easton, PA 18042  
Attorney: Charles W. Elliott, Esquire, 26 N. Third St., Easton, PA 18042

**HONEY, LARRY R.,** dec'd.

Late of the Township of Palmer, Northampton County, PA  
Administratrix: Gail Weiner Shearer, Esquire, 70 E. Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426  
Attorney: Gail Weiner Shearer, Esquire, 70 E. Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

**KEMBEL, LEE A.,** dec'd.

Late of Bethlehem, Northampton County, PA  
Executrix: Nancy Lee Kembel c/o Noonan & Prokup, 526 Walnut St., Allentown, PA 18101

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

**KERCSMAR, ANGELA A.,** dec'd.

Late of Bath, Northampton County, PA

Co-Executrices: Sandra G. Fontecchia, 2217 Montgomery Street, Bethlehem, PA 18017 and Paula J. Titus, 881 Fairview Road, Glenmore, PA 19343

Attorney: Marc Kranson, Esquire, 523 Walnut Street, Allentown, PA 18101

**KUGLER, FRANCIS,** dec'd.

Late of Hellertown, Northampton County, PA

Executor: Thomas Kugler, 1313 Arch Street, Emmaus, PA 18049

Attorneys: Eric J. Fabrizio, Esquire, Bingaman, Hess, Coblentz & Bell, P.C., Treeview Corporate Center, Suite 100, 2 Meridian Blvd., Wyomissing, PA 19610

**LOBACH, DORIS E.,** dec'd.

Late of Northampton County, PA

Executor: Daryl K. Lobach c/o Joseph A. Malley, III, Esquire, 15 E. 2nd Street, Media, PA 19063  
Attorney: Joseph A. Malley, III, Esquire, 15 E. 2nd Street, Media, PA 19063

**MASON, MARION A.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Barbara Ann Van Sciver 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

**NIEMEYER, JAMES W.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executors: Virginia T. Niemeyer and KNBT Investment Mgmt. & Trust Co. a/k/a Keystone Nazareth Bank & Trust c/o Jacob S. Kolb, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738

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

**O'CONNELL, HELEN,** dec'd.

Late of Bethlehem Township, Northampton County, PA  
Co-Executors: Kevin D. O'Connell, 1525 Willowbrook Dr., Bethlehem, PA 18015 and Richard B. O'Connell, 2217 Linden St., Bethlehem, PA 18017

**RUBENSTEIN, SHIRLEY,** dec'd.

Late of Bethlehem Township, Northampton County, PA  
Executrix: Erica Karp c/o Joel M. Scheer, Esquire, Fishbone & Scheer, 940 West Lafayette Street, Easton, PA 18042  
Attorneys: Joel M. Scheer, Esquire, Fishbone & Scheer, 940 West Lafayette Street, Easton, PA 18042

**SCHLEIFER, ROBERT E.,** dec'd.

Late of Bethlehem, Northampton County, PA  
Executrix: Lois M. Nase c/o Demetris H. Tsarouhis, Esquire, 21 South 9th Street, Allentown, PA 18102  
Attorney: Demetris H. Tsarouhis, Esquire, 21 South 9th Street, Allentown, PA 18102

**SEVERS, HELEN G.,** dec'd.

Late of the Township of Plainfield, Northampton County, PA  
Executor: Martin Darocha c/o Raymond J. DeRaymond, Es-

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

**WAGNER, JOHN K.,** dec'd.

Late of the Township of Forks, Northampton County, PA  
Administrator: Darwin D. Smith c/o Joseph J. Piperato, III, Esquire, Benner & Piperato, 2005 City Line Road, Suite 106, Bethlehem, PA 18017  
Attorneys: Joseph J. Piperato, III, Esquire, Benner & Piperato, 2005 City Line Road, Suite 106, Bethlehem, PA 18017

**WASHBURN, ROBERT J., JR.,** dec'd.

Late of Lower Saucon Township, Northampton County, PA  
Executor: David M. Washburn 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**

**ACKERMAN, HILDA S.,** dec'd.

Late of 315 Buckingham Drive, Bethlehem, Northampton County, PA  
Executor: Kenneth R. Remaly c/o Linda S. Luther-Veno, Esquire, 1605 N. Cedar Crest Blvd., Suite 106, Allentown, PA 18104  
Attorney: Linda S. Luther-Veno, Esquire, 1605 N. Cedar Crest Blvd., Suite 106, Allentown, PA 18104

**BOERSTLER, JOHN A.**, dec'd.

Late of Northampton County,  
PA

Executrix: Catherine J. Boerstler  
c/o William K. Murphy, Esquire,  
Herster, Newton & Murphy, 127  
N. 4th St., P.O. Box 1087, Easton,  
PA 18044-1087

Attorneys: William K. Murphy,  
Esquire, Herster, Newton & Mur-  
phy, 127 N. 4th St., P.O. Box  
1087, Easton, PA 18044-1087

**BUCKMAN, DORIS A.**, dec'd.

Late of the Township of Forks,  
Northampton County, PA

Executor: Walter Fred Buckman,  
534 Old Mill Road, Easton, PA  
18040

Attorney: Keene Jabbour, Es-  
quire, 701 Washington Street,  
Easton, PA 18042

**CRESSMAN, PEARL I.**, dec'd.

Late of the Borough of Tatamy,  
Northampton County, PA

Executor: Delbert H. Cressman,  
332 High Street, P.O. Box 17,  
Tatamy, PA 18085

Attorneys: Peters, Moritz, Pei-  
schl, Zulick, Landes & Brienza,  
LLP, 1 South Main Street, Naza-  
reth, PA 18064

**ECKHART, PAUL W.**, dec'd.

Late of the Township of Lehigh,  
Northampton County, PA

Administratrix: Judy W. Eck-  
hart, 4376 Timberline Road,  
Walnutport, PA 18088

Attorneys: Richard Brent So-  
mach, Esquire, Somach & West-  
er, 1132 Hamilton Street, Suite  
201, Allentown, PA 18101

**FAUST, RICHARD M.**, dec'd.

Late of the Township of Lehigh,  
Northampton County, PA

Executor: Jeffrey Faust c/o  
Harry Newman, Esquire, Harry

Newman & Associates, P.C.,  
3897 Adler Place, Suite 180C,  
Bethlehem, PA 18017

Attorneys: Harry Newman, Es-  
quire, Harry Newman & Associ-  
ates, P.C., 3897 Adler Place,  
Suite 180C, Bethlehem, PA  
18017

**GOSLING, ROBERT L.**, dec'd.

Late of the City of Bethlehem,  
Northampton County, PA

Executrix: Cheryl Delgrasso c/o  
George K. Keenan, Esquire, 1  
West Broad Street, Suite 700,  
Bethlehem, PA 18018

Attorney: George K. Keenan,  
Esquire, 1 West Broad Street,  
Suite 700, Bethlehem, PA  
18018

**GREEN, LLOYD E. a/k/a LLOYD  
ERASTUS GREEN**, dec'd.

Late of Lehigh Township, North-  
ampton County, PA

Executor: Lloyd H. Green, Sr.,  
1335 Blue Mountain Drive, Dani-  
elsville, PA 18038

