

Northampton County Reporter

(USPS 395-280)

VOL. LXII

EASTON, PA April 13, 2023

NO. 67

David Olson, Plaintiff v. Lehigh University, Defendant

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INSERTS: Blue: 1. NCBA Welcomes Two New Members
2. 2023 Calendar
3. Save the Date – Annual Summer Outing
4: PA Legal Ads
Cream: 1. “Important New Developments in Personal Injury Law”
2. “Immigration Law’s Intersection with Nearly Every Other Practice Area:
What You Need to Know”
3. “Understanding the ‘Lay of the Land’—The Developer’s Perspective in the
Local Land Use Approvals Process”
4. Quarterly Association Meeting

NOTICE TO THE BAR...

Quarterly Association Meeting

Thursday, May 18, 2023

Louise Moore Park, 5:00 p.m.

Registration inside.

**NORTHAMPTON COUNTY BAR ASSOCIATION
2023 BAR ASSOCIATION OFFICERS**

Steven B. Molder President
 Jeremy F. Clark President-Elect
 Rebecca Kulik Vice President
 Michael A. Santanasto Treasurer
 Richard Eugene Santee Secretary
 Paul J. Harak Past President

BOARD OF GOVERNORS

Syzane Arifaj
 Abigail Bellafatto
 Gary A. Brienza
 David J. Ceraul
 Isaac A. Hof
 Mark B. Stanziola
 Dennis W. Winegar

ZONE II DELEGATES

Jill McComsey
 Keri A. Schantz
 Joel M. Scheer
 Michael P. Shay
 Frank W. Yandrisevits

Northampton County Reporter
Attorney Referral & Information Service
155 South Ninth Street, P.O. Box 4733
Easton, PA 18042
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BAR ASSOCIATION STAFF

Mary Beth LeesonExecutive Director
 Rose WeddeAccounting
 Legal Journal
 Deborah J. FlanaganAttorney Referral
 Jessica M. BoscoAttorney Referral

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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 Ralph J. Bellafatto, Esquire
 Editor

NOTICE TO NCBA MEMBERS – BAR NEWS

May Quarterly Association Meeting

May 18, 2023. Registration form inside.

Save the Date

June 29, 2023 Annual Summer Outing – Louise Moore Park

PA Supreme Court Board and Committee Vacancies

There are currently vacancies on the Pennsylvania Supreme Court Boards and Committees.

Minor Judiciary Education Board

Appellate Court Procedural Rules Committee

These openings are posted on the UJS website:

<https://www.pacourts.us/courts/supreme-court/committees>

Applications are due by April 30th.

The only way to make sense out of change is to plunge into it, move with it, and join the dance. ~ Alan Watts

ESTATE AND TRUST NOTICES

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION**BELYEA, BRYAN K.,** dec'd.

Late of Williams Township, Northampton County, PA
Executrix: Sara Papa Belyea c/o Vaughn A. Terrinoni, Esquire, 3976 Township Line Road, Bethlehem, PA 18020
Attorney: Vaughn A. Terrinoni, Esquire, 3976 Township Line Road, Bethlehem, PA 18020

BOND, ALMA H., dec'd.

Late of Bethlehem, Northampton County, PA
Executrix: Janet Brill c/o Jeffrey S. Fleischaker, Esquire, Engel, Wiener, Bergstein & Fleischaker, 1011 Brookside Road, Suite 230, Allentown, PA 18106
Attorneys: Jeffrey S. Fleischaker, Esquire, Engel, Wiener, Bergstein & Fleischaker, 1011 Brookside Road, Suite 230, Allentown, PA 18106

CELIA, MARIE A., dec'd.

Late of the Township of Williams, Northampton County, PA

Executrix: Elaine M. Cardea c/o Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064
Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064

EGAN, ANNE LOUISE, dec'd.

Late of the Borough of Nazareth, Northampton County, PA
Executor: Mark Egan c/o Alfred S. Pierce, Esquire, Pierce & Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064
Attorneys: Alfred S. Pierce, Esquire, Pierce & Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064

FLOREY, CHARMAINE J., dec'd.

Late of the Township of Plainfield, Northampton County, PA
Executor: Bruce D. Fehnel 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

HUBER, LORETTA L., dec'd.

Late of Easton, Northampton County, PA
Walter M. Huber and Loretta L. Huber Trust dtd. 8/19/03
Co-Trustees: Thomas Huber and William Huber c/o Christopher Wolf, Esquire, 166 Allendale Road, King of Prussia, PA 19406
Attorney: Christopher Wolf, Esquire, 166 Allendale Road, King of Prussia, PA 19406

PENNINGTON, ROSALYN C., dec'd.

Late of the Township of Plainfield, Northampton County, PA
Executrix: Carol P. McDonough

Attorneys: Alan B. McFall, Esquire, McFall Law, LLC, 31 West First Street, Suite J, Wind Gap, PA 18091

RILEY, JAMES F., JR., dec'd.

Late of Forks Township, Northampton County, PA

Executrix: Dianna J. Mamrak c/o Patricia Leisner Clements, Esquire, 516 Falcon Road, Audubon, PA 19403

Attorney: Patricia Leisner Clements, Esquire, 516 Falcon Road, Audubon, PA 19403

SPIRK, BERNARD R., SR., dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executor: Bernard R. Spirk, Jr. c/o Ellen M. Kraft, Esquire, 4510 Bath Pike, Suite 201, Bethlehem, PA 18017-9265

Attorney: Ellen M. Kraft, Esquire, 4510 Bath Pike, Suite 201, Bethlehem, PA 18017-9265

SUTLIFF, RONALD MILLER, dec'd.

