Northampton County Reporter

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VOL. LV EASTON, PA March 6, 2008 NO. 10

Northampton County Reporter Digest—2008-3

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INSERT: Goldenrod: 1. 2008 Calendar of Events
2. "The Nuts and Bolts of the Pennsylvania Worker's Compensation Act"
3. NCBA Quarterly Association Meeting
4. "Practice before United States Magistrate Judges of the United States District Court for the Eastern District of Pennsylvania"

NOTICE TO THE BAR....

Effective March 10, 2008, all original Juvenile Dependency filings shall be filed in the Orphans' Court, and no longer with the Juvenile Probation Division. If you have any questions, please call the Court Administrator's Office at (610) 559-6700.

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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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Robert C. Brown, Jr., Esquire
Editor

NOTICE TO NCBA MEMBERS – BAR NEWS

Quarterly Association Meetings

Thursday, March 13, 2008, 5:30 p.m. at the Best Western, Bethlehem. Registration form inside.

Program: "*PA Gaming Law Update"*—an update on the progress of the Sands Bethworks Casino project as well as any current issues relating to other casinos in PA.

Thursday, May 22, 2008, 12:00 p.m. at the Best Western, Bethlehem.

Program: Malpractice Avoidance Seminar

Lunch Lecture Programs

"The Nuts and Bolts of the Pennsylvania Worker's Compensation Act" presented by Thomas D. Aristide, Esq.—Wednesday, March 12, 2008. Registration form inside.

"Practice before United States Magistrate Judges of the United States District Court for the Eastern District of Pennsylvania" presented by Honorable Henry S. Perkin, United States Magistrate Judge—Friday, April 18, 2008. Registration form inside.

"The Gift of Stress" presented by Kenneth Hagreen, Esq.—Wednesday, April 30, 2008.

***Career Day Programs*—**It is that time of year when the middle schools and high schools ask our attorneys to help out with Career Day presentations. If you are asked directly by teachers to help with their in-school Career Days, or any other programs, please call the NCBA Office. We are keeping track of which schools we visit and with which teachers we have working relationships. We also have curriculum information for your use and giveaways.

There is no such thing as public opinion. There is only published opinion.—Winston Churchill.

ESTATE NOTICES

Notice is hereby given that in the estate of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION

ADAMS, ROY ROBERT a/k/a LE ROY ADAMS a/k/a ROBERT ROY ADAMS, dec'd.
Late of Palmer Township, Northampton County, PA
Executor: Thomas M. Adams c/o John W. Rybak, Esquire, 408 Adams Street, Bethlehem, PA 18105
Attorney: John W. Rybak, Esquire, 408 Adams Street, Bethlehem, PA 18105

ANTHONY, DENNIS R., dec'd.
Late of Wind Gap, Northampton County, PA
Executor: Larry G. Anthony c/o John Molnar, Esquire, The Molnar Law Offices, Wind Gap Professional Center, 6697 Sullivan Trail, Wind Gap, PA 18091
Attorneys: John Molnar, Esquire, The Molnar Law Offices, Wind Gap Professional Center, 6697 Sullivan Trail, Wind Gap, PA 18091

BROTZMAN, MARY E., dec'd.
Late of the Township of Palmer, Northampton County, PA
Executor: John C. Brotzman, III, 2906 Fischer Road, Easton, PA 18045
Attorney: William P. Coffin, Esquire, 100 North Fourth Street, Easton, PA 18042

DOYNE, PATRICIA B. a/k/a PATRICIA DOYNE a/k/a PATRICIA ANN BARKER DOYNE, dec'd.
Late of Bethlehem, Northampton County, PA
Executrix: Mrs. Nina C. Mooney c/o John D. Lychak, Esquire, Law Offices of John D. Lychak, P.C., 35 East Elizabeth Avenue, Suite 21, Bethlehem, PA 18018
Attorneys: John D. Lychak, Esquire, Law Offices of John D. Lychak, P.C., 35 East Elizabeth Avenue, Suite 21, Bethlehem, PA 18018

EMERSON, PATRICIA J., dec'd.
Late of the Township of Forks, Northampton County, PA
Co-Executrices: Laura G. Emerson a/k/a Laura G. Therry, 318 Dover Chester Road, Randolf, NJ 07869 or Jane C. Salzman, 766 Golden Eagle Drive, Nazareth, PA 18064
Attorneys: Dennis A. DeEsch, Esquire, Pfeiffer, Bruno, Minotti & DeEsch, 44 North Second Street, Easton, PA 18042