Attorneys: Charles W. Stopp,  
Esquire, Steckel and Stopp, 125  
S. Walnut Street, Slatington, PA  
18080

**GRIM, WILLIAM H. a/k/a WIL-  
LIAM GRIM**, dec'd.

Late of the City of Bethlehem,  
Northampton County, PA

Co-Executors: Elizabeth A. Grim,  
41 Landings Blvd., New Buffalo,  
MI 49117 and Randall S. Gu-  
bich, 1046 Tolstoy Street, Free-  
mansburg, PA 18017

Attorney: James L. Holzinger,  
Esquire, 1216 Linden Street,  
P.O. Box 1407, Bethlehem, PA  
18016

**JORDAN, JOHN F.**, dec'd.

Late of the Township of Palmer,  
Northampton County, PA

Co-Executors: Donald P. Jordan and Mary P. Jordan c/o Theodore R. Lewis, Esquire, Lewis and Walters, 46 S. 4th Street, P.O. Box A, Easton, PA 18044-2099

Attorneys: Theodore R. Lewis, Esquire, Lewis and Walters, 46 S. 4th Street, P.O. Box A, Easton, PA 18044-2099

**KILLINGER, ANNA M.,** dec'd.

Late of Hanover Township, Northampton County, PA

Executor: James J. Royer c/o Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, PC, P.O. Box 20770, Lehigh Valley, PA 18002-0770

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

**KOPRIVSEK, NORMA B.,** dec'd.

Late of 2011 Kemmerer Street, Bethlehem, Northampton County, PA

Executrix: Lois L. Lafferty, 1566 Thompson Avenue, Bethlehem, PA 18017

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

**KURONYE, LOUIS,** dec'd.

Late of Easton, Northampton County, PA

Administratrix: Elizabeth A. Grube c/o Dennis P. Ortwein, Esquire, 5201 William Penn Highway, Easton, PA 18045

Attorney: Dennis P. Ortwein, Esquire, 5201 William Penn Highway, Easton, PA 18045

**MORGAN, JEAN B.,** dec'd.

Late of the Township of Forks, Northampton County, PA

Executrix: Laurie M. Roth c/o Thomas L. Walters, Esquire, Lewis and Walters, 46 South Fourth Street, P.O. Box A, Easton, PA 18044-2099

Attorneys: Thomas L. Walters, Esquire, Lewis and Walters, 46 South Fourth Street, P.O. Box A, Easton, PA 18044-2099

**RUETER, RAYMOND B.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Ann Marie Burkhardt c/o Lawrence Center, Esquire, P.O. Box 1248, 60 W. Broad St., Ste. 103, Bethlehem, PA 18016  
Attorney: Lawrence Center, Esquire, P.O. Box 1248, 60 W. Broad St., Ste. 103, Bethlehem, PA 18016

**SESTAK, CAROL L.,** dec'd.

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

Executor: Mark J. Sestak 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

**SESTAK, JOSEPH a/k/a JOSEPH SESTAK, JR.,** dec'd.

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

Executor: Mark J. Sestak 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



**STAHL, ELIZABETH M.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executrices: Margaret Mack Powell and Helen P. Mack c/o Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, PC, P.O. Box 20770, Lehigh Valley, PA 18002-0770  
Attorneys: Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, PC, P.O. Box 20770, Lehigh Valley, PA 18002-0770

**TAYLOR, MARY C.,** dec'd.

Late of the Township of Williams, Northampton County, PA

Executor: John A. Taylor, Jr. 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

**TOTH, OLGA K.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Administrator: William E. Toth 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

**VARANO, PINA,** dec'd.

Late of Lower Saucon Township, Northampton County, PA

Administrator: Mario Marcozzi 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

**WALTZ, MARY G. a/k/a MARY WALTZ,** dec'd.

Late of the Borough of Bath, Northampton County, PA

Executrix: Eileen W. Applegate c/o James J. Narlesky, Esquire, 880 Wedgewood Road, Bethlehem, PA 18017

Attorney: James J. Narlesky, Esquire, 880 Wedgewood Road, Bethlehem, PA 18017

**WILLIAMS, KENNETH L.,** dec'd.

Late of the Township of Palmer, Northampton County, PA

Co-Executors: Ronald L. Williams and Barry C. Williams c/o Thomas L. Walters, Esquire, Lewis and Walters, 46 South Fourth Street, P.O. Box A, Easton, PA 18044-2099

Attorneys: Thomas L. Walters, Esquire, Lewis and Walters, 46 South Fourth Street, P.O. Box A, Easton, PA 18044-2099

**THIRD PUBLICATION****BENNETT, CATHERINE,** dec'd.

Late of Bethlehem, Northampton County, PA

Co-Executrices: Carol Cornfeldt and Karen Bennett c/o Richard S. Luse, Esquire, Reybitz and Luse, 429 East Broad Street, Bethlehem, PA 18018

Attorneys: Richard S. Luse, Esquire, Reybitz and Luse, 429 East Broad Street, Bethlehem, PA 18018

**BLAZOVIC, JOSEPH P., JR. a/k/a JOSEPH PAUL BLAZOVIC, JR.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Carol A. Sowul c/o William P. Leeson, Esquire,

Leeson, Leeson & Leeson, 70 E. Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426  
Attorneys: William P. Leeson, Esquire, Leeson, Leeson & Leeson, 70 E. Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

**BOWMAN, JOHN W.**, dec'd.

Late of the Borough of Nazareth, Northampton County, PA  
Executor: Terrence L. Bowman, 6209 Oak Forest Court, Summerfield, NC 27358

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

**BUSS, EVELYN G.**, dec'd.

Late of the Township of Washington, Northampton County, PA

Executrix: Karen G. Parkinson c/o Stephen T. Carpenito, Esquire, 615 Centre Street, Ashland, PA 17921

Attorney: Stephen T. Carpenito, Esquire, 615 Centre Street, Ashland, PA 17921

**CAPOBIANCO, ALFRED a/k/a ALFRED A. CAPOBIANCO**, dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executrix: Ann C. Dally c/o Craig A. Dally, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

Attorneys: Craig A. Dally, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

**CAPOZZOLO, ANTHONY**, dec'd.

Late of Bangor, Northampton County, PA

Co-Executors: Theresa M. Coturo and Isidore A. Capozzolo c/o

Kirby G. Upright, Esquire, King Spry Herman Freund & Faul LLC, One West Broad Street, Suite 700, Bethlehem, PA 18018

Attorneys: Kirby G. Upright, Esquire, King Spry Herman Freund & Faul LLC, One West Broad Street, Suite 700, Bethlehem, PA 18018

**CATINO, SILAS G.**, dec'd.

Late of Upper Mt. Bethel Township, Northampton County, PA  
Executrix: Ruth E. Catino 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

**FEHNEL, FRANCES L.**, dec'd.

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

Co-Executrices: Regina Fritchman, 315 Center Street, P.O. Box 404, Stockertown, PA 18083 and Lillian Buchvalt, 5396 Northampton Bath Blvd., Northampton, PA 18067

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

**FULLMAN, MAE R.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Gail A. Fullman c/o Dionysios C. Pappas, Esquire, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

Attorney: Dionysios C. Pappas, Esquire, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

