

# Northampton County Reporter

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EASTON, PA March 13, 2008

NO. 11

Northampton County Reporter Digest—2008-3

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### INSERT: Green: 1. 2008 Calendar of Events

2. "Practice before United States Magistrate Judges of the United States District Court for the Eastern District of Pennsylvania"
3. Take Me Out to the Ballgame ... The Old and the New!
4. NCBA and Miller Keystone Blood Center Blood Bank Program

### **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.

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

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*Northampton County Reporter*

**Attorney Referral & Information Service**

**155 South Ninth Street, Easton, PA 18042-4399**

**Phone (610) 258-6333 Fax (610) 258-8715**

***E-mail: [ncba@norcobar.org](mailto:ncba@norcobar.org)***

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

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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**

***38<sup>th</sup> Annual Reception for the Court***

Invitations for the Reception were mailed to members of the Association. Please return your reservations before the deadline of March 28<sup>th</sup>. If you have any questions please call the NCBA at (610) 258-6333.

***Reminder to all Committee Chairs***

Call the NCBA Office to schedule your committee meetings.

***Baseball—The Old and the New!***

See the inserts for information on Yankees and Iron Pigs baseball games.

***Lunch Lecture Programs***

**“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.

***Quarterly Association Meeting***

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

Program: Malpractice Avoidance Seminar

Computers make it easier to do a lot of things, but most of the things they make it easier to do don't need to be done.—Andy Rooney

**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****BIGGS, GRACE S.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Paul A. Florenz 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

**BOYLE, HELEN J.**, dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Mary Lou Mundo, 6 Overlook Dr., Bath, PA 18014  
Attorney: Steven B. Molder, Esquire, 904 Lehigh Street, Easton, PA 18042

**BUSS, VIVIAN C.**, dec'd.

Late of the Borough of Hellertown, Northampton County, PA  
Executrix: Deborah L. Krukowski 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

**GUTFRUEND, CAROL a/k/a CAROL J. GUTFREUND**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Jeffrey Gutfruend a/k/a Jeffrey Gutfreund 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

**MARINO, JOSEPH F.**, 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

**PHILLIPS, KATHERINE**, dec'd.

Late of Williams Township, Northampton County, PA

Executor: Daniel G. Phillips, 85 Diehl Road, Easton, PA 18042

**PIERCE, ALFRED E.**, dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executrix: Betty L. Pierce 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

**SAKALA, JOHN R. a/k/a JOHN F. SAKALA a/k/a JOHN A. SAKALA**, dec'd.

Late of Easton, Northampton County, PA

Administratrix: Jean Zimmerman c/o Kelly Clifford Rambo, Esquire, Cohen & Feeley, 2851 Baglyos Circle, Suite 200, Bethlehem, PA 18020

Attorneys: Kelly Clifford Rambo, Esquire, Cohen & Feeley, 2851 Baglyos Circle, Suite 200, Bethlehem, PA 18020

**SHIMER, BENJAMIN H.**, dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executrix: Jean E. Master 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

**SLEEMAN, LORRAINE E.**, dec'd.

Late of the Township of Washington, Northampton County, PA

Executor: Craig Walck 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

**STAPLES, ASTRID**, dec'd.

Late of Upper Mt. Bethel Township, Northampton County, PA  
 Executrix: Shayne Deemer a/k/a Shayne L. Frable c/o McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, Bangor, PA 18013

Attorneys: McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, Bangor, PA 18013

**SECOND 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, Es-  
quire, 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. Emer-  
son a/k/a Laura G. Therry, 318  
Dover Chester Road, Randolph, 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 Al-  
len, Northampton County, PA  
Co-Administrators: Edward C.  
Fatzinger, 7985 Cricket Road,  
Bath, PA 18014, Joan J. Rep-  
pert, 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 Timo-  
thy J. Duckworth, Esquire,  
Mosebach, Funt, Dayton &

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

Attorneys: Timothy J. Duck-  
worth, 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, Es-  
quire, 662 Main Street, Heller-  
town, PA 18055-1726  
Attorney: Bradford D. Wagner,  
Esquire, 662 Main Street, Hell-  
ertown, PA 18055-1726