FATZINGER, CLIFFORD C., JR., dec'd.
Late of the Township of East Allen, Northampton County, PA
Co-Administrators: Edward C. Fatzinger, 7985 Cricket Road, Bath, PA 18014, Joan J. Reppert, 212 Cherrywood Drive, Wind Gap, PA 18091, Robert G. Fatzinger, 4824 Laurel Court, Northampton, PA 18067 and James C. Fatzinger, 395 Connett Road, Nelsonville, OH 45764

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

GRIFFITH, ANGELYN B., dec'd.
Late of Lower Saucon Township, Northampton County, PA
Co-Executors: Susan P. Vizzard and G. Robert Griffith 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

HAJDINYAK, LOUIS R., dec'd.
Late of the City of Bethlehem, Northampton County, PA
Executor: Stephen G. Hajdinyak 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

HARVEY, JOHN J. F., dec'd.
Late of the City of Bethlehem, Northampton County, PA
Administratrix: Kathleen E. Harvey c/o Douglas Jon Tkacik, Esquire, 18 East Market Street, P.O. Box 30, Bethlehem, PA 18016-0030
Attorney: Douglas Jon Tkacik, Esquire, 18 East Market Street, P.O. Box 30, Bethlehem, PA 18016-0030

HUCALUK, VERNON, dec'd.
Late of the Township of Allen, Northampton County, PA
Administratrix: Marianne Cuth, 5122 Second Street (Rear), Whitehall, PA 18052
Attorney: John L. Obrecht, Esquire, 1731 Main Street, Northampton, PA 18067-1544

HUMENIK, HELEN, dec'd.
Late of the Borough of Northampton, Northampton County, PA
Executor: Paul J. Humenik c/o Frank M. Skrapits, Esquire, Affiliated with Steckel and Stopp, 2152 Main Street, Northampton, PA 18067-1211

MAGOCS, CHARLES, SR., dec'd.
Late of the City of Easton, Northampton County, PA
Administrator: Charles Magocs, Jr. c/o Richard J. Shiroff, Esquire, 724 Lehigh Street, Easton, PA 18042
Attorney: Richard J. Shiroff, Esquire, 724 Lehigh Street, Easton, PA 18042

ORTIZ, JULIA, dec'd.
Late of Hanover Township, Northampton County, PA
Co-Executors: Myrna Vasquez, 533 South Hoffert Street, Bethlehem, PA 18015 and Edward Ortiz, 1217 Birchwood Drive, Bethlehem, PA 18017
Attorney: Thomas P. Novak, Esquire, 4122 Lalique Lane, Center Valley, PA 18034

RUTMAN, MILDRED S. a/k/a MILDRED E. RUTMAN, dec'd.
Late of Walnutport, Northampton County, PA
Executor: Charles M. Rutman c/o Dominic A. Farole, Esquire, 1005 Chestnut Street, Ste. 101, Coplay, PA 18037
Attorney: Dominic A. Farole, Esquire, 1005 Chestnut Street, Ste. 101, Coplay, PA 18037

SIMONKA, MARGARET, dec'd.
Late of Bethlehem Township, Northampton County, PA

Executrix: Magdalena Simonka c/o Nicholas M. Zanakos, Esquire, 742 Main Street, Bethlehem, PA 18018
Attorney: Nicholas M. Zanakos, Esquire, 742 Main Street, Bethlehem, PA 18018

YARR, EVA S., dec'd.
Late of Bethlehem, Northampton County, PA
Administratrix: Anneve Yarr Hughes, 498 Rosewood Drive, Northampton, PA 18067
Attorney: Eric R. Shimer, Esquire, 1 Bethlehem Plz., Ste. 830, Bethlehem, PA 18018

YURKANIN, GEORGE S., dec'd.
Late of Forks Township, Northampton County, PA
Executrix: Kristin Scobo, 725 Seip Avenue, Nazareth, PA 18064
Attorney: Reneé L. Ferretti, Esquire, 1425 Hamilton Street, Allentown, PA 18102

SECOND PUBLICATION

COHN, IRENE N., dec'd.
Late of the City of Bethlehem, Northampton County, PA
Executrix: Susan C. Bilder c/o Michael E. Riskin, Esquire, Riskin and Riskin, 18 E. Market St., P.O. Box 1446, Bethlehem, PA 18016-1446
Attorneys: Michael E. Riskin, Esquire, Riskin and Riskin, 18 E. Market St., P.O. Box 1446, Bethlehem, PA 18016-1446

DIAS, MILDRED L., dec'd.
Late of Bethlehem, Northampton County, PA
Executor: Dennis N. Dias c/o Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219
Attorneys: Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219

KISSELBACH, ETHEL B., dec'd.
Late of Upper Nazareth Township, Northampton County, PA
Co-Executrices: Phyllis Howard and Jane Peters c/o Robert H. Jacobs, Esquire, Jacobs & Jacobs, 8 Centre Square, Easton, PA 18042-3606
Attorneys: Robert H. Jacobs, Esquire, Jacobs & Jacobs, 8 Centre Square, Easton, PA 18042-3606