**GANNON, CLOVER B.**, dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executor: Charles J. Peischl, 1 South Main Street, Nazareth, PA 18064

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

**KELLY, PATRICIA A.**, dec'd.

Late of the Township of Williams, Northampton County, PA

Executor: William A. Bittel, 189 Stanton Court, Easton, PA 18042

Attorneys: Charles Bruno, Esquire, Pfeiffer, Bruno, Minotti & DeEsch, P.C., 44 N. 2nd Street, Easton, PA 18042

**KOPAC, ANDREW, JR.**, dec'd.

Late of the Township of Hanover, Northampton County, PA

Executrix: Mary Ann Tangel c/o Frank J. Danyi, Jr., Esquire, Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18016-1279

Attorneys: Frank J. Danyi, Jr., Esquire, Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18016-1279

**KURTZ, JESSIE K.**, dec'd.

Late of 5725 Crawford Drive, Bethlehem, Northampton County, PA

Executrix: Dora M. Auer, 5725 Crawford Drive, Bethlehem, PA 18017

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

**MACCHIA, BASILIO**, dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executor: Gregory Joseph Macchia, 235 Skyline Drive, Easton, PA 18042

Attorneys: Charles Bruno, Esquire, Pfeiffer, Bruno, Minotti & DeEsch, P.C., 44 N. 2nd Street, Easton, PA 18042

**NELSON, RUTH E.**, dec'd.

Late of the Township of Forks, Northampton County, PA

Executor: Roger H. Hoogendoorn, 428 Colver Road, Nazareth, PA 18064

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

**PICCA, REV. ANGELO A. DELLA a/k/a ANGELO A. DELLA PICCA a/k/a ANGELO ARMANDO DELLA PICCA**, dec'd.

Late of 826 East 4th St., Bethlehem, Northampton County, PA

Executor: Rev. Paul B. Della Picca c/o James A. Ritter, Esquire, 111 E. Harrison St., Suite 2, Emmaus, PA 18049-2916

Attorney: James A. Ritter, Esquire, 111 E. Harrison St., Suite 2, Emmaus, PA 18049-2916

**SAYAGO, SERGIO A. a/k/a SERGIO SAYAGO**, dec'd.

Late of the Township of Palmer, Northampton County, PA

Executor: Brian S. Sayago 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

**SLOYER, EVELYN M.**, dec'd.

Late of the Township of Palmer, Northampton County, PA

Co-Executrices: Doris Moore, 22 Kendon Drive, Easton, PA 18045 and Laurette Grube, 33 Woodfield Road, Washington Township, NJ 07676

Attorneys: Louis S. Minotti, Jr., Esquire, Pfeiffer, Bruno, Minotti & DeEsch, PC, 44 North Second Street, Easton, PA 18042

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**NOTICES 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:

**MOOSE & BUG FLORISTS,  
GREENHOUSES & GIFTS, INC.**

The Articles of Incorporation were filed on January 28, 2008.

GARY A. BRIENZA, ESQUIRE  
4014 Killarney Drive  
Bethlehem, PA 18020  
(610) 217-2439

Feb. 7

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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 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:

**THE PRESS, INC.**

The Articles of Incorporation were filed on January 22, 2008.

DAVID J. CERAUL, ESQUIRE  
22 Market Street  
Bangor, PA 18013

Feb. 7

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**ZALKON, INC.**

has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Feb. 7

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**FICTITIOUS NAME  
REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of 54 Pa.C.S. §311 and Act 295 of 1982, as amended, of intention to file, or the filing of, in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, a certificate for the conduct of a business in Pennsylvania, under the assumed fictitious name, style or designation of:

**LAWN BASICS**

with its principal place of business at: 177 Tatamy Road, Nazareth, Pennsylvania 18064. The name and address of the person owning or interested in said business is: Ramie Frace, 177 Tatamy Road, Nazareth, PA 18064.

Feb. 7

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**NOTICE OF NONPROFIT  
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 incorporating a nonprofit corporation under the Pennsylvania Nonprofit Corporation Law of 1988, as amended.

The name of the corporation is:

**RENEW LEHIGH VALLEY**

Matthew R. Sorrentino, Esquire  
Solicitor for the County of Lehigh  
Lehigh County Government Center  
17 South 7th Street  
Allentown, PA 18101

Feb. 7

**LIMITED LIABILITY COMPANY  
NOTICES**

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, at Harrisburg, Pennsylvania, on or about January 24, 2008 for the purpose of creating a Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106.

The name of the limited liability company is:

**AMERICAN CROP  
INSURANCE, LLC**

Leonard N. Zito, Esquire  
Zito, Martino and Karasek  
641 Market Street  
Bangor, PA 18013

Feb. 7

NOTICE IS HEREBY GIVEN that Notice of Certificate of Organization—Domestic Limited Liability Company was filed with the PA Dept. of State at Harrisburg, PA, for the purpose of creating a Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106, under the name of:

The name of the LLC is:

**BRIARWOOD COURT, LLC**

The Certificate of Organization was filed on January 25, 2008.

NICHOLAS R. SABATINE, III,  
ESQUIRE

NICHOLAS R. SABATINE, III, P.C.  
16 S. Broadway  
Wind Gap, PA 18091

Feb. 7

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, at Harrisburg, Pennsylvania, on or about January 18, 2008 for the purpose of creating a Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106, as amended (15 Pa.C.S. Sec. 8913). The name of the limited liability company is:

**MICAMA RENOVATIONS, LLC**

Feb. 7

NOTICE IS HEREBY GIVEN that Notice of Certificate of Organization—Domestic Limited Liability Company was filed with the PA Dept. of State at Harrisburg, PA, for the purpose of creating a Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106, under the name of:

The name of the LLC is:

**OXFORD HERITAGE  
MANOR, LLC**

The Certificate of Organization was filed on January 25, 2008.

NICHOLAS R. SABATINE, III,  
ESQUIRE

NICHOLAS R. SABATINE, III, P.C.  
16 S. Broadway  
Wind Gap, PA 18091

Feb. 7

NOTICE IS HEREBY GIVEN that Notice of Certificate of Organization—Domestic Limited Liability Company was filed with the PA Dept. of State at Harrisburg, PA, for the purpose of creating a Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106, under the name of:

The name of the LLC is:

**WESTGATE I, LLC**

The Certificate of Organization was filed on January 25, 2008.

NICHOLAS R. SABATINE, III,  
ESQUIRE

NICHOLAS R. SABATINE, III, P.C.  
16 S. Broadway  
Wind Gap, PA 18091

Feb. 7

NOTICE IS HEREBY GIVEN that Notice of Certificate of Organization—Domestic Limited Liability Company was filed with the PA Dept. of State at Harrisburg, PA, for the purpose of creating a Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106, under the name of:

The name of the LLC is:

**WESTGATE II, LLC**

The Certificate of Organization was filed on January 25, 2008.

NICHOLAS R. SABATINE, III,  
ESQUIRE

NICHOLAS R. SABATINE, III, P.C.  
16 S. Broadway  
Wind Gap, PA 18091

Feb. 7

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

NOTICE FOR CHANGE OF NAME IN RE: PETITION OF NITZA DORAK  
**No. C0048CV2008000714**

NOTICE IS HEREBY GIVEN that on January 22, 2008, the Petition of Nitza Dorak was filed in the above Court, praying for a decree to change her name to Nitza Maria Angelnia DeJesus.