Late of the Borough of Northampton, Northampton County, PA

Executors: Roy Lee Sutliff, 22310 Mount Ephraim Road, Dickerson, MD 20842 and Thomas Fontoura-Sutliff, 3247 Parkview Drive, Whitehall, PA 18052

Attorneys: Daniel G. Spengler, Esquire, Spengler Brown Law Offices, 110 East Main Street, Bath, PA 18014

WOOD, BONNIE-JEANNE, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Administrator: John Arthur Wood

Attorneys: Lisa M. Spitale, Esquire, Spitale, Vargo, Madsen

& Blair, 680 Wolf Avenue, Easton, PA 18042

WUKOVITZ, FRANK, dec'd.

Late of the Township of East Allen, Northampton County, PA
Executrix: Cynthia Ann Doyne c/o Robert V. Littner, Esquire, Littner & Littner Law Offices, PLLC, 512 North New Street, Bethlehem, PA 18018

Attorneys: Robert V. Littner, Esquire, Littner & Littner Law Offices, PLLC, 512 North New Street, Bethlehem, PA 18018

SECOND PUBLICATION

BENZAK, DAVID J., dec'd.

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

Administrator: Joseph William Benzak, Jr. c/o Robert V. Littner, Esquire, Littner & Littner Law Offices, PLLC, 512 North New Street, Bethlehem, PA 18018

Attorneys: Robert V. Littner, Esquire, Littner & Littner Law Offices, PLLC, 512 North New Street, Bethlehem, PA 18018

DePAOLO, MARIE ROSE, dec'd.

Late of the Borough of Bangor, Northampton County, PA

Executor: Michael Samuel DePaolo 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

DREISBACH, CHARLES S., dec'd.

Late of Northampton, Northampton County, PA

Executor: Charles L. Dreisbach c/o Stephen A. Strack, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

Attorneys: Stephen A. Strack,
Esquire, Steckel and Stopp LLC,
125 S. Walnut Street, Suite 210,
Slatington, PA 18080

DUERR, VICTORIA D., dec'd.

Late of Bethlehem Township,
Northampton County, PA
Executor: Douglas David Sunday
c/o Vaughn A. Terrinoni,
Esquire, 3976 Township Line
Road, Bethlehem, PA 18020
Attorney: Vaughn A. Terrinoni,
Esquire, 3976 Township Line
Road, Bethlehem, PA 18020

EDWARDS, EARL E., III, dec'd.

Late of the Borough of Bangor,
Northampton County, PA
Executrix: Jennifer K. Housden
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

KALLIPOZES, EVANGELINE,
dec'd.

Late of Bethlehem, Northampton
County, PA
Executrix: P. Ellen Tatalias
a/k/a Ellen S. Tatalias c/o
Timothy J. Duckworth, Esquire,
Mosebach, Funt, Dayton &
Duckworth, P.C., 2045 Westgate
Drive, Suite 404, Bethlehem, PA
18017
Attorneys: Timothy J.
Duckworth, Esquire, Mosebach,
Funt, Dayton & Duckworth,
P.C., 2045 Westgate Drive, Suite
404, Bethlehem, PA 18017

LAWRENCE, PATRICK JAMES,
dec'd.

Late of Bethlehem, Northampton
County, PA
Executor: Mr. James Robert
Lawrence

Attorneys: John D. Lychak,
Esquire, Law Offices of John D.
Lychak, P.C., 60 W. Broad Street,
Suite 98, Bethlehem, PA 18018

LOQUASTO, JUANITA MARIE,
dec'd.

Late of the Township of
Bethlehem, Northampton
County, PA
Executrix: Sheryl Ann Palmer
c/o Joseph F. Leeson, III,
Esquire, 70 East Broad Street,
P.O. Box 1426, Bethlehem, PA
18016-1426
Attorney: Joseph F. Leeson, III,
Esquire, 70 East Broad Street,
P.O. Box 1426, Bethlehem, PA
18016-1426

PARTON, LORRAINE M., dec'd.

Late of the Township of
Bethlehem, Northampton
County, PA
Executor: James Reiser, Jr. c/o
Robert V. Littner, Esquire,
Littner & Littner Law Offices,
PLLC, 512 North New Street,
Bethlehem, PA 18018
Attorneys: Robert V. Littner,
Esquire, Littner & Littner Law
Offices, PLLC, 512 North New
Street, Bethlehem, PA 18018

SERFASS, DOUGLAS EDWARD,
dec'd.

Late of Bethlehem, Northampton
County, PA
Administratrix: Mary S. Serfass,
504 Vera Circle, Bethlehem, PA
18017

SMITH, NAOMI L., dec'd.

Late of the Township of Palmer,
Northampton County, PA
Executrix: Ruthann Smith Arras,
3345 Bridlepath Rd., Easton, PA
18045
Attorneys: Daniel G. Spengler,
Esquire, Spengler Brown Law
Offices, 110 East Main Street,
Bath, PA 18014

STECKEL, WARREN REYNOLD,
dec'd.

Late of the Borough of Hellertown,
Northampton County, PA

Executor: Jeffrey Scott Steckel
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

THOMPSON, ELIZABETH JANE,
dec'd.