KRAMER, DOROTHY E., dec'd.
Late of Bethlehem, Northampton County, PA
Executrix: Patricia A. Augustine c/o Christopher R. Gray, Esquire, Schantz & Gray, LLC, 2310 Walbert Avenue, Allentown, PA 18104
Attorneys: Christopher R. Gray, Esquire, Schantz & Gray, LLC, 2310 Walbert Avenue, Allentown, PA 18104

MODOLO, LORRAINE A., dec'd.
Late of the Borough of Pen Argyl, Northampton County, PA
Executor: Jeffrey Modolo, 626 West George Street, Pen Argyl, PA 18072
Attorneys: Alyssa Lopiano-Reilly, Esquire, Zito, Martino and Karasek, L.L.P., 641 Market Street, Bangor, PA 18013

MORMELO, ADRIAO R. a/k/a ADRIAO MARMELO a/k/a ADRIAO R. MARMELO, dec'd.
Late of Bethlehem Township, Northampton County, PA
Co-Executors: Rudolph Marmelo, Antonio Marmelo and Salette Marmelo c/o Bradford D. Wag-

ner, Esquire, 662 Main Street, Hellertown, PA 18055-1726
Attorney: Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726

PENSENBECK, LOUISE N., dec'd.
Late of the Borough of Nazareth, Northampton County, PA
Executrix: Joanne E. Lambert, 368 Madison Avenue, Apt. 202, Nazareth, PA 18064
Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064-2083

STOUT, ELIZABETH M., dec'd.
Late of the Borough of Wilson, Northampton County, PA
Executrix: Nancy A. Stout, 316 Second Street, West Easton, PA 18042

WAGNER, CATHERINE a/k/a CATHERINE PIDSTAWSKI WAGNER, dec'd.
Late of the Borough of Northampton, Northampton County, PA
Executor: John S. Wagner c/o Frank M. Skrapits, Esquire, Affiliated with Steckel and Stopp, 2152 Main Street, Northampton, PA 18067-1211

WILLIAMS, LUCILLE C., dec'd.
Late of the Borough of Hellertown, Northampton County, PA
Executrix: Jean H. Hudock 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

CAMPANARO, DOROTHY P., dec'd.
Late of 4005 Green Pond Road, Apt. 35, Bethlehem, Northampton County, PA
Personal Representative: Robert A. Pacific 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

LaBARRE, BETTY J., dec'd.
Late of the Township of Upper Nazareth, Northampton County, PA
Executrix: Ann L. Walter 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

LaJEUNESSE, ROSE I., dec'd.
Late of the City of Bethlehem, Northampton County, PA
Executor: Dennis R. LaJeunesse, 5011 Angle Lane, Greensboro, NC 27455
Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064-2083

LEARY, RICHARD JUDE, SR. a/k/a RICHARD J. LEARY, dec'd.
Late of Lower Mt. Bethel Township, Northampton County, PA
Executrix: Kathleen E. O'Neill a/k/a Kathleen E. O'Neill-Leary c/o Ralph J. Bellafatto, Esquire, 4480 William Penn Highway, Easton, PA 18045
Attorney: Ralph J. Bellafatto, Esquire, 4480 William Penn Highway, Easton, PA 18045

MILLER, CARL F., dec'd.
Late of the Township of East Allen, Northampton County, PA

Executrix: Dorothy E. Miller c/o Nicholas R. Sabatine, III, Esquire, 16 S. Broadway, Suite 1, Wind Gap, PA 18091
Attorney: Nicholas R. Sabatine, III, Esquire, 16 S. Broadway, Suite 1, Wind Gap, PA 18091

OLIVETTI, NORMAN, dec'd.
Late of the Borough of Wind Gap, Northampton County, PA
Executrix: Lucy Olivetti 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

REIMER, EVERETT R., SR., dec'd.
Late of Washington Township, Northampton County, PA
Administratrix: Kay R. Newbaker, 6060 Great Cove Road, Needmore, PA 17238

REINHARD, MARYGENE a/k/a GENE REINHARD, dec'd.
Late of Palmer Township, Northampton County, PA
Executrix: Catherine D. DeAngelis c/o Richard J. Shiroff, Esquire, 724 Lehigh Street, Easton, PA 18042
Attorney: Richard J. Shiroff, Esquire, 724 Lehigh Street, Easton, PA 18042

REMALEY, KATHRYN, dec'd.
Late of the Township of Bushkill, Northampton County, PA
Co-Executors: Robert C. Remaley, 105 E. Aluta Mill Road, Nazareth, PA 18064 and LouAnn Wallace, 457 East Lawn Road, Nazareth, PA 18064
Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064-2083

REMETTA, JOSEPH X., dec'd.
Late of Forks Township, Northampton County, PA
Executor: Richard J. Remetta, 91 Powderhorn Dr., Phillipsburg, NJ 08865
Attorneys: John R. Zonarich, Esquire, Skarlatos & Sonarich LLP, 17 South Second St., 6th Fl., Harrisburg, PA 17101-2039

NOTICE OF INCORPORATION
ACE BUSINESS CORP.