**HARVEY, JOHN J. F.,** dec'd.

Late of the City of Bethlehem,  
Northampton County, PA  
Administratrix: Kathleen E. Har-  
vey 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, Es-  
quire, 1731 Main Street,  
Northampton, PA 18067-1544

**HUMENIK, HELEN,** dec'd.

Late of the Borough of Northamp-  
ton, Northampton County, PA  
Executor: Paul J. Humenik c/o  
Frank M. Skrapits, Esquire, Af-  
filiated 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, Es-  
quire, 724 Lehigh Street, Easton,  
PA 18042

Attorney: Richard J. Shiroff,  
Esquire, 724 Lehigh Street, East-  
on, PA 18042

**ORTIZ, JULIA,** dec'd.

Late of Hanover Township,  
Northampton County, PA  
Co-Executors: Myrna Vasquez,  
533 South Hoffert Street, Beth-  
lehem, 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, Northamp-  
ton 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, Es-  
quire, 742 Main Street, Bethle-  
hem, PA 18018

Attorney: Nicholas M. Zanakos,  
Esquire, 742 Main Street, Beth-  
lehem, 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, Es-  
quire, 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, Es-  
quire, 1425 Hamilton Street,  
Allentown, PA 18102

**THIRD 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 Val-  
ley, PA 18034-0219

**KISSELBACH, ETHEL B.,** dec'd.

Late of Upper Nazareth Town-  
ship, Northampton County, PA  
Co-Executrices: Phyllis Howard  
and Jane Peters c/o Robert H.  
Jacobs, Esquire, Jacobs & Ja-

cobs, 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. Wagner, 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

**NOTICE OF INCORPORATION**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, Commonwealth of Pennsylvania, on December 18, 2007, pursuant to the Pennsylvania Business Corporation Law of 1988, for the incorporation of:

**AIR CENTER INC.**

Mar. 13

**LIMITED LIABILITY COMPANY NOTICE**

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a Domestic Limited Liability Company



has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about November 29, 2007, 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:

**ACTION EXCAVATION LLC**

Action Excavation LLC  
70 Butternut Road  
Hellertown, PA 18055

Mar. 13

**NOTICE OF AMENDMENT**

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

**BENDERS MENNONITE CHURCH**

The corporation was incorporated under the Nonprofit Corporation Law of 1988, as amended.

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

Mar. 13

**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

MILES PATRICK DANNER; Mark Danner, Administrator

ELLA K. GAGHAN; Daniel Woodall, Executor

ELLA K. GAGHAN, TRUST; Daniel Woodall and Diana Baxter, Co-Trustees

PETER MARK HARTMAN; Dustin M. Hartman, Administrator

BEVERLY A. HOLMES; Marlyn Johnson, Administratrix

LISA HUFF; Wachovia Bank, N.A., Guardian

LOUISE M. NOVAK; Walter Burke, Executor

MARGARET E. SPAZIANI; Mary E. Tone, Administratrix

RICHARD JOSEPH THOMAS, III, SPECIAL NEEDS TRUST; PNC Bank, N.A., Financial Guardian

**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, MARCH 28, 2008 AT 9:00 A.M. IN COURTROOM #1.

Dorothy L. Cole  
Clerk of Orphans' Court  
Mar. 13, 20

**LEGAL SECRETARY**

Civil defense firm is seeking a legal secretary with at least 2 years of general liability experience. Candidate must have excellent organizational skills, be motivated and willing to assumed significant responsibility. Excellent salary and benefits. Send resume w/cover letter to Personnel, 3400 Bath Pike, Suite 302, Bethlehem, PA 18017 or fax to (610) 868-1702.

Mar. 13, 20

**NORTHAMPTON COUNTY COURT  
OF COMMON PLEAS**

In Re: Petition for Change of Name for Jarred Schleicher, Kyle Schleicher and Brandon Schleicher

**File No. C-48CV2008-2225**

BE IT KNOWN that on March 4, 2008, Petitioner Jesse George Marshall filed a Petition in the Northampton County Court of Common Pleas to change the surnames of the minor children, Jarred Schleicher, Kyle Schleicher and Brandon Schleicher, from Schleicher to Marshall. A hearing on said Petition will take place on

April 18, 2008 at 9:00 a.m. in Courtroom #1 of the Northampton County Court of Common Pleas, 669 Washington Street, Easton PA 18042. Any and all interested persons should appear for said hearing at that time and place.