Late of Lower Saucon Township,
Northampton County, PA

Executor: Charles F. Thompson,
Jr. a/k/a C. Fred Thompson c/o
Judith A. Harris, Esquire, Norris
McLaughlin, P.A., 515 West
Hamilton Street, Suite 502,
Allentown, PA 18101

Attorneys: Judith A. Harris,
Esquire, Norris McLaughlin,
P.A., 515 West Hamilton Street,
Suite 502, Allentown, PA 18101

TOBISCH, RUPERT, dec'd.

Late of Lehigh Township, North-
ampton County, PA

Executor: Frederick R. Tobisch
c/o David B. Shulman, Esquire,
Shulman Law Office PC, 419
Delaware Avenue, P.O. Box 157,
Palmerton, PA 18071

Attorneys: David B. Shulman,
Esquire, Shulman Law Office PC,
419 Delaware Avenue, P.O. Box
157, Palmerton, PA 18071

TREXLER, PAULINE E., dec'd.

Late of the Township of Bushkill,
Northampton County, PA

Executrix: Kathleen Ann Trexler
c/o Peters, Moritz, Peischl,
Zulick, Landes & Brienza, LLP,
1 South Main Street, Nazareth,
PA 18064

Attorneys: Peters, Moritz, Peischl,
Zulick, Landes & Brienza, LLP,

1 South Main Street, Nazareth,
PA 18064

THIRD PUBLICATION**BURBES, MIRIAM M.,** dec'd.

Late of Northampton County, PA
The Henry L. Burbes and Miriam
M. Burbes Revocable Living
Trust Agreement U/A 1/28/
1998

Successor Trustee: Charlene M.
Mast c/o Eric R. Strauss,
Esquire, Worth, Magee & Fisher,
P.C., 2610 Walbert Avenue,
Allentown, PA 18104

Attorneys: Eric R. Strauss,
Esquire, Worth, Magee & Fisher,
P.C., 2610 Walbert Avenue,
Allentown, PA 18104

BUTTILLO, MARY FRANCES,
dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Executor: Carl J. Buttillo, Jr. c/o
Goudsouzian & Associates, 2940
William Penn Highway, Easton,
PA 18045

Attorneys: Goudsouzian &
Associates, 2940 William Penn
Highway, Easton, PA 18045

CANELLA, SUSAN, dec'd.

Late of Palmer Twp., Northamp-
ton County, PA

Administratrix CTA: Theresa
Cuozzo c/o Amanda M. Kita,
Esquire, Stradley Ronon Stevens
& Young, LLP, 30 Valley Stream
Pkwy., Malvern, PA 19355

Attorneys: Amanda M. Kita,
Esquire, Stradley Ronon Stevens
& Young, LLP, 30 Valley Stream
Pkwy., Malvern, PA 19355

CATERA, CHARLOTTE L., dec'd.

Late of Allentown City/Borough,
Lehigh County, PA

Executrix: Charlene Rauscher,
Esquire, P.O. Box 427, Fogels-
ville, PA 18051

Attorney: Charlene D. Rauscher,
Esquire, P.O. Box 427, Fogels-
ville, PA 18051

CHECHO, CHRISTOPHER S.,
dec'd.

Late of the Borough of Bangor,
Northampton County, PA

Administrator: Salvatore
Checho, 287 Park Avenue,
Bangor, PA 18013

Attorneys: Gretchen Marsh
Weitzmann, Esquire,
Weitzmann, Weitzmann &
Huffman, LLC, 700 Monroe
Street, Stroudsburg, PA 18360

CHIAPPA, ANNA MARIA, dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Executor: Alan R. Chiappa c/o
Dionysios C. Pappas, Esquire,
Vasiliadis Pappas Associates,
LLC, 2551 Baglyos Circle, Suite
A-14, Bethlehem, PA 18020

Attorneys: Dionysios C. Pappas,
Esquire, Vasiliadis Pappas
Associates, LLC, 2551 Baglyos
Circle, Suite A-14, Bethlehem,
PA 18020

CLARK, ANN W., dec'd.

Late of Bethlehem City, North-
ampton County, PA

Executor: William Allison Clark,
Jr., 3236 Darien Rd., Bethlehem,
PA 18020

Attorneys: Angela Titus McEwan,
Esquire, Day Pitney LLP, One
Jefferson Rd., Parsippany, NJ
07054-2891

GRAF, THERESA, dec'd.

Late of the Township of Bushkill,
Northampton County, PA

Executrix: Lanie E. Yaswinski
a/k/a Lanie E. Graf-Williamson
c/o Alfred S. Pierce, Esquire,
Pierce & Steirer, LLC, 124
Belvidere Street, Nazareth, PA
18064

Attorneys: Alfred S. Pierce,
Esquire, Pierce & Steirer, LLC,
124 Belvidere Street, Nazareth,
PA 18064

HUFFMAN, FRANCIS M., JR.,
dec'd.

Late of Lower Saucon Township,
Northampton County, PA

Co-Executors: Michael L.
Huffman and William B.
Huffman c/o Fitzpatrick Lentz &
Bubba, P.C., Two City Center,
645 West Hamilton Street, Suite
800, Allentown, PA 18101

Attorneys: Fitzpatrick Lentz &
Bubba, P.C., Two City Center,
645 West Hamilton Street, Suite
800, Allentown, PA 18101

KONRATH, ELEANOR R., dec'd.