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

Mar. 6

FICTITIOUS NAME
REGISTRATION NOTICES

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of Assembly No. 1982-295, approved December 16, 1982, of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, a Certificate for the conduct of a business in Northampton County, Pennsylvania, under the assumed or fictitious name, style or designation of:

GOLDEN PEPPER PRODUCTIONS

with its principal place of business at: 4095 Tamarack Trail, Bethlehem, PA 18020.

The name and address of the individual owning or interested in said business is: Paul A. Ricciardi, 4095 Tamarack Trail, Bethlehem, PA 18020.

The Certificate was filed on February 4, 2008.

PETERS, MORITZ, PEISCHL, ZULICK, LANDES & BRIENZA, LLP
1 S. Main Street
Nazareth, PA 18064

Mar. 6

NOTICE IS HEREBY GIVEN pursuant to the provisions of 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, Harrisburg, Pennsylvania, a Certificate for the conduct of a business in Pennsylvania, under the assumed or fictitious name, style or designation of:

OLD TYME TRUCKING

with its principal place of business at: 5885 Spangler Road, Nazareth, PA 18064.

The name of the person owning or interested in said business is: Norbert Hentschel.

This certificate was filed on February 19, 2008.

Mar. 6

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 February 23, 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:

BUZZ PROMOTIONALS & CUSTOM PRINTING, LLC

John Everett Cook, Esquire
1825 Main Street
Northampton, PA 18067

Mar. 6

NOTICE IS HEREBY GIVEN that on February 4, 2008, Certificate of Organization was filed in the Department of State of the Commonwealth of Pennsylvania for:

NAZARETH LANDSCAPING LLC

in accordance with the Limited Liability Act of 1994.

DENNIS A. DeESCH, ESQUIRE
PFEIFFER, BRUNO, MINOTTI AND DeESCH
44 North Second Street
Easton, PA 18042

Mar. 6

NOTICE IS HEREBY GIVEN that on February 19, 2008, Certificate of Organization was filed in the Department of State of the Commonwealth of Pennsylvania for:

PIZZAVILLE, LLC

in accordance with the Limited Liability Act of 1994.

DENNIS A. DeESCH, ESQUIRE
PFEIFFER, BRUNO, MINOTTI AND DeESCH
44 North Second Street
Easton, PA 18042

Mar. 6

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

IN RE: CHANGE OF NAME OF SEHRISH ZAIB DURRANI and SHERYAR KAHN DURRANI, Minors

File No.: C-48CV2008-1910 & C-48CV2008-1911

NOTICE

NOTICE IS HEREBY GIVEN that on February 22, 2008, the Petitioners, M.S. Durrani and Saima Durrani, filed Petitions for Change of Name in the Court of Common Pleas of Northampton County, Pennsylvania. Petitioners are requesting orders to change their daughter's name of Sehrish Zaib Durrani to Sara Sehrish Durrani, and their son's name of Sheryar Khan Durrani to Jack Sheryar Durrani.

The Court has set April 25, 2008 at 9:00 a.m., in the Northampton County Courthouse, 669 Washington Street, Easton, Pennsylvania, as the

place for hearing on said Petitions, when and where all persons interested may appear and show cause, if any they have, why the prayers of the Petitioners should not be granted.

DONALD A. ZAMBORSKY, ESQUIRE
TALLMAN, HUDDERS & SORRENTINO, P.C.
The Paragon Centre
Suite 300
1611 Pond Road
Allentown, PA 18104
Telephone: (610) 391-1800
Fax: (610) 391-1805

Mar. 6

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 Eugenia DeJesus.

The Court has fixed April 1, 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 interested 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

Mar. 6

NOTICE FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on February 14, 2008, the Petition of Frank David Pumberger was filed in Northampton County Court of Common Pleas to No. C0048CV2008-001643, seeking to change the name of Frank David Pumberger to Frank David Koller.