Mar. 13

**NOTICE FOR CHANGE OF NAME**

NOTICE IS HEREBY GIVEN that on February 29, 2008, the Petition of Jasmine Heroux Skirbst was filed in Northampton County Court of Common Pleas to No. C-48CV2008002147, seeking to change the name of Jasmine Heroux Skirbst to Jasmine Heroux-Skirbst.

The Court has fixed April 4, 2008, at 9:00 a.m. in Motions Court Room 4 of the Northampton County Government Center as the date and place for hearing of 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.

Laura A. Heroux  
2282 Lake Minsi Drive  
Bangor, PA 18013  
(610) 599-1148

Mar. 13

**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



## Northampton Community College

### **ADJUNCT FACULTY—NCC PARALEGAL PROGRAM**

Teach Contract Law to paralegal students at Northampton Community College's Bethlehem campus. Course scheduled for the Fall 2008 semester (Aug-Dec) on Tuesday and Thursday mornings from 8:00-9:15 a.m. Ideal candidate is a licensed attorney practicing in the area of contract law who has experience working with, supervising, and/or training paralegals or a paralegal with a college degree (master's degree preferred) with experience in contract law. College teaching experience a plus. Send cover letter and resume detailing contract law knowledge and work experience with paralegals to Michael Miller, Assistant Dean, Business and Technology Division, Northampton Community College, 3835 Green Pond Rd., Bethlehem, PA 18020, fax to (610) 861-4127, or e-mail to [mmiller@northampton.edu](mailto:mmiller@northampton.edu). NCC is EEO/AA.

Mar. 13, 20

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

**BRIGID HESS AND DALE HESS v. BARBARA ROKUS**

*Preliminary Objections—Negligence—Duty of Care*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C-48-CV-2006-9253.

Order of Court granting Defendant's Preliminary Objections.

John Molnar, Esquire for Plaintiff.

Joseph F. McNulty, Jr., Esquire for Defendant.

Decision of Court entered April 4, 2007 by Paula A. Roscioli, Judge.

DESCRIPTION OF DECISION

Plaintiff, a medical care provider, commenced this action by Complaint alleging that Defendant is liable for causing injuries to her as a result of negligently performing her duties as a patient. In addition, Plaintiff's husband complains that Defendant is liable for loss of consortium. Defendant filed Preliminary Objections in the nature of a demurrer to Plaintiffs' Complaint. We sustain Defendant's Objections and dismiss Plaintiffs' Complaint.

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. The law must say with certainty that no recovery is possible.

In Pennsylvania, the elements for a cause of action in negligence are: (1) a duty or obligation recognized by the law requiring the defendant to conform to a certain standard of conduct for the protection of others against unreasonable risks; (2) defendant's failure to conform to the standard required; (3) a causal connection between the conduct and the resulting injury; (4) actual loss or damage resulting to the plaintiff. The initial element is of primary importance: the defendant must owe the plaintiff a duty of care.

In determining whether a duty exists, there are five factors our courts must balance: (1) the relationship between the parties; (2) the social utility of the actor's conduct; (3) the nature of the risk imposed and foreseeability of the harm incurred; (4) the consequences of imposing a duty; and (5) the public interest in the proposed solution.

The relationship between Plaintiff and Defendant does not support a finding that Defendant owes Plaintiff a duty of care. Plaintiff had a professional duty to care for Defendant. In contrast, the nature of this relationship compels the conclusion that no such duty exists on the part of Defendant, the patient. The social utility of Defendant's conduct is not relevant to this case. The harm incurred here was so foreseeable that we find Plaintiff voluntarily chose to encounter and assume the risk of this harm.

The consequence of recognizing a duty in this case raises considerable concern with the Court, and we find it contrary to the public interest. What is perhaps most troubling about Plaintiff's Complaint is that it appears to couch its allegations in terms which echo professional liability. It is precisely because patients lack the skill and experience to effectively address a particular ailment or disability that they seek the assistance of those that are trained and have gained a level of expertise in treating particular medical needs.