The Court has fixed February 26, 2008 at 9:00 A.M. in the Northampton County Courthouse, 669 Washington Street, Easton, Pennsylvania 18042, Courtroom 4 as the time and place for the hearing of said Petition, when and where all persons inter-

ested may appear and show cause, if any they have, why the prayer of the said Petition should not be granted.

JOHN W. RYBAK, ESQUIRE  
I.D. #37955

408 Adams Street  
Bethlehem, PA 18015  
(610) 865-0763

Feb. 7

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

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

ESTATE; Accountant

JANE BAJAN; Salvatore Lo Cicero, Executor

ROSA COSTANZA; Angelina Witkowski, Executrix

HELEN F. HAWK a/k/a HELEN HAWK; Randy A. Nesfeder and Keith R. Nesfeder, Co-Executors

STELLA M. HOFER; Florence M. Horvath and Stella A. Gordon, Co-Executrices

ELLEN E. KNECHT; Beatrice K. Leh and Marian A. Smith, Co-Executrices

WILSON W. KNECHT; Barbara A. Knecht and Randy W. Knecht, Co-Executors

BETTE M. ZOVKO a/a/a ELIZABETH ZOVKO; Charles W. Zovko, Executor

**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, FEBRUARY 29, 2008 AT 9:00 A.M. IN COURTROOM #1.

Dorothy L. Cole  
Clerk of Orphans' Court

Feb. 7, 14

**LEGAL NOTICE****NOTICE OF ANNUAL MEETING**

NOTICE IS HEREBY GIVEN that the Annual Meeting of the members of Nazareth Mutual Insurance Company will be held at the office of the Company, 114 South Main Street, Nazareth, Pennsylvania, on Saturday, March 8, 2008, at ten o'clock A.M., local time, for:

1. Election of three directors, each to serve for a three-year term; and
2. The transaction of such other business as may properly come before the meeting.
3. Proxy ballots are available, may be obtained from the company by policy holder request and submitted prior to the above date.

Charles E. Houck  
Chairman

Attest:

Charmaine E. Bartholomew,  
Secretary

Feb. 7, 14, 21

**NOTICE OF APPLICATION**

(Articles of Incorporation)

**EMBASSY INTERIM BANK**

100 Gateway Drive, Suite 100, Bethlehem, Northampton County, Pennsylvania 18017.

On February 4, 2008, the above-named applicant delivered Articles of Incorporation to the Pennsylvania Department of Banking. Applicant is to be incorporated under the provisions of the Pennsylvania Banking Code of 1965, as amended. Applicant is to be incorporated for the purpose of having Embassy Bank for the Lehigh Valley merge into the Applicant to facilitate the reorganization of Embassy Bank for the Lehigh Valley into a bank holding company structure and thereafter having the Applicant receive deposits, make loans and transact generally any and all business permitted to a bank, as defined

in the Pennsylvania Banking Code of 1965, as amended, and under any present or future laws of the Commonwealth of Pennsylvania.

The names and addresses of the incorporators of the institution are as follows:

1. David M. Lobach, Jr., 6932 Kings Hwy. S., Zionsville, PA 18092
2. Judith A. Hunsicker, 328 West St., Bethlehem, PA 18018
3. James R. Bartholomew, 4519 Virginia Dr., Bethlehem, PA 18017

The names and addresses of the first Directors of the incorporated institution are as follows:

1. Frank Banko, 950 N. West End Blvd., Quakertown, PA 18951
2. Geoffrey F. Boyer, 5845 Stag Dr., Emmaus, PA 18049
3. John J. Brew, 1605 Valley Center Pkwy., Suite 140, Bethlehem, PA 18017
4. Robert P. Daday, 1448 Colesville Rd., Bethlehem, PA 18015
5. John G. Englesson, 5341 Ab-erdene St., Center Valley, PA 18034
6. Elmer D. Gates, 840 Yorkshire Rd., Bethlehem, PA 18017
7. M. Bernadette Holland, 505 Edgeboro Blvd., Bethlehem, PA 18017
8. Frederic C. Jacobs, 214 Bushkill St., Easton, PA 18042
9. Bernard M. Lesavoy, One Windsor Plaza, Suite 200, 7535 Windsor Drive, Allentown, PA 18195
10. David M. Lobach, Jr., 6932 Kings Hwy. S., Zionsville, PA 18092
11. John C. Pittman, 2874 Buena Vista Dr., Bath, PA 18014
12. John T. Yurconic, 3037 Fairfield Dr., Allentown, PA 18103

Feb. 7

**ASSOCIATE ATTORNEY**

Established medical malpractice defense law firm seeking Attorney with one to three years experience for

Bethlehem office. Experience in litigation a plus. Salary commensurate with experience. Full benefits package offered.

Send resume in confidence to: The Perry Law Firm, LLC, 87 S. Commerce Way, Suite 740, Bethlehem, PA 18017, fax (610) 694-1120 or e-mail to [JRH@theperrylawfirm.com](mailto:JRH@theperrylawfirm.com).

Jan. 31; Feb. 7

**POST & SCHELL, P.C.**  
**ALLENTOWN, PENNSYLVANIA**  
**ASSOCIATE**

Post & Schell, P.C. is seeking to add an associate with up to two years experience to its Lehigh Valley Workers' Compensation Department. Interested candidates should forward a cover letter and resume directly to Jim Burkhardt, Esquire, at Post & Schell, P.C., 1245 South Cedar Crest Blvd., Suite 300, Allentown, PA 18103 or via e-mail to:

[jburkhardt@postschell.com](mailto:jburkhardt@postschell.com).

Jan. 31; Feb. 7



**NORTHAMPTON COUNTY REPORTER DIGEST—2008-2**  
RECENT DECISIONS OF THE COURTS OF COMMON PLEAS  
OF NORTHAMPTON COUNTY

**PATRICIA D. EAGER AND JAY W. EAGER, H/W, PLAINTIFFS v.  
PHILLIPSBURG MARBLE COMPANY, DEFENDANT**

*Motion for Partial Summary Judgment—Liability—Negligence Per Se—Admissions*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 2006-6023.

Order of Court entered granting plaintiffs' motion for partial summary judgment as to the issue of defendant's liability.

Robert W. Thomas, Jr., Esquire for Plaintiffs.

Frederick C. Fletcher, Esquire for Defendant.

Order of Court entered May 23, 2007, by Robert A. Freedberg, President Judge.

DESCRIPTION OF DECISION

This matter came before the court on plaintiffs' motion for partial summary judgment, contending that defendant's negligence had been conclusively established, and as such, no question of material fact remained regarding the issue of liability.

Plaintiff filed a complaint in January, 2006, alleging that defendant's employee caused the company-owned van he was driving to cross the center line dividing traffic, resulting in a collision with plaintiffs' vehicle. Plaintiffs filed the instant motion for partial summary judgment, contending that defendant's employee had admitted at his deposition that he was both driving in excess of the speed limit and that he had crossed over the center line and collided with plaintiffs' vehicle.