The Court has fixed April 15, 2008, at 9:00 a.m. in Courtroom 4 of the Northampton County Government Center as the date and place for hearing the Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Mar 6

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW
Wilson Area School District
vs.
Timothy Brian Howell
NO. C48CV-2006-7775

NOTICE IS HEREBY GIVEN that the above was named as defendant in a civil action instituted by plaintiff. This is an action to recover delinquent interim real estate taxes for the year 2004 for the property located at 610 Prestwick Dr., Williams Twp., Easton, PA 18042, Tax Parcel M10 3 41-D6. A lien in the amount of $2,489.34 was filed on or about September 26, 2006, for this claim and a Writ of Scire Facias was filed.

You are hereby notified to plead to the writ in this case, on or before 20 days from the date of this publication or a Judgment will be entered.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be

entered without further notice for the relief requested by the plaintiff. You may lose property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

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

PORTNOFF LAW ASSOCIATES, LTD.
P.O. Box 391
Norristown, PA 19404-0391
(866) 211-9466

Mar. 6, 13, 20

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

Township of Bethlehem
vs.
David Clarence Keiper
NO. C48CV-2007-4729

NOTICE IS HEREBY GIVEN that the above was named as defendant in a civil action instituted by plaintiff. This is an action to recover delinquent sewer fees for the years 2004-2006 for the property located at 1607 Sixth Street, Bethlehem Twp., PA 18020, Tax Parcel N7SE1 4 10. A lien in the amount of $1,110.63 was filed on or about June 13, 2007, for this claim and a Writ of Scire Facias was filed.

You are hereby notified to plead to the writ in this case, on or before 20 days from the date of this publication or a Judgment will be entered.

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

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

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

PORTNOFF LAW ASSOCIATES, LTD.
P.O. Box 391
Norristown, PA 19404-0391
(866) 211-9466

Mar. 6, 13, 20

FITZPATRICK LENTZ & BUBBA, P.C.
Takes Pleasure in Announcing that

J. BRYAN TUK
Has Joined
The Firm as an Associate in the
Corporate, Business and Banking Department

&

ANTHONY S. RACHUBA, IV
Has Joined
The Firm as an Associate in the
Estate Planning and Administration Department

FL&B
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Who's Who IN BUSINESS Lehigh Valley

NORTHAMPTON COUNTY REPORTER DIGEST—2008-3
RECENT DECISIONS OF THE COURTS OF COMMON PLEAS
OF NORTHAMPTON COUNTY

DONNA DERR v. LEHIGH VALLEY HOSPITAL, INC. v. SODEXHO, INC.

Forum Non Conveniens—Pa. R.C.P. 1006(d)(1)

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C-48-CV-2006-8012; No. C-48-CV-2006-3592.

Order of Court granting Defendant's Petition to Transfer Venue.

Michael P. Malvey, Esquire for Plaintiff.

Timothy T. Stevens, Esquire and Peter J. Druckenmiller, Jr., Esquire for Defendant.

Gerard X. Smith, Esquire for Additional Defendant.

Decision entered March 9, 2007 by Paula A. Roscioli, Judge.

DESCRIPTION OF DECISION

Plaintiff alleges premises liability and negligence for back injuries suffered when she slipped and fell at Defendant's facility, located at 1-78 and Cedar Crest Boulevard in Allentown, Lehigh County, Pennsylvania. Defendant filed Preliminary Objections to Plaintiff's Complaint based on improper venue. This Court denied said Preliminary Objections. Thereafter, Defendant filed a Petition to Transfer Venue, based on *forum non conveniens,* requesting the Court transfer this action to the Court of Common Pleas of Lehigh County. Said Petition is granted.

A Plaintiff's choice of forum is entitled to great deference, but it is not absolute. Pennsylvania Rule of Civil Procedure 1006(d)(1) provides that "[f]or the convenience of parties and witnesses the court upon petition of any party may transfer an action to the appropriate court of any other county where the action could originally have been brought." Pa. R.C.P. 1006(d)(1). The trial court has considerable discretion to determine whether a change of venue is appropriate. Nevertheless, a petition to transfer venue should not be granted unless the defendant meets its burden of demonstrating, with detailed information on the record, that the plaintiff's chosen forum is oppressive or vexatious to the defendant. Defendant may demonstrate oppressiveness by showing that trial in another county would provide easier access to witnesses or other sources of proof, or to the ability to conduct a view of the premises involved in the dispute.

Defendant demonstrated that trial in Lehigh County would provide easier access to the documentary, testimonial and physical evidence necessary to resolve this matter. Moreover, individuals brought into contact with the legal system, with no personal interests at stake, should suffer the least amount of disruption to their personal and professional lives.

**COMMONWEALTH OF PENNSYLVANIA v.
TERRENCE L. FITZPATRICK**

Omnibus Pretrial Motion—Motion to Dismiss—Petition for Writ of Habeas Corpus

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No. 2007-713.

Order of Court denying Defendant's Motion to Dismiss/Petition for Writ of Habeas Corpus.

Robert Eyer, Esquire for the Commonwealth.