In light of the fact that a professional standard of care generally creates a greater duty upon the professional than the public at large, it would be patently unfair to promulgate that a disabled person must conform her actions to a standard of care which actually imposes a greater duty upon her than if she were a healthy, able person. Thus, any effort by the Court to craft a patients' standard of care would be futile and a disservice to millions of people who require medical assistance. The Court cannot in good conscious recognize a duty in this case.

A claim for loss of consortium is derivative and dependent upon the injured spouse's right to recover. Therefore, the loss of consortium claim must be dismissed.

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**MANDY ALVIN v. KAREN ROWE AND  
GRETA FLEDERBACH v. HELEN BIANCKINI**

*Motion for Partial Summary Judgment*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV-2004-6678.

Order of Court denying the Defendants' Motion.

Edward Shaughnessy, Esquire for Plaintiff.

Maureen Jordan, Esquire and James Swartz, Esquire for Defendants.

Order of Court entered February 21, 2007 by William F. Moran, Judge.

DESCRIPTION OF DECISION

The case arose from a three car accident in which Defendant Rowe rear-ended Defendant Bianckini's vehicle, which then rear-ended the Plaintiff's vehicle. At the time of the accident, the Plaintiff only had limited tort under her insurance policy, so she was only able to recover for her injuries if she sustained a serious injury. Defendant Rowe and Flederbach filed a Motion for Summary Judgment to the Plaintiff's claim for non-economic damages and wage loss, arguing that the Plaintiff failed to prove she had sustained a serious injury from the accident. The Court found that summary judgment could not be granted because whether the Plaintiff had sustained a serious injury was to be left to a jury because reasonable minds could differ as to whether a serious injury had been sustained due to the medical evidence that the Plaintiff had presented.

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**HAROLD G. MEISTER v. COURTNEY L. MEISTER**

*Custody Action—Petition for Relocation*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV-2003-9092.

Order of Court granting Mother's Petition and giving Mother primary physical custody subject to Father's partial physical custody.

David Martino, Esquire for Plaintiff.

Elvira C. Labarre, Esquire for Defendant.

Order of Court entered January 31, 2007 by William F. Moran, Judge.

DESCRIPTION OF DECISION

Mother filed a Petition for Relocation, asking the Court to permit her to move with the parties' children from Pennsylvania to New York. The Court granted the Mother's Petition, finding that it was in the children's best interest to allow for the move. The Court explained that the advantages of the move outweighed the disadvantages of the move, and that the quality of the children's lives would increase if they relocated to

New York. The Court further found that Mother's motives in moving to New York were not suspect and that there were realistic, substitute visitation arrangements available to Father if the children lived in New York.

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**LEONARD A. HECKMAN v. BOROUGH OF BATH ZONING HEARING  
BOARD AND BOROUGH OF BATH**

*Appeal from Zoning Board Decision*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV-2006-311.

Order of Court denying Appeal and Affirming Zoning Board Decision.

Lis Pereira, Esquire for Appellant.

Kevin Danyi, Esquire for Appellee.

James Kratz, Esquire for Intervenor.

Order of Court entered February 21, 2007 by William F. Moran, Judge.

DESCRIPTION OF DECISION

Based on the doctrine of merger, the Zoning Board denied the Appellant's application for a dimensional variance. As a result, the Appellant appealed, arguing that the doctrine of merger should not have been applied because his property was a separate and distinct parcel of land. The Court found that the Board did not err because its decision was supported by substantial evidence. The evidence before the Board demonstrated that the two properties at issue were integrated by an overt act, which was the construction of a garage on one of the properties, which serviced the other property. The presence of an old alley between the two properties did not prevent merger because the alley had been vacated as a public street decades before. Therefore, it was proper for the Board to conclude that the properties had merged, and thus, deny the variance.

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**WILLIAM REESE, JR. v. ERIE INSURANCE GROUP**

*Motion for Attorneys Fees Under 42 Pa. C.S.A. §2503(7) and (9)*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. 2005-160.

Order of Court denying the Defendant's Motion.

Robert F. Creem, Esquire for Plaintiff.

Marianne J. Gilmartin, Esquire for Defendant.

Order of Court entered May 16, 2007 by William F. Moran, Judge.