Late of the Township of Bushkill,
Northampton County, PA

Administrator C.T.A.: Bryan F.
Konrath c/o Peters, Moritz,
Peischl, Zulick, Landes &
Brienza, LLP, 1 South Main
Street, Nazareth, PA 18064

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

LISTER, MARY LEE, dec'd.

Late of the City of Easton,
Northampton County, PA

Executrix: Karen Annette
Ladner, 1088 W. Berwick St.,
Easton, PA 18042

Attorneys: Steven D. Brown,
Esquire, Spengler Brown Law
Offices, 110 East Main Street,
Bath, PA 18014

LYNCH, KENNETH A., SR., dec'd.

Late of the Township of
Bethlehem, Northampton
County, PA

Administrator: Mr. Kenneth A.
Lynch, Jr. c/o Robert A.

Nitchkey, Jr., Esquire,
Hemstreet, Nitchkey & Freidl,
730 Washington Street, Easton,
PA 18042

Attorneys: Robert A. Nitchkey,
Jr., Esquire, Hemstreet, Nitchkey
& Freidl, 730 Washington Street,
Easton, PA 18042

MILES, CYNTHIA, dec'd.

Late of Moore Township, North-
ampton County, PA

Administrator: David Miles,
1155 Skunk Rd., Bath, PA
18014

**O'DONNELL, KATHLEEN M.,
dec'd.**

Late of Bethlehem, Northampton
County, PA

Executrix: Paula Marie Thomas
c/o Daniel M. O'Donnell,
Esquire, Maloney, Danyi &
O'Donnell, 901 West Lehigh
Street, Bethlehem, PA 18018

Attorneys: Daniel M. O'Donnell,
Esquire, Maloney, Danyi &
O'Donnell, 901 West Lehigh
Street, Bethlehem, PA 18018

REICHART, NANCY J., dec'd.

Late of Northampton Borough,
Northampton County, PA

Executrix: Joni L. Siegele, 5145
Corbett Drive, Fort Collins, CO
80528

Attorneys: Jason R. Costanzo,
Esquire, ARM Lawyers, 115 E.
Broad Street, Bethlehem, PA
18018

**SEYER, JOHN J. a/k/a JOHN J.
SEYER, JR., dec'd.**

Late of the Borough of Chapman,
Northampton County, PA

Executrix: Robin S. Smith c/o
Alfred S. Pierce, Esquire, Pierce
& Steirer, LLC, 124 Belvidere
Street, Nazareth, PA 18064

Attorneys: Alfred S. Pierce,
Esquire, Pierce & Steirer, LLC,

124 Belvidere Street, Nazareth,
PA 18064

WARNER, ELINOR HOPE, dec'd.

Late of the City of Easton,
Northampton County, PA

Executrix: Lori Frances Warner
c/o Theresa Hogan, Esquire, 340
Spring Garden Street, Easton,
PA 18042

Attorney: Theresa Hogan,
Esquire, 340 Spring Garden
Street, Easton, PA 18042

**NOTICE OF INCORPORATION
HFS GROUP INC**

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

Apr. 13

**CORPORATE FICTITIOUS NAME
REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN that
GRIT Wellness and Development LLC
of Northampton County, Pennsylv-
ania, has filed with the Department of
State of the Commonwealth of Penn-
sylvania, Harrisburg, PA as of March
15, 2023, an application for a certi-
ficate to do business under the
assumed or fictitious name of:

NUMERO UNO MMA

said business to be carried on at: 931
Rockland Street, Bethlehem, PA
18017.

PATRICK J. BEST, ESQUIRE
18 N. 8th St.

Stroudsburg, PA 18360

Apr. 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 Dept. of State
of the Commonwealth of Pennsylv-
ania at Harrisburg, Pennsylvania for:

SHORE HOUSE 64, LLC

in accordance with the provisions of the Limited Liability Act of 1994. The Certificate of Organization was filed on March 13, 2023.

ALEXANDER J. KARAM,
JR., ESQUIRE

ALEXANDER J. KARAM, JR., P.C.
675 Walnut Street
Easton, PA 18042

Apr. 13

NOTICE FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on April 6, 2023, the Petition of Matthew Alvin Nelson was filed in Northampton County Court of Common Pleas at C-48CV2022-7618 seeking to change the name of Petitioner from Matthew Alvin Nelson to Matthew Zero.

The court has fixed Monday, May 15, 2023 at 9:00 A.M. in motions court at the Northampton County Courthouse as the date 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.

Apr. 13

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

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
FREEDOM MORTGAGE
CORPORATION

Plaintiff

v.

THOMAS D. BROWN, II, IN HIS
CAPACITY AS HEIR OF THOMAS A.
BROWN, DECEASED et al.

Defendants

NO. C-48-CV-2022-00075
COMPLAINT IN MORTGAGE
FORECLOSURE

To: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER THOMAS A. BROWN, DECEASED Defendant(s), 1814 IRONWOOD DR., EASTON, PA 18040

You are hereby notified that Plaintiff, FREEDOM MORTGAGE CORPORATION, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of NORTHAMPTON County, PA docketed to No. C-48-CV-2022-00075, seeking to foreclose the mortgage secured on your property located, 1814 IRONWOOD DR., EASTON, PA 18040.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in this notice you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

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

Lawyer Referral Service
P.O. Box 4733
Easton, PA 18043-4733
(610) 258-6333

JONATHAN M.
ETKOWICZ, ESQUIRE
ID No. 208786
ROBERTSON, ANSCHUTZ,
SCHNEID, CRANE
& PARTNERS, PLLC
A Florida professional limited
liability company
Attorneys for Plaintiff

133 Gaither Drive
Suite F
Mt. Laurel, NJ 08054
(855) 225-6906

Apr. 13

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

NOTICE IS HEREBY GIVEN that the following accounts in decedents estates, have been filed in the Office of the Orphans' Court of Northampton County, and that the same will be called for Confirmation on APRIL 27, 2023 at 9 A.M., IN COURTROOM #9, at which time the Courts will hear exceptions, and make distribution of the balances ascertained to be in the hands of accountants.