Eric K. Dowdle, Esquire for Defendant.

Decision of Court entered May 15, 2007 by Paula A. Roscioli, Judge.

DESCRIPTION OF DECISION

Victim I was sitting in a vehicle with Victim II. Defendant approached the passenger side of the vehicle and began shooting through the passenger side window at Victim I. Both victims suffered gunshot wounds.

Defendant was charged with two counts each of the following: Conspiracy to Commit Criminal Homicide, Attempted Homicide, Aggravated Assault, Conspiracy to Commit Aggravated Assault, Simple Assault, Conspiracy to Commit Simple Assault, Recklessly Endangering Another Person and Conspiracy to Commit Recklessly Endangering Another Person. Defendant was also charged with single counts of Firearms Not to be Carried Without a License, Person Not to Possess Firearms and Possessing Instruments of Crime, as well as four counts of Criminal Mischief.

All charges were held for court following a Preliminary Hearing at which Victim I gave eye-witness testimony and the Commonwealth presented documentary evidence of injuries to Victim II. Defendant filed an Omnibus Pretrial Motion, including a Motion to Dismiss/Petition for Writ of Habeas Corpus, asserting that there was absolutely no evidence submitted establishing that Defendant had anything to do with the nature and origin of the injuries to Victim II.

The Commonwealth must establish a *prima facie* case against Defendant. The Commonwealth presented eyewitness testimony and documentary evidence which suggests that both victims were injured during the course of this incident. Certainly, a jury could infer from this evidence that Defendant had everything to do with the nature and origin of the injuries to Victim II. Accordingly, we find that the Commonwealth has presented sufficient evidence to establish a *prima facie* case against Defendant for each of the charges brought against him. Defendant's Motion is denied.

CITY OF BETHLEHEM v. ARTSQUEST, ET AL. v. HERITAGE INSURANCE SERVICES, INC.

Preliminary Objections—Pa. R.C.P. 2253

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C-48-CV-2004-6699.

Order of Court overruling Additional Defendant's Preliminary Objections.

Thomas Brumbaugh, Esquire for Plaintiff.

Dawn Courtney Dogherty, Esquire, John Karoly, Jr., Esquire and Steven J. Schildt, Esquire for Defendant.

Daniel S. Strick, Esquire for Additional Defendant.

Decision of Court entered May 10, 2007 by Paula A. Roscioli, Judge.

DESCRIPTION OF DECISION

Plaintiff filed a Complaint against Defendant and others seeking damages allegedly arising from a breach of contract and negligent misrepresentation. Defendant filed a Joinder Complaint against Additional Defendant seeking contribution and asserting a negligence cause of action. Defendant attached the written consent of all parties to the Joinder Complaint. Additional Defendant filed Preliminary Objections to the Joinder Complaint on the grounds that (1) said Joinder Complaint is untimely; (2) Defendant

has failed to establish good cause for its untimeliness; and (3) Additional Defendant will be prejudiced.

Pursuant to Pennsylvania Rule of Civil Procedure 2253, the first two grounds raised by Additional Defendant are without merit. First, Defendant secured the written consent of all parties prior to its filing the Joinder Complaint. This conforms to subsection (a) of the Rule. Second, Additional Defendant has no standing to dispute whether Defendant has provided good cause for its late filing. This ground is reserved for the original plaintiff alone. *See* Pa. R.C.P. 2253(b); Explanatory Comment (noting that "only the plaintiff may object on the ground of the absence of reasonable justification for the delay in commencing the joinder proceeding"). The sole ground available to Additional Defendant to dispute the Joinder Complaint is by preliminary objection alleging prejudice. *See* Pa. R.C.P. 2253(c). Additional Defendant has done so, but has failed to convince the Court that it will suffer any prejudice should this Joinder Complaint proceed. No trial date has been established. Additional Defendant will have ample opportunity to review any existing depositions or discovery, conduct its own discovery as necessary and prepare an appropriate defense to Defendant's claims. Preliminary Objections are overruled.

ALAN B. McFALL AND KATHLEEN J. McFALL v.
EAST PENN ENGINEERING CO., LTD.

Preliminary Objections—Demurrer—Insufficient Specificity of Pleadings

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C48-CV-2007-1234.

Order of Court overruling Defendant's Preliminary Objections.

William P. Bried, Esquire for Plaintiffs.

Nicholas Noel, III, Esquire for Defendant.

Decision of Court entered April 25, 2007 by Paula A. Roscioli, Judge.