Defendant opposed plaintiffs' motion, contending that the employee's statements were misconstrued and did not admit that he was at fault for the collision. Defendant also argued that the employee did not admit that plaintiff was not at fault for the accident, but simply that he had no evidence supporting such a proposition.

Reviewing the record in the light most favorable to the defendant, the court found that summary judgment as to the issue of defendant's liability was proper. The court concluded that, in the absence of a valid explanation or justification for crossing the center line, the employee's admitted conduct was sufficient to constitute negligence *per se*. The court further found that the employee admitted that he had been driving in excess of the speed limit just before the accident, and as such, negligence *per se* had again been established. Thus, summary judgment as to the issue of liability was proper.

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**COMMONWEALTH OF PENNSYLVANIA v. JACQUELINE DAVIS AND  
RONALD G. JOHNSON, DEFENDANTS**

*Omnibus Pre-Trial Motions—Probable Cause—Prima Facie Case—Possession of Drug Paraphernalia—35 P.S. §780-113(32)—Conspiracy—18 Pa. C.S.A. §903(a)(1)—Unlawful Possession of a Controlled Substance—35 P.S. §780-113(a)(16)—Possession of a Controlled Substance with Intent to Deliver or Manufacture—35 P.S. §780-113(a)(30)—Totality of the Circumstances—Constructive Possession—Areas of Joint Control—Equal Access*

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division—Law, No. 2007-639, 2007-640.

Order of Court entered denying defendants' motions to suppress the evidence during a search performed in October, 2006 and granting defendants' motion to dismiss for failure to prove a prima facie case.

Michael J. Thompson, Esquire for the Commonwealth.

Joel H. Slomsky, Esquire for Defendant Johnson.

Carmen C. Marinelli, Esquire for Defendant Davis.

Order of Court entered May 24, 2007, by Robert A. Freedberg, President Judge.

#### DESCRIPTION OF DECISION

This matter came before the court on defendants' omnibus pre-trial motions raising two issues: (i) that the Commonwealth lacked probable cause to obtain a search warrant in October, 2006, and (ii) that the Commonwealth could not meet its burden to establish a prima facie case of Possession of Drug Paraphernalia, 35 P.S. §780-113(32); Conspiracy, 18 Pa. C.S.A. §903(a)(1); Unlawful Possession of a Controlled Substance, 35 P.S. §780-113(a)(16); and/or Possession of a Controlled Substance with Intent to Deliver or Manufacture, 35 P.S. §780-113(a)(30).

Defendants sought to suppress evidence obtained pursuant to a search warrant, contending that there was no credible reason to believe that there were any illegal drugs in the searched property, because the confidential informant that led police to that residence had never been inside the house and purchased the illegal substances from a related individual on the street. Defendants further contended that there was nothing in the warrant to indicate that there was or could be additional controlled substances in the house or that either defendant was involved in criminal activity. Defendants also argued that the Commonwealth could not meet its prima facie burden because it could not establish that either defendant had possession of the contraband and/or paraphernalia.

Based on the facts alleged in the affidavit of probable cause and the "totality of the circumstances" test, the court held that the search warrant was properly issued and the evidence seized during the execution of the search warrant need not be suppressed. The court found, however, that the Commonwealth failed to establish that either defendant had possession, either actual or constructive, of the illegal substances because it had not introduced evidence demonstrating the defendants' participation in the drug-related activity or evidence connecting the defendants to the specific rooms or areas in which the drugs were found. Thus, defendants' motions to dismiss were granted.

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**WILSON AREA SCHOOL DISTRICT, PLAINTIFF v. FRANKLIN E. SKEPTON, INC., SAFECO INSURANCE COMPANY OF AMERICA, BRESLIN RIDYARD FADERO, DUGGAN AND MARCON, INC. AND R.A. TAUBER, INC., DEFENDANTS v. W.N. RUSSELL & COMPANY, WILLIAM N. RUSSELL, MORGAN COMPANY, INC., CONTINENTAL CAST STONE EAST BY RUSSELL, CONTINENTAL CAST STONE MANUFACTURING, DENNIS McBRIDE, AND COOPER-TAUNTON, LLC, ADDITIONAL DEFENDANTS**

*Motion To Sever—Pa. R.C.P. 213(b)—Liability—Successor Liability—Judicial Economy*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 2001-2431.

Order of Court entered granting defendants' motion to sever under Rule 213(b).

Domenic P. Sbrocchi, Esquire for Plaintiff.

Steven M. Liero, Esquire for Defendant Franklin E. Skepton.

Paul G. Lees, Esquire for Defendant Morgan Company, Inc.

Sean T. O'Meara, Esquire for Defendant Continental Cast Stone East by Russell, Inc.

Mary Peterson, Esquire for Defendant Breslin Ridyard Fadero.

E. Keller Kline, III, Esquire for Defendant R.A. Tauber, Inc.

Michael R. Goffer, Esquire for Defendants W.N. Russell & Company and William Russell, III.

Anthony P. DeMichele, Esquire for Defendants Continental Cast Stone Manufacturing, Dennis McBride, and Cooper-Taunton, LLC.

Christopher E. Ballod, Esquire and Mark L. Parisi, Esquire for Defendant Duggan and Marcon, Inc.

Order of Court entered June 6, 2007, by Robert A. Freedberg, President Judge.

#### DESCRIPTION OF DECISION

This matter came before the court on a joint motion to sever filed by defendants Continental Cast Stone East by Russell, Inc., William N. Russell, III, Continental Cast Stone Mfg., Cooper-Taunton, LLC, and Dennis McBride. These defendants alleged that simultaneous trial of this case on both the underlying liability and successor liability issues would cause jury confusion, prejudice defendant Russell and its alleged successors, and hinder judicial economy.

Citing Pa. R.C.P. 213(b), the court found that severance of the issues was appropriate because it would facilitate the orderly presentation of evidence, promote judicial economy, and avoid prejudice to any party.

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#### **MUSCHLITZ EXCAVATING, INC., PLAINTIFF v. THE ARM GROUP, INC., MICHAEL PATTON, DONALD SEULE, BONNIE SAUERS, BRADFORD R. KRAL, AND THE RAY GROUP, INC., DEFENDANTS**

*Motion for Entry of Judgment Non Pros—Pa. R.C.P. 1042.6—Certificates of Merit—Pa. R.C.P. 1042.3—Sixty Day Filing Deadline*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 2005-8162.

Order of Court entered denying defendant, The Arm Group, Inc.'s motion for entry of judgment *non pros* and granting the motion for entry of judgment *non pros* filed by defendants Patton, Seule, Sauers, Kral, and The Ray Group, Inc.

John Karoly, Esquire for Plaintiff.

Elizabeth A. Hunter, Esquire for Defendant The Arm Group, Inc.

Gregory J. Kelley, Esquire for defendants Patton, Seule, Sauers, Kral, and The Ray Group, Inc.

Order of Court entered June 7, 2007, by Robert A. Freedberg, President Judge.