DESCRIPTION OF DECISION

The Plaintiff and the Defendant were involved in litigation following a car accident by the Plaintiff. The end result of that litigation was that the Court granted a Motion for Summary Judgment, filed by the Defendant. Following the Court's decision, the Defendant filed this Motion for Attorneys Fees, claiming that the Plaintiff had acted in bad faith when pursuing his lawsuit against the Defendant. The Court concluded that it could not award the Defendant attorneys fees because the Plaintiff had not acted in an obdurate, vexatious, or dilatory manner. The Defendant was not entitled to attorneys fees simply because it was successful in the lawsuit that the Plaintiff had filed against the Defendant.

**TRANSOURCE, INC. D/B/A UNISHIPPERS v. THE RECEIVABLE  
MANAGEMENT SERVICES CORPORATION D/B/A  
D & B RECEIVABLE MANAGEMENT SERVICES,  
MICHAEL GRENON, AND SOVEREIGN BANK**

*Motion for Judgment on the Pleadings*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV-2006-6612.

Order granting the Plaintiff's Motion for Judgment on the Pleadings.

Ellen Shurdak, Esquire for Plaintiff.

Susan Wild, Esquire, Barbara Scheib, Esquire, Nuria Sjolund, Esquire and Nicholas Deenis, Esquire for Defendants.

Order of Court entered April 18, 2007 by William F. Moran, Judge.

DESCRIPTION OF DECISION

The Plaintiff filed a Motion for Judgment on the Pleadings against Defendant Grenon, arguing that the Defendant had admitted all relevant allegations to the Plaintiff's fraud claim against the Defendant. Based on the Plaintiff's averments and the Defendant's responses, the Court held that the Defendant was liable for fraud as a matter of law. The Court determined that many of the Defendant's denials to Plaintiff's averments were actually admissions because the Defendant had knowledge of or should have known whether information contained in the Plaintiff's averments were true or false. Because many of these denials constituted admissions, there was sufficient facts to establish all of the necessary elements to make out a claim for fraud.

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**TRANSOURCE, INC. D/B/A UNISHIPPERS v.  
THE RECEIVABLE MANAGEMENT SERVICES CORPORATION  
D/B/A D & B RECEIVABLE MANAGEMENT SERVICES,  
MICHAEL GRENON, AND SOVEREIGN BANK**

*Preliminary Objections*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV-2006-6612.

Order of Court sustaining the Defendant's Preliminary Objections.

Ellen Shurdak, Esquire for Plaintiff.

Susan Wild, Esquire, Barbara Scheib, Esquire, Nuria Sjolund, Esquire and Nicholas Deenis, Esquire for Defendants.

Order of Court entered April 18, 2007 by William F. Moran, Judge.

DESCRIPTION OF DECISION

Defendant D & B Receivable Management Services Corporation ("RMS") filed a demurrer to Count IV of the Plaintiff's Amended Complaint, alleging that the Plaintiff could not establish a negligence claim against RMS due to the economic loss doctrine. The Court initially determined that RMS could raise this argument because it had not waived it. The Court concluded that RMS did raise the economic loss doctrine in its actual Preliminary Objections even though RMS did not specifically use the words "economic loss doctrine." With that preliminary issue aside, the Court then addressed the substance of the economic loss doctrine, holding that the Plaintiff had failed to establish a cause of action for negligence because it did not allege any damages other than economic loss.



**MARY WALIA, A MINOR, BY KAREN WALIA AND AJIT WALIA,  
PARENTS AND CO-GUARDIANS OF MARY WALIA v.  
PP&L, INC. AND LUCY KAIL AND VERIZON COMMUNICATIONS INC.,  
AND VERIZON PENNSYLVANIA, INC.**

*Motion for Summary Judgment*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV-2003-5301.

Order of Court granting the Defendants' Motion for Summary Judgment.

Harold DeWalt, Esquire, Clifford Haines, Esquire and Thomas Wehner, Esquire for Plaintiffs.

Malcolm Gross, Esquire, Susan Wild, Esquire, Kent Herman, Esquire and Steven Bruderle, Esquire for Defendants.

Order of Court entered April 18, 2007 by William F. Moran, Judge.

DESCRIPTION OF DECISION

Defendants PP&L and Verizon filed a Motion for Summary Judgment, arguing that the Plaintiffs could not establish their negligence as a matter of law. The minor Plaintiff had been injured when a vehicle driven by Defendant Kail hit her. The Plaintiffs asserted that Defendants PP&L and Verizon should be negligent because two poles on the sidewalk obstructed Defendant Kail's view, and thus, were a cause of the accident. The Court found that the Plaintiffs were unable to establish that the poles were a cause of the accident, so the Court granted the Defendants' Motion.