DESCRIPTION OF DECISION

Plaintiffs claim (1) breach of contract, (2) negligence and (3) detrimental reliance / promissory estoppel, alleging that Defendant failed to timely perform professional engineering services, including a field survey and a design layout for a sketch plan for a major subdivision on their property. Defendant filed Preliminary Objections in the nature of a demurrer to Count 1: Breach of Contract and Count 3: Detrimental Reliance / Promissory Estoppel and, in the alternative, a request for a more specific pleading in Count 1. Defendant's Preliminary Objections are overruled.

Before this Court may sustain preliminary objections that will result in the denial of a claim or dismissal of a suit, our determination to do so must be free and clear of doubt. Any doubt as to whether preliminary objections in the nature of a demurrer should be sustained must be resolved in favor of the non-moving party.

Pennsylvania is a fact pleading jurisdiction. The trial court has broad discretion in determining the amount of detail that must be averred since the standard of pleading is incapable of precise measurement.

A cause of action for breach of contract requires: (1) the existence of a contract, (2) a breach of duty imposed by the contract and (3) resultant damages. Pennsylvania courts have accepted the principle that every contract imposes upon each party a duty of good faith and fair dealing in its performance and its enforcement. Bad faith includes a lack of diligence and slacking off.

Defendant complains that Plaintiffs fail to set forth any specific breaches of contract other than Defendant's failure to timely perform its services. However, Plaintiffs have pleaded, with specific allegations, that by failing to timely perform its services Defendant has breached its express and implied contractual undertakings and obligations to Plaintiffs. Therefore, Plaintiffs have sufficiently pleaded facts to support a cause of action for breach of contract based on Defendant's implied duty of good faith. Moreover, Plaintiffs' Complaint provides ample specificity and adequately explains the nature of Plaintiffs' claim for breach of contract.

The elements of detrimental reliance or promissory estoppel are: (1) the promisor made a promise that he should have reasonably expected to induce action or forbearance on the part of the promisee; (2) the promisee actually took action or refrained from taking action in reliance on the promise; and (3) injustice can be avoided only by enforcing the promise.

Defendant objects that Plaintiffs have failed to set forth facts sufficient to support a claim for promissory estoppel. However, Plaintiffs averred that they relied on Defendant's promises and assurances that work would be complete in a timely fashion when they were preparing materials to market the subdivision to developers. Therefore, we find that Plaintiffs have sufficiently pleaded facts which support a claim of detrimental reliance/promissory estoppel.

GERALD E. MILLER v. NATIONAL ENERGY POWER COMPANY, LLC, ET AL. v. CERVIS, INC. v. TELE RADIO AB

Preliminary Objection—Pa. R.C.P. 1028(a)(6)—Alternative Dispute Resolution—Choice of Forum

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C-48-CV-2006-3271.

Order of Court granting Preliminary Objections.

Guy Mercogliano, Esquire and L. Arsinoe Shook, Esquire for Additional Defendant (Cervis, Inc.).

Walter S. Jenkins, Esquire for Additional Defendant (Tele Radio AB).

Decision of Court entered May 8, 2007 by Paula A. Roscioli, Judge.

DESCRIPTION OF DECISION

Plaintiff alleges that he was injured at his place of employment while operating an overhead crane. Defendant, Konecranes, Inc. ("Konecranes"), subsequently joined Additional Defendant, Cervis, Inc. ("Cervis"), alleging that a radio controller operating the crane and supplied by Cervis was defective. Cervis joined Additional Defendant, Tele Radio AB ("Tele Radio"), seeking to hold Tele Radio liable as the manufacturer of the allegedly defective radio controller for any judgment entered against Cervis. Tele Radio filed Preliminary Objections asserting that the relationship between Cervis and Tele Radio is governed by a distributorship agreement ("Agreement") which provides that any dispute between the parties shall be governed by Swedish law and settled by arbitration to take place in Sweden. Therefore, pursuant to Pennsylvania Rule of Civil Procedure 1028(a)(6), Tele Radio requests the Court dismiss the Joinder Complaint filed on behalf of Cervis.

Rule 1028(a)(6) authorizes preliminary objections on the basis of the "pendency of a prior action or agreement for alternative dispute resolution" and further clarifies

that "[a]n agreement to arbitrate may be asserted by preliminary objection." Pa. R.C.P. 1028(a)(6).

Pennsylvania courts have considered two factors when determining whether a suit must proceed to arbitration: (1) whether a valid agreement to arbitrate exists between the parties and, if so, (2) whether the dispute involved is within the scope of the arbitration provision.