#### DESCRIPTION OF DECISION

This matter came before the court on defendants' motions for entry of judgment of *non pros* under Rule 1042.6 of the Pennsylvania Rules of Civil Procedure. Defendants alleged that because plaintiff failed to file the certificates of merit required by Pa. R.C.P. 1042.3 contemporaneously or within sixty days after the filing of its complaint, a judgment of *non pros* should be entered.

Plaintiff opposed defendant The Arm Group, Inc.'s motion, contending that it had filed the certificates of merit twenty-five days after it filed its proposed complaint. Plaintiff argued that there is no legal precedent for entering a judgment of *non pros* simply because certificates of merit were filed too early.

The court agreed, finding that plaintiff's filing of the certificates of merit prior to the filing of defendant's motion for entry of the judgment of *non pros* was sufficient to defeat the motion for judgment of *non pros*. Because plaintiff failed to respond to the motion filed by the remaining defendants, however, the court granted their motion.

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**ALAN H. KUNKEL, JR., D.C., PLAINTIFF v.  
FRANK LIQUORI, DEFENDANT**

*Motion in Limine—Motion for Partial Summary Judgment—Supplemental Expert Report—Pa. R.C.P. 1035.2—Professional Negligence—Res Ipsa Loquitur—Expert Report*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 2004-6159.

Order of Court entered denying plaintiff's motion in limine and motion for partial summary judgment.

Christopher M. Reid, Esquire for Plaintiff.

Mark H. Scoblionko, Esquire for Plaintiff and Wind Gap Chiropractic Center.

William P. Coffin, Esquire for Defendant Frank Liquori.

Order of Court entered June 8, 2007, by Robert A. Freedberg, President Judge.

**DESCRIPTION OF DECISION**

This matter came before the court on plaintiff's motion in limine and motion for partial summary judgment under Rule 1035.2 of the Pennsylvania Rules of Civil Procedure. Plaintiff filed a complaint against defendant in September, 2004, alleging that he failed to pay for chiropractic services. Defendant filed a counterclaim against plaintiff, claiming that he was professionally negligent in his administration of excessive chiropractic treatments.

Plaintiff filed the motion in limine and motion for partial summary judgment, contending that he was entitled to summary judgment with respect to defendant's counterclaim for professional malpractice because he failed to provide an expert opinion which concluded that the alleged malpractice was the proximate cause of any harm suffered by the defendant. Plaintiff argued that without such evidence, defendant could not establish an essential element of his counterclaim, and as such, summary judgment was proper. Plaintiff further argued that the expert report should be excluded at trial because it did not discuss causation.

Defendant opposed plaintiff's motions, contending that he had proffered an expert report, and that such report sufficiently establishes all the essential elements of a medical malpractice claim because the expert stated that plaintiff deviated from the standard of care with which he was required to treat his patient. Defendant also contended that even if the expert's report did not directly discuss causation, the doctrine of *res ipsa loquitur* applies. As such, defendant asserted that the expert's report was sufficient and should not be excluded at trial.

Finding that defendant had not eliminated all other possible causes of the injuries he suffered, the court rejected defendant's argument that *res ipsa loquitur* applies and acknowledged that the expert report did not directly discuss the issue of causation. The

court held, however, that because causation was implicit in the expert's findings, summary judgment was not proper. Defendant was granted an additional forty-five days to file a supplemental expert report discussing the issue of causation.

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**VINCENT FERRARO, OMAR RODRIGUEZ, ROBERT SIKORSKY,  
ANTHONY TODARO, AND KEVIN QUINTER, PLAINTIFFS v. THE  
COUNTY OF NORTHAMPTON, GLENN REIBMAN, JAMES SMITH,  
TODD BUSKIRK, SCOTT HOKE, DANIEL J. KEATING CONSTRUCTION  
CO., T/A KEATING CONSTRUCTION CORP., CMC ENVIRONMENTAL  
HAZARD ABATEMENT, INC. & ARAMARK CORRECTIONAL  
SERVICES, INC., DEFENDANTS**

*Petition for Relief from Judgment of Non Pros—Pa. R.C.P. 237.3—Reasonable Diligence—Prejudice*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 2005-8510.

Order of Court entered granting plaintiffs' petition for relief from judgment of *non pros* pursuant to Pa. R.C.P. 237.3.

Joseph P. Maher, Esquire for Plaintiff.

Gerard J. Geiger, Esquire for Defendants The County of Northampton, Glenn Reibman, James Smith, Todd Buskirk, and Scott Hoke.

Eric Eddy, Esquire for Defendant Aramark Correctional Services, Inc.

Charles L. McNabb, Esquire for Defendant Daniel J. Keating Construction Co., t/a Keating Construction Corp.

Order of Court entered June 20, 2007, by Robert A. Freedberg, President Judge.

DESCRIPTION OF DECISION

This matter came before the court on plaintiffs' petition for relief from judgment of *non pros* entered on March 2, 2006. On March 16, 2006, plaintiffs timely filed their petition to open under Rule 237.3 of the Pennsylvania Rules of Civil Procedure and included a proposed complaint as Exhibit A to the petition. Plaintiffs failed, however, to file a rule to show cause or to have the petition placed onto an argument list before the court, and the March 16, 2006, petition languished until May 11, 2007, when a rule to show cause was presented.

Plaintiffs asserted that they were entitled to relief from the judgment of *non pros* because the petition to open was filed within the ten-day period with a proposed complaint attached, as required by Pa. R.C.P. 237.3. Plaintiffs further argued that they had taken substantial measures to advance this case, as they participated in status conferences, as well as opposed preliminary objections filed by defendants, County of Northampton, Reibman, Smith, Buskirk, and Hoke.

While the County defendants and Daniel J. Keating Construction took no position on plaintiffs' petition to open, defendant Aramark opposed opening the judgment because plaintiffs failed to act with reasonable diligence to ensure that this matter proceed in a timely manner. Defendant Aramark contended that the opening of the judgment *non pros* would be prejudicial.

Finding that defendant Aramark had not provided evidence of any specific prejudice caused by the delay in the opening of the March 2, 2006, judgment of *non pros*, this court granted plaintiffs' petition because plaintiffs complied with the requirements of

Rule 237.3 by filing the petition within ten days and by attaching a proposed complaint which alleged a meritorious cause of action.

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**GROFF REAL ESTATE INVESTMENTS, PLAINTIFF v. GLENN A.  
HOLSCHWANDER AND DIANE M. HOLSCHWANDER, HIS WIFE,  
DEFENDANTS**

*Preliminary Objections to Preliminary Objections—Demurrer—Pa. R.C.P. 1028—Res Judicata—Statute of Frauds*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 2007-1489.

Order of Court entered granting plaintiff's preliminary objections to defendant Diane Holschwander's preliminary objections.

Alfred S. Pierce, Esquire for Plaintiff.

William W. Matz, Jr., Esquire for Defendant Diane M. Holschwander.

Order of Court entered June 27, 2007, by Robert A. Freedberg, President Judge.

**DESCRIPTION OF DECISION**

This matter came before the court on plaintiff's preliminary objections to three of the four preliminary objections filed by defendant Diane M. Belles, f/k/a Diane Holschwander. Plaintiff filed a complaint alleging fraud and negligent misrepresentation, arising out of defendants' reclamation of property located in Hellertown Borough.