*Estate of ATHENA STAMUS
(Maria Nicholas, Executrix)

*Trust of SIRUS STAMUS and
ATHENA STAMUS (Steven
Goudsouzian, Trustee)

Gina X. Gibbs
Register of Wills &
Clerk of Orphans' Court
Apr. 13, 20

**SHERIFF'S SALE OF
VALUABLE REAL ESTATE**

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on MAY 5, 2023, at ten o'clock a.m. in the COUNCIL CHAMBERS, THIRD FLOOR, of the Northampton County Government Center, within the City of Easton, County of Northampton and State of Pennsylvania.

PLEASE TAKE NOTICE that the sale price will include only the outstanding taxes certified to the Sheriff's Office. Any taxes not reported to the Sheriff are the responsibility of the purchaser.

No. C-48-CV-2017-11253
LAKEVIEW LOAN SERVICING, LLC
vs.

MARIA L. TREXLER
a/k/a MARIA TREXLER

Property Address:
3567 Church Road, Northampton,
PA 18067

UPI/Tax Parcel Number:
K4/14/6A/0501

ALL THAT CERTAIN messuage or tenement and parcel of piece of land situate on the south side of Township Route 477 in Allen Township, Northampton County, Pennsylvania, as shown on a survey by David W. Dotter, P.E., dated July 2, 1966.

TITLE TO SAID PREMISES is vested in Maria Trexler by deed from Estate of Mary Z. Borger a/k/a Mary Borger, said deed recorded on June 2, 2016, in the Northampton County Recorder of Deeds Office in Book 2016-1 at page 107783.

THEREON BEING ERECTED a ranch-style single residential dwelling with brick exterior, shingle roof and attached one-car garage.

No. C-48-CV-2018-11508
PENNSYLVANIA HOUSING
FINANCE AGENCY

vs.

MICHAEL A. HOUPITLEY

Property Address:

537 South Green Street, Nazareth,
PA 18064

UPI/Tax Parcel Number:

K7NE2A/1/16/0421

ALL THAT CERTAIN tract or parcel
of land situate in Nazareth Borough,
Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is
vested in Michael A. Houptley by deed
from Steven Faustner and Patricia
Faustner, husband and wife, said
deed recorded on February 2, 2018,
in the Northampton County Recorder
of Deeds Office in Book 2018-1 at
page 021754.

THEREON BEING ERECTED a
two-story residential apartment
buildings with vinyl siding, shingle
roof and attached one-car garage.

No. C-48-CV-2019-10430

BANK OF NEW YORK MELLON
f/k/a BANK OF NEW YORK, AS
TRUSTEE ET AL.

vs.

JERROLD LANDAU

Property Address:

682 Bushkill Street, Easton, PA
18042

UPI/Tax Parcel Number:

L9NE4C/17/1/0310

ALL THAT CERTAIN piece of land,
with improvements thereon, situate
in Easton City, Northampton County,
Pennsylvania.

TITLE TO SAID PREMISES is
vested in Jerrold Landau, married, by
deed from Jonathan L. Rowland and
Mary Ellen Rowland, husband and
wife, said deed recorded on December
7, 2005, in the Northampton County
Recorder of Deeds Office in Book
2005-1 at page 494537.

THEREON BEING ERECTED a
two-story residential apartment
building with brick exterior and flat
roof.

No. C-48-CV-2019-12171

ANTHIUM, LLC

vs.

DANIEL J. MASTON,

SHANA E. RUTAN

Property Address:

1904 Butler Street, Wilson, PA
18042

UPI/Tax Parcel Number:

L9SW3A/8/7/0837

ALL THAT CERTAIN messuage
and tract of land situate in Wilson
Borough, Northampton County,
Pennsylvania.

TITLE TO SAID PREMISES is
vested in Daniel J. Maston and Shana
E. Rutan, as joint tenants with right
of survivorship, by deed from Richard
D. Rutan and Elizabeth Rutan, said
deed recorded on October 19, 2006,
in the Northampton County Recorder
of Deeds Office in Book 2006-1 at
page 434737.

THEREON BEING ERECTED a
two-story half-double residential
dwelling with aluminum siding and
shingle roof.

No. C-48-CV-2022-01680

BANKUNITED, N.A.

vs.

JANE M. RACE

Property Address:

2608 Freemansburg Avenue,
Easton, PA 18045

UPI/Tax Parcel Number:

M9NW1/11/2/0324

ALL THAT CERTAIN tract or parcel
of land, with the tenement erected
thereon, situate in Palmer Township,
Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is
vested in Jane M. Race by deed from
Ronald H. Olsen, said deed recorded
on October 22, 2007, in the Northamp-
ton County Recorder of Deeds Office
in Book 2007-1 at page 385766.

THEREON BEING ERECTED a
two-story single residential dwelling
with brick exterior, slate roof and
detached one-car garage.