Neither party disputes that they have entered into a valid agreement to arbitrate. As to the second factor, Cervis asserts that the Agreement does not mandate how claims brought by third parties are to be handled and, further, that such claims are not covered by the arbitration clause in the Agreement. The plain language of the Agreement sets forth: (1) Cervis shall indemnify and hold Tele Radio harmless in all disputes which may otherwise implicate Tele Radio except for claims brought by third parties arising out of the allegedly negligent acts of Tele Radio; (2) where this exception applies, Cervis may bring a claim against Tele Radio; and (3) all disputes between the parties are to be resolved by mandatory arbitration. The term "dispute" is plain, unambiguous and generic, and it includes claims related to a third parties' injuries. Therefore, this dispute is within the scope of the Agreement and is properly subject to mandatory arbitration

Cervis argues that the choice of forum clause in the Agreement should not be enforced because it is unreasonable. Said clause provides that mandatory arbitration should take place in Sweden and under Swedish law. Pennsylvania law suggests that an otherwise valid choice of forum clause will not be enforced if it is unreasonable at the time of the litigation. A clause is not unreasonable if it makes enforcing the agreement merely inconvenient or expensive. Rather an agreement is unreasonable if its enforcement would seriously impair the plaintiff's ability to pursue its cause of action. No such impairment will result here. Plaintiff's claim in this case is against National Energy Power Company, Konecranes and others, but neither Tele Radio nor Cervis. Enforcement of the choice of forum clause here does not undermine or impair Plaintiff's ability to pursue his claim.

BEVERLY GOODSON v. FRANK S. GRAZIANO, JR., DONNA M. GRAZIANO, SCOTT R. FAUBERT AND KATHERINE M. FAUBERT

BEVERLY GOODSON v. CITY OF EASTON

Summary Judgment—Political Subdivision Tort Claims Act, 42 Pa. C.S.A. §§8541-8564

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C-48-CV-2004-8346; No. C-48-CV-2005-0092.

Order of Court denying Defendant's (City of Easton's) Motion for Summary Judgment.

Michael A. Snover, Esquire for Plaintiff.

Christine E. Munion, Esquire for Defendant (City of Easton).

Decision of Court entered February 23, 2007 by Paula A. Roscioli, Judge.

DESCRIPTION OF DECISION

Plaintiff alleges that she was injured when she slipped and fell on a public sidewalk in which there is a channel designed to collect and drain water. Periodically, water accumulated in this channel will freeze. Plaintiff encountered an icy patch covered with snow in the area of the channel. Plaintiff slipped, fell and injured herself

Summary judgment may be granted only in those cases in which no genuine issues of material fact exist and the moving party is entitled to judgment as a matter of law. There are three issues before the Court: (1) whether Plaintiff's allegations fall within the sidewalk exception to the Political Subdivision Tort Claims Act; (2) whether Plaintiff has presented any evidence that a defect in the sidewalk existed at the time of her fall; and (3) if Plaintiff has presented evidence of a defect, whether she has failed to present evidence that said defect caused her to slip, fall and injure herself

The first issue is whether Plaintiff's allegations fall within the sidewalk exception to the Political Subdivision Tort Claims Act. The Tort Claims Act affords local governmental agencies immunity from liability for any alleged injuries to persons or property. The sidewalk exception to the Tort Claims Act is applicable when a plaintiff alleges that there existed a dangerous condition of sidewalks within the rights-of-way of streets owned by the local agency. The dangerous condition must derive, originate from or have as its source the sidewalk. Thus, the mere accumulation of snow and ice on a sidewalk does not constitute a defect of the sidewalk.

Plaintiff does not seek to hold Defendant liable for the mere accumulation of snow and ice on the surface of the sidewalk. Rather, Plaintiff alleges that a defective feature of the sidewalk, i.e. a drainage channel, caused or contributed to her injuries. This allegation satisfies the requirements of the sidewalk exception.

The second issue before the Court is whether Plaintiff has presented any evidence that a defect in the sidewalk existed at the time of her fall. Deposition testimony indicates that the drainage channel existed in the sidewalk both before and after Plaintiff's fall. Therefore, Plaintiff has presented evidence that a defect in the sidewalk existed at the time of her fall.

Finally, Plaintiff's supplemental answers to interrogatories indicate that she believes she fell in the area of the drainage channel. Therefore, Plaintiff has presented evidence of causation.

Accordingly, Summary Judgment is denied.

MARCH 2008

MON	TUE	WED	THU	FRI
3 Juvenile Criminal	4 Criminal	5 Civil Call Criminal	6 Juvenile Arraignments Criminal	7 Misc. Hrngs.
10 Juvenile Non-Jury	11 Non-Jury	12 Non-Jury	13 Juvenile Non-Jury	14 Misc. Hrngs.
17 Juvenile Status ARD/ Summaries	18 Argument	19 Civil Call DRS Misc. Hrngs.	20 Juvenile DRS	21 Good Friday
24 Juvenile Civil	25 Civil	26 Civil	27 Juvenile Arraignments Civil	28 Misc. Hrngs. O.C. Audit
31 Juvenile				

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