Defendant Belles filed preliminary objections to plaintiff's complaint, asserting that the complaint failed to state facts constituting a cause of action, that the action is barred by the Statute of Frauds, that the complaint is barred by res judicata and collateral estoppel, and that the plaintiff lacks capacity to sue. Plaintiff responded by filing preliminary objections to three of defendant's preliminary objections, contending that defendant was not sufficiently specific in raising a demurrer and that the Statute of Frauds and Res Judicata defenses were improperly brought as preliminary objections, as opposed to new matters.

Finding that defendant Belles had not adequately set forth the alleged deficiency in plaintiff's complaint, the court granted plaintiff's preliminary objection to defendant's demurrer. The court further concluded that the issues of res judicata and Statute of Frauds were improperly brought as preliminary objections, and instead, should be included as new matters in defendant's responsive pleading. Therefore, the court granted plaintiff's preliminary objections to defendant's preliminary objections.

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**IN RE: R.J.R., JR.**

*Involuntary Termination—Parental Rights—Failure to Perform Necessary Parental Duties—23 Pa. C.S.A. §2511—Goal Change—Juvenile Act*

In the Court of Common Pleas of Northampton County, Pennsylvania, Orphans' Court Division—No. 2006-140.

Order of Court entered granting Northampton County Children, Youth, and Families Division's petition for involuntary termination of parental rights.

Ellen S. Kingsley, Esquire for Northampton County Children, Youth, and Families.

Lisa M. Spitale, Esquire for Father R.J.R., Sr.

Leonard Mellon, Esquire *Guardian Ad Litem*.

Order of Court entered July 10, 2007, by Robert A. Freedberg, President Judge.

DESCRIPTION OF DECISION

This matter came before the court on a petition for involuntary termination of parental rights filed by the Northampton County Children, Youth, and Families Division. The Agency argued that the court should terminate R.J.R., Sr.'s parental rights to the minor children, R.R., Jr. because he failed to perform the necessary parental duties for his son for a period of six months prior to the filing of the instant petition and is unlikely to be able to do so within a reasonable time. The Agency also sought to change the child's goal from reunification to adoption. The *guardian ad litem* acting on behalf of the minor child agreed that a change of goal to adoption and termination of Father's parental rights was in the best interests of the child.

Father opposed the Agency's petition, contending that he made a good faith effort to comply with all the services requested of him, and as such, the Agency could not establish that he had demonstrated a settled purpose of relinquishing his parental rights. Thus, Father argued that the termination of his parental rights was improper.

Upon review of 23 Pa. C.S.A. §2511, the court found that the Agency had not established that termination was proper under subsections (1), (2), and (5), as Father had made a good faith effort to comply with the Agency's requirements. Alternatively, the court found that the Agency had established that termination of Father's parental rights under §2511(a)(8) was proper. Recognizing that a court cannot terminate parental rights based solely on environmental factors when that problem results from circumstances beyond the parent's control, the court found that Father's continued inability to provide stable housing for his son was not the result of a circumstance beyond his control. Instead, he had been offered a position in a shelter but refused to enter. Moreover, Father admitted that he had spent vast sums on illegal substances, as opposed to rent.

The court further considered the fact the minor child had been in foster care for approximately twenty-seven months, despite federal guidelines adopted by the Pennsylvania Juvenile Act providing that the reunification or adoption process should be completed within eighteen months. Finally, the court found that there was no significant emotional bond between the child and his father, and instead, that the child had a stronger bond to his foster father. As such, termination and a change of goal to adoption was granted.

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**MATTHEW J. LOHENITZ AND LORETTA J. LOHENITZ, HUSBAND  
AND WIFE, PLAINTIFFS v. ARTURO SANCHEZ AND PHOENIX TUBE  
COMPANY, INC., DEFENDANTS**

*Motion for Partial Summary Judgment—Limited Tort Option—Motor Vehicle Financial Responsibility Law—Economic Loss—Noneconomic Loss—Serious Injury—Bodily Function—Impairment*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 2006-694.

Order of Court entered denying defendants' motion for partial summary judgment.

Christopher M. Reid, Esquire for Plaintiffs.

David A. Williams, Esquire for Defendants.

Order of Court entered July 12, 2007, by Robert A. Freedberg, President Judge.

## DESCRIPTION OF DECISION

This matter came before the court on defendants' motion for partial summary judgment, contending that plaintiffs are bound by their election of the limited tort option in their automobile insurance, and as such, should be precluded from recovering for non-economic damages. Defendants further argued that reasonable minds could not differ on the conclusion that plaintiff Matthew Lohenitz' injury was not serious.

Plaintiffs opposed defendants' motion, arguing both that they presented evidence to reasonably support a finding that plaintiff Lohenitz' injuries were "serious," and that the ultimate issue of whether the injuries were sufficiently serious to overcome their election of the limited tort option is one to be decided by the jury, not in a motion for summary judgment.

Recognizing that all inferences must be resolved in favor of the non-moving party—plaintiffs, and that this matter must be submitted to a jury unless reasonable minds could not differ on the conclusion that plaintiffs cannot recover on the produced evidence, the court found that summary judgment as to the alleged non-economic damages was not proper. Although plaintiffs did not allege that death or permanent, serious disfigurement occurred in the accident, a question remained as to whether the injury alleged by plaintiffs qualified as a "serious impairment of body function" under the Motor Vehicle Financial Responsibility Law. Plaintiff produced evidence that he had appointments with a chiropractor thirty-two times between June, 2006, and May, 2007, that his pain prevents him from performing certain aspects of his job, and that normal life functions are sometimes upset. Thus, summary judgment as to that issue was not proper.

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**WILSON AREA SCHOOL DISTRICT, PLAINTIFF v. FRANKLIN E. SKEPTON, INC., SAFECO INSURANCE COMPANY OF AMERICA, BRESLIN RIDYARD FADERO, DUGGAN AND MARCON, INC. AND R.A. TAUBER, INC., DEFENDANTS v. W.N. RUSSELL & COMPANY, WILLIAM N. RUSSELL, MORGAN COMPANY, INC. CONTINENTAL CAST STONE EAST BY RUSSELL, CONTINENTAL CAST STONE MANUFACTURING, DENNIS McBRIDE, AND COOPER-TAUNTON, LLC, ADDITIONAL DEFENDANTS**

*Motion To Preclude—Expert Report—Discovery Deadline—Prejudice*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 2001-2431.

Order of Court entered denying defendant Breslin Ridyard Fadero's motion to preclude.

Domenic P. Sbrocchi, Esquire for Plaintiff.

Steven M. Liero, Esquire for Defendant Franklin E. Skepton.

Paul G. Lees, Esquire for Defendant Morgan Company, Inc.

Sean T. O'Meara, Esquire for Defendant Continental Cast Stone East by Russell, Inc.

Mary Peterson, Esquire for Defendant Breslin Ridyard Fadero.

E. Keller Kline, III, Esquire for Defendant R.A. Tauber, Inc.

Michael R. Goffer, Esquire for Defendants W.N. Russell & Company and William Russell, III.

Anthony P. DeMichele, Esquire for Defendants Continental Cast Stone Manufacturing, Dennis McBride, and Cooper-Taunton, LLC.