To reach the determination that the poles did not cause the accident, the Court first needed to decide whether the minor Plaintiff was standing to the north or south of the poles prior to the accident. The Court found that the evidence only supported the conclusion that the minor Plaintiff was standing to the north of the poles. The Plaintiffs contended that two pieces of evidence that the minor Plaintiff was south of the poles should be considered. However, the Court ruled these pieces of evidence were inadmissible because one piece of evidence was hearsay, and the other piece of evidence failed to establish that the minor Plaintiff was to the south of the poles.

Because the minor Plaintiff was to the north of the poles, the Plaintiffs could only prove causation through their expert report that alleged a silhouette theory of liability. The Court determined that this expert report was not competent evidence because it was based on mere conjecture. Thus, the Court concluded that the Plaintiffs could not prove that the poles were a cause of the accident and entered Summary Judgment in favor of the Defendants.

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**HEATHER L. MILLER v. JAMES LAVERN JOHNSON**

*Preliminary Objections*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV-2005-156.

Order of Court denying the Defendant's Preliminary Objections.

Michael Snover, Esquire for Plaintiff.

Andrew Riemenschneider, Esquire for Defendant.

Order of Court entered June 13, 2007 by William F. Moran, Judge.

## DESCRIPTION OF DECISION

The Defendant filed preliminary objections to the Plaintiff's Amended Complaint, asking the Court to strike the Complaint because the Plaintiff failed to file a verification, or in the alternative, to strike certain sections of the Complaint that referenced punitive damages. The Court initially ruled that the Complaint would not be stricken because the Plaintiff did, in fact, file a verification. The Court then decided that the Plaintiff's references to punitive damages in her Complaint were sufficient and would not be stricken. The Court found that the Plaintiff alleged the sufficient state of mind of recklessness by stating that the Defendant had been driving while under the influence of alcohol.

**MICHAEL J. TOTH, INDIVIDUALLY, AND MICHAEL J. TOTH  
AND LAURIE A. TOTH, HUSBAND AND WIFE v. ROYAL TRUCK  
& EQUIPMENT, INC., A PENNSYLVANIA CORPORATION, GREG  
RATUI, AN ADULT INDIVIDUAL, AND SNAP-ON, INC., A WISCONSIN  
CORPORATION**

*Preliminary Objections*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048-CV-2006-7028.

Order of Court overruling in part and denying in part the Defendants' Preliminary Objections

Iry McClain, Esquire for Plaintiffs.

Paul Lees, Esquire, Michael Shay, Esquire, Kirk Wolgemuth, Esquire and James Scott, Esquire for Defendants.

Order of Court entered June 7, 2007 by William F. Moran, Judge.

## DESCRIPTION OF DECISION

Defendant Greg Ratui and Defendant Snap-On filed separate preliminary objections to the Complaint, filed by the Plaintiffs. Based upon relevant law and a decision previously issued by the Honorable Stephen Baratta with respect to preliminary objections filed by Defendant Royal Truck, the Court concluded that the only viable causes of action that could be maintained against Defendants Ratui and Snap-On were slander, and vicarious liability for slander. The Court held that the Plaintiffs established a cause of action for slander and vicarious liability for slander because they properly pled general damages and because the term "deadbeat" has a defamatory character. However, the Court found that the Plaintiffs could not establish a cause of action for intentional interference or for vicarious liability for intentional interference because the Plaintiff had an at-will employment relationship with Defendant Royal Truck.

## Northampton County Bar Association Notification of Change Form

To assist the NCBA Staff in maintaining up-to-date information on all attorneys and subscribers of the *Reporter*, would you please complete the form below and return it to the NCBA Office whenever you have a change and/or addition to your address, telephone number, fax number or e-mail address. *Return to:* Northampton County Bar Association, 155 South Ninth Street, Easton, PA 18042-4399, FAX: (610) 258-8715.

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**PERIODICAL PUBLICATION**

**\* Dated Material. Do Not Delay. Please Deliver Before Monday, March 17, 2008**