No. C-48-CV-2022-03163

MORTGAGE ASSETS
MANAGEMENT, LLC

vs.

LOUIS KOOTSARES,
WENDY KOOTSARES

Property Address:

108 North Westbrook Avenue, Pen
Argyl, PA 18072

UPI/Tax Parcel Number:

E8NE2A/28/2/0625

ALL THOSE TWO CERTAIN tracts
of land situate in Pen Argyl Borough,
Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is
vested in Louis Kootsares and Wendy
Kootsares by deed from Crecienzo
Malone and Mary Malone, said deed
recorded on June 19, 1974, in the
Northampton County Recorder of
Deeds Office in Book 490 at page 244.

THEREON BEING ERECTED a
two-story colonial-style single resi-
dential dwelling with vinyl siding,
slate roof and detached one-car
garage.

No. C-48-CV-2022-04518

WILMINGTON SAVINGS
FUND SOCIETY, FSB,
AS TRUSTEE ET AL.

vs.

ROBERT VANDERGROEF

Property Address:

2474 North Delaware Drive,
Mount Bethel, PA 18343

UPI/Tax Parcel Number:

C11SE1/3/2/0131

ALL THAT CERTAIN message,
tenement, tract, parcel or piece of
land situate in the Village of Mount
Bethel, Upper Mount Bethel
Township, Northampton County,
Pennsylvania.

TITLE TO SAID PREMISES is
vested in Robert Vandergroef and
Barbara Vandergroef by deed from
David E. Hause and Roberta K.
Hause, said deed recorded on June

21, 2000, in the Northampton County
Recorder of Deeds Office in Book
2000-1 at page 76421. And the said
Barbara Vandergroef departed this
life on or about September 8, 2014,
whereby title became vested solely in
Robert Vandergroef by operation of
law.

THEREON BEING ERECTED a
two-story single residential dwelling
with aluminum siding and slate roof.

No. C-48-CV-2022-04786

LAKEVIEW LOAN SERVICING, LLC
vs.

NAIMAH DAILEY

Property Address:

3535 Quincy Lane, Bethlehem, PA
18017

UPI/Tax Parcel Number:

M5SE3/1A/3/0214

ALL THAT CERTAIN message, lot
or piece of ground situate at the
northwesterly corner of Lord Byron
Drive and Quincy Lane in Hanover
Township, Northampton County,
Pennsylvania.

TITLE TO SAID PREMISES is
vested in Naimah Dailey by deed from
Jessica Stump and Brian Propst, said
deed recorded on March 1, 2018, in
the Northampton County Recorder of
Deeds Office in Book 2018-1 at page
38171.

THEREON BEING ERECTED a
two-story single residential dwelling
with vinyl siding and brick exterior,
shingle roof and attached two-car
garage.

No. C-48-CV-2022-05099

DEUTSCHE BANK NATIONAL
TRUST COMPANY,
AS TRUSTEE ET AL.

vs.

SUZANNE M. NICHOLAS,
MARK A. NICHOLAS

Property Address:

1818 Meadows Road, Hellertown,
PA 18055

UPI/Tax Parcel Number:

R7/2/2P-4/0719

ALL THAT CERTAIN lot or parcel of ground situate in Lower Saucon Township, Northampton County, Pennsylvania, and being designated as Lot No. 9 (nine) according to the map or plan entitled "Wagner Farm Development" as prepared by William E. Bleckley, Jr., R.E., said plan dated November 6, 1964, and recorded in Plan Book 20 at page 11.

TITLE TO SAID PREMISES is vested in Mark A. Nicholas and Suzanne M. Nicholas, husband and wife, by deed from Scott A. Henry and Phyllis E. Heil-Henry, husband and wife, said deed recorded on February 5, 2003, in the Northampton County Recorder of Deeds Office in Book 2003-1 at page 44180.

THEREON BEING ERECTED an A-frame single residential dwelling with vinyl siding, shingle roof, two-car garage and above-ground pool.

No. C-48-CV-2022-06629

U.S. BANK NATIONAL
ASSOCIATION,
AS TRUSTEE ET AL.

vs.

CHARLES M. DOHERTY, UNITED
STATES OF AMERICA

Property Address:

347 Winding Way, Bethlehem, PA
18020

UPI/Tax Parcel Number:

L7/6/6-5/0418

ALL THAT CERTAIN lot or parcel of land situate in Lower Nazareth Township, Northampton County, Pennsylvania, and shown as Lot No. 37 on a plan entitled "Colts Ridge", said plan dated August 4, 2003, prepared by Lehigh Engineering Associates, Inc., and recorded on May 27, 2004, in Plan Book 2004-5 at page 307.

TITLE TO SAID PREMISES is vested in Charles M. Doherty, married, by deed from NVR, Inc., a Virginia Corporation, trading as Ryan Homes, said deed recorded on September 13, 2006, in the Northampton County Recorder of Deeds Office in Book 2006-1 at page 375756.

THEREON BEING ERECTED a two-story single residential dwelling with vinyl siding, shingle roof and attached two-car garage.

No. C-48-CV-2022-06707

TIAA FSB

vs.

LARRY L. SILFIES, JR.

Property Address:

751 Point Phillips Road, Bath, PA
18014

UPI/Tax Parcel Number:

H5/12/4A/0520

ALL THAT CERTAIN tract, piece or parcel of land situate in Moore Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Larry L. Silfies, Jr., by deed from Forrest T. Silfies and Lucy C. Silfies a/k/a Lucy Silfies, husband and wife, said deed recorded on December 23, 1997, in the Northampton County Recorder of Deeds Office in Book 1997-1 at page 143101.

THEREON BEING ERECTED a ranch-style single residential dwelling with brick exterior, shingle roof and detached three-car garage.

No. C-48-CV-2022-06972

U.S. BANK TRUST NATIONAL
ASSOCIATION ET AL.

vs.

MARGUERITE RUSYN,
STEPHEN RUSYN

Property Address:

641 Palomino Drive, North
Catasaquaque, PA 18032

UPI/Tax Parcel Number:

M4SE1A/15/1/0923

ALL THAT CERTAIN piece or parcel of land lying and situate in North Catasauqua Borough, Northampton County, Pennsylvania, being designated as Lot No. 1 in Block D of Phase II of the Spring Meadow Subdivision.

TITLE TO SAID PREMISES is vested in Stephen Rusyn, Jr., by deed from Stephen Rusyn, Jr., and Marguerite M. Rusyn, husband and wife, said deed recorded on August 24, 1998, in the Northampton County Recorder of Deeds Office in Book 1998-1 at page 112580.

THEREON BEING ERECTED a two-story single residential dwelling with vinyl siding, shingle roof and attached two-car garage.

No. C-48-CV-2022-07122

PNC BANK, NATIONAL
ASSOCIATION

vs.

JEAN D. MINNICK,
KEITH H. MINNICK

Property Address:

299 Mount Vernon Avenue,
Nazareth, PA 18064

UPI/Tax Parcel Number:

J8SW4/15/9/0432

ALL THOSE CERTAIN three lots
or pieces of ground, hereditaments

and appurtenances situate in Upper Nazareth Township, Northampton County, Pennsylvania, known as Lots #189, #190 and #191 as set forth on Map entitled Rabenold East Nazareth Lots.

TITLE TO SAID PREMISES is vested in Keith H. Minnick and Jean D. Minnick, husband and wife, by deed from Sandra Delserso, said deed recorded April 16, 1999, in the Northampton County Recorder of Deeds Office in Book 1999-1 at page 52956.

THEREON BEING ERECTED a ranch-style single residential dwelling with vinyl siding, shingle roof and attached two-car garage.

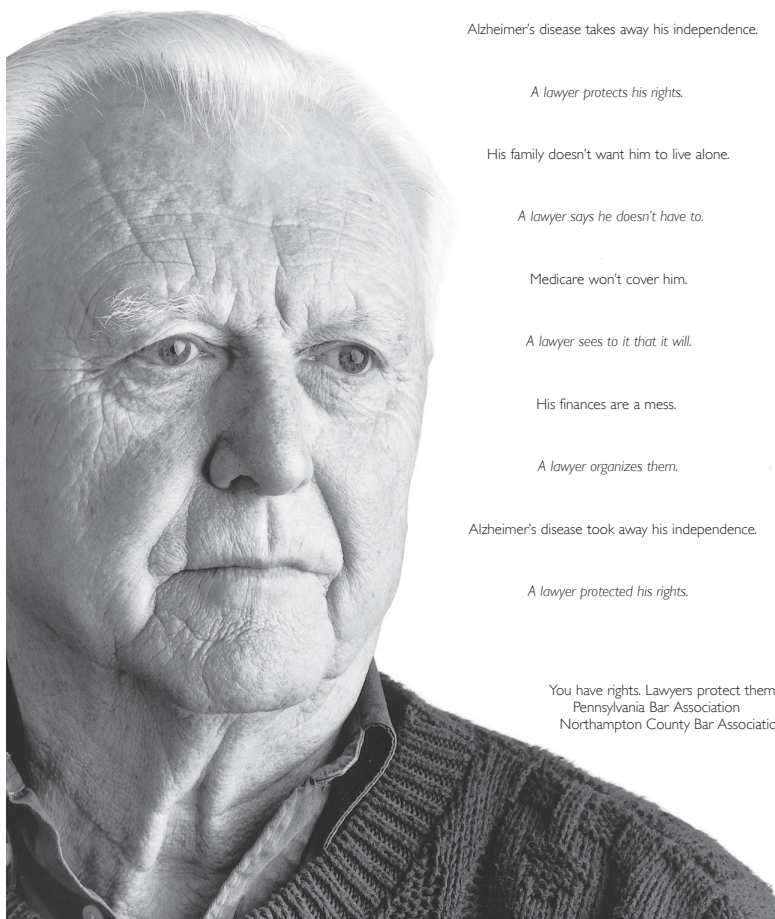
A Schedule of Distribution will be filed by the Sheriff thirty days from the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten days from the date of filing the Schedule of Distribution.

RICHARD H. JOHNSTON
Sheriff

Northampton County,
Pennsylvania

DAVID J. CERAUL, ESQUIRE
Solicitor to the Sheriff

Apr. 13, 20, 27



Alzheimer's disease takes away his independence.

A lawyer protects his rights.

His family doesn't want him to live alone.

A lawyer says he doesn't have to.

Medicare won't cover him.

A lawyer sees to it that it will.

His finances are a mess.

A lawyer organizes them.

Alzheimer's disease took away his independence.

A lawyer protected his rights.

You have rights. Lawyers protect them.
Pennsylvania Bar Association
Northampton County Bar Association

DAVID OLSON, Plaintiff v. LEHIGH UNIVERSITY, Defendant*Summary Judgment—Whistleblower Law—Wrongful Termination.*

Summary judgment was granted in Defendant's favor on Plaintiff's claim for violation of the Whistleblower Law where Plaintiff failed to produce evidence that would establish a causal connection between his termination and a good faith report of wrongdoing or waste. Summary judgment was likewise granted in Defendant's favor on Plaintiff's wrongful discharge claim where Plaintiff failed to produce evidence to support that claim.

In the Court of Common Pleas of Northampton County, Pennsylvania,
Civil Division—No. C-48-CV-2018-07261.

GEORGE KOUNOUPIS, ESQUIRE, for the Plaintiff.

NANCY CONRAD, ESQUIRE, for the Defendant.

Order of the Court entered on March 30, 2023 by ROSCIOLI, J.

ORDER

AND NOW, this 30th day of March 2022, upon consideration of Defendant Lehigh University's Motion for Summary Judgment, and Plaintiff's response thereto, and following oral argument thereupon, it is hereby ORDERED that the motion is GRANTED, for the reasons set forth below. Plaintiff David Olson's Complaint is DISMISSED WITH PREJUDICE.

STATEMENT OF REASONS

In the within matter, Plaintiff David Olson (Plaintiff) has raised claims against Defendant Lehigh University (Defendant), for violation of the Pennsylvania Whistleblower Law, 43 P.S. §1421 *et seq.*, and for wrongful discharge. Plaintiff alleges that he was terminated from his employment with Defendant's Office of Career & Professional Development after he reported to his supervisor that Defendant was utilizing inflated, deceptive data in public reports detailing its volume of on-campus interviews (OCI) and job listings, which reports were made available in marketing materials to prospective Lehigh students and their families. Plaintiff contends that he was terminated from his employment as a result of these reports to his supervisor, in violation of the Whistleblower Law and against the public policy exception to the at-will employment doctrine. Defendant denies these claims, contending that Plaintiff was terminated from his employment for poor performance and unacceptable workplace conduct, and now moves for summary judgment in its favor.

Defendant's motion is made pursuant to Pa. R.C.P. 1035.2(2), which provides that summary judgment may properly be granted where the "party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action[.]" The *Note* to the Rule

provides that, under this subdivision of the Rule, summary judgment is properly granted where “the record contains insufficient evidence of facts to make out a *prima facie* cause of action [...] and, therefore, there is no issue to be submitted to a jury.” In order “[t]o defeat this motion, the adverse party must come forth with evidence showing the existence of the facts essential to the cause of action[.]” In considering Defendant’s motion for summary judgment, we must view the facts of record in the light most favorable to Plaintiff as the non-moving party. *Boring v. Erie Ins. Group*, 641 A.2d 1189 (Pa. Commw. 1994).

At issue first in this case is Plaintiff’s claim that Defendant terminated his employment in violation of the Pennsylvania Whistleblower Law, 43 P.S. §1421 *et seq.* Pursuant to the Whistleblower Law,

[n]o employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee’s compensation, terms, conditions, location or privileges of employment because an employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste by a public body or an instance of waste by any other employer as defined in [the] act.

43 P.S. §1423(a). Defendant does not appear to contest that Plaintiff was an “employee” and that Defendant was both an “employer” and a “public body” within the meaning of the statute. Rather, Defendant contends in its motion (a) that Plaintiff “did not make a good faith report of wrongdoing or waste,” and (b) that Plaintiff “has not established a causal connection between his alleged report of wrongdoing and his termination.” (Def. Motion, ¶¶13, 14.)

The Whistleblower Law defines “good faith report” as a “report of conduct defined in this act as a wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe it is true.” 43 P.S. §1422. The term “wrongdoing” is in turn defined in the statute as a “violation which is not of a merely technical or minimal nature of a Federal or State statute or regulation, of a political subdivision ordinance or regulation or of a code of conduct or ethics designed to protect the interest of the public or the employer.” *Id.*

The statute further requires that one “alleging a violation of this act must show by a preponderance of the evidence that, prior to the alleged reprisal, the employee or a person acting on behalf of the employee had reported or was about to report in good faith, verbally or in writing, an instance of wrongdoing or waste to the employer or an appropriate authority.” 43 P.S. §1424(b). In response to an allegation that the Whistleblower Law was violated, a defense is established “if the defendant proves by a

preponderance of the evidence that the action by the employer occurred for separate and legitimate reasons, which are not merely pretextual.” 43 P.S. §1424(c).

In litigating the within motion, the parties concentrate a great deal of their focus on the issue of Defendant’s defense, *i.e.* whether Defendant can establish that its termination of Plaintiff occurred for separate and legitimate reasons having nothing to do with his report of wrongdoing. Defendant attempts to establish, through affidavits of its witnesses, that it had appropriate grounds for Plaintiff’s termination—including his poor job performance, his failure to comply with the expectations set for his position, and his treatment of coworkers—and contends that Plaintiff lacks sufficient evidence for a finder of fact to conclude otherwise. Plaintiff, in turn, contends that the reasons put forth by Defendant are suspect and not to be believed. Of course, in resolving this motion for summary judgment, it is not the function of the Court to weigh the credibility of the evidence supplied. Rather, we must consider only whether sufficient evidence has been supplied such that there is an issue to submit to a jury.

Despite the parties’ misplaced focus on the credibility of Defendant’s evidence in support of its defense, “[t]he burden shifts to the defendant to show a separate and legitimate reason for its actions *only where* plaintiff has satisfied the threshold