Christopher E. Ballod, Esquire and Mark L. Parisi, Esquire for Defendant Duggan and Marcon, Inc.

Order of Court entered July 19, 2007, by Robert A. Freedberg, President Judge.

#### DESCRIPTION OF DECISION

This matter came before the court on defendant Breslin Ridyard Fadero's motion to preclude additional defendant W.N. Russell & Company, Inc. from introducing evidence and/or testifying at trial as to a February, 2007, expert report from Masonry Technologies, Inc. Breslin Ridyard argued that the February, 2007, report was filed beyond the discovery deadline and failed to indicate that it was a supplemental report. As Masonry Technologies had not been previously designated as an expert to be used by W.N. Russell, Inc., Breslin Ridyard argued that the newly submitted expert report was an attempt to introduce additional expert testimony in disregard to this court's scheduling order. Thus, it sought to bar W.N. Russell, Inc. from introducing any documents or testimony relating to this report at trial.

W.N. Russell opposed Breslin Ridyard's motion and disputed any allegation that it knowingly attempted to disregard the court's scheduling order. Instead, W.N. Russell explained that the death of one of the authors of its initial expert report required that another expert be retained and the original work be reviewed so that a supplemental report could be prepared.

Reviewing the facts and circumstances in the instant matter, the court found that although W.N. Russell produced the Masonry Technologies report past the scheduled discovery deadline, that delay did not prejudice Breslin Ridyard and was not done in bad faith. Therefore, the court found that precluding the expert testimony would be too drastic a sanction. As such, Breslin Ridyard's motion was denied.

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**HELEN K. CAIN, PLAINTIFF v. KEVIN M. CAIN, DEFENDANT v. EDWIN J. BROOKS A/K/A EDWIN J. BROOKS, JR. AND JEFFREY K. BRODE, INDIVIDUALLY, AND T/A PEMBROKE PARTNERS, AND/OR T/A BRODE/BROOKS PARTNERS, ADDITIONAL DEFENDANTS**

*Petition for Special Relief—Dissipation of Marital Assets—Ownership of Property—Preliminary Objections—Tenants in Common—Extrinsic Evidence—Permanent Injunction*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 2004-8040.

Order of Court entered denying plaintiff's preliminary objections and petition for special relief.

Roseann V. Joseph, Esquire for Plaintiff.

Edward Redding, Esquire for Defendant.

Donald E. Wieand, Jr., Esquire for Additional Defendants.

Order of Court entered July 25, 2007, by Robert A. Freedberg, President Judge.

#### DESCRIPTION OF DECISION

This matter came before the court on plaintiff's petition for special relief. Plaintiff sought to enjoin defendant Kevin Cain's alleged dissipation of marital assets by requiring all funds received upon the sale of real property located in the Pembroke Industrial Condominium complex in Bethlehem, as well as property located on Ziegler Road in Upper Hanover Township, to be placed into an escrow account until such time that an

accounting and distribution could occur. In the alternative, plaintiff requested that the court make a determination as to the percentage of ownership that defendant Cain holds in both pieces of property. Plaintiff argued that defendant Cain holds a 12.5% ownership in the Ziegler Road property and a 33.33% interest in the Pembroke property.

While defendant took no position on plaintiff's petition, additional defendants Brode and Brooks opposed plaintiff's petition, contending that she had failed to make the requisite showing for the entrance of a permanent injunction, and further, that should the court opt to determine defendant Cain's ownership interest in the Pembroke property—that interest should be 16.67%, not 33.33%. Additional defendants also argued that defendant Cain held no ownership interest in the Ziegler Road property, as he was not included on the deed transferring ownership of that property to additional defendants Brode and Brooks. They argued that any previous agreement purporting to grant him an ownership interest was invalidated by the terms placed on the record. As such, additional defendants argued that no funds from the sale of the Zeigler Road property need to be placed in escrow.

Preliminarily, the court dismissed plaintiff's preliminary objections to the answer and new matter. The court further found that plaintiff had neither proven that entry of an injunction is necessary to prevent a legal wrong for which there is no adequate remedy at law, nor that she has a right to relief. While plaintiff argued that the language of the Pembroke deed created a one-third ownership interest in the property, the court found that the facts and circumstances surrounding the formation of that deed demonstrate that the ownership interest was actually 16.67%.

The Court further held that while the use of the term "tenants in common" raised a presumption that the parties held ownership in equal shares, that presumption could be rebutted by the surrounding facts and circumstances. Because both additional defendants, as well as defendant, testified that they intended for defendant Cain to have a 16.67% interest and that intention was consistently reported in tax returns and financial statements, defendant Cain's ownership was only 16.67%.

As for the Zeigler Road property, the court found that additional defendant Brooks' promise to give defendant Cain a 12.5% ownership interest was an undelivered and unenforceable gift. Because Brooks acknowledged that he intended to give defendant Cain 12.5% of the profits and losses, the court did require that those funds be placed into escrow until such time that equitable distribution could occur.

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**BONNIE S. COYLE, PLAINTIFF v. CHARLES DiBILIO, DEFENDANT**

*Petition to Enforce Divorce Decree and Master's Recommendation—Master's Report—Ordered Distribution—Failure to Appeal or File Exceptions*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 2003-7510.

Order of Court entered granting plaintiff's petition to enforce divorce decree and master's recommendation.

Elvira C. LaBarre, Esquire for Plaintiff.

Charles DiBilio, Pro Se.

Order of Court entered July 26, 2007, by Robert A. Freedberg, President Judge.

DESCRIPTION OF DECISION

This matter came before the court on plaintiff's petition to enforce divorce decree and master's recommendation. Plaintiff sought to enforce a master's report and divorce

decree entered May 31, 2007, contending that although defendant opted not to file exceptions to the master's report or to appeal the divorce decree, he will not comply with the ordered distribution. Plaintiff argued that, despite the ordered distribution, defendant demanded reimbursement for real estate taxes deducted from the proceeds of the sale of the parties' former marital residence, will not sign a receipt for videos and photographs ordered to be given to him, and refuses to agree to plaintiff receiving a credit equal to one-half of the funds held in KNBT accounts to benefit the couple's three children.

Defendant responded that he disagreed with the ordered distribution because the special divorce master could not have considered the fact that there were real estate taxes paid at closing on the sale of the marital residence, as the sale actually took place three days after the hearing was conducted. Defendant further argued that he would not sign the receipt for the videos and photographs because he believed that some were missing, and that plaintiff was not entitled to a credit equal to one-half of the children's savings accounts because she had already received that money upon their initial separation.

Upon review of the master's report and testimony offered at the hearing, the court found that the issue of real estate taxes was addressed before the divorce master, and as defendant failed to file exceptions to the master's report or to appeal the divorce decree, the issue was not properly before the court. Moreover, the court held that defendant must sign the receipt for the video tapes and photographs if he wants them. Lastly, the court held that plaintiff was entitled to a credit for one-half of the funds held for the children because defendant failed to produce evidence that she had already received the funds.

**NEW JERSEY LAW**

**JAMES L. PFEIFFER, ESQ.**

**\* Former New Jersey Superior Court Judge \***  
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Greenwich Township, Warren County, NJ

Municipal Prosecutor  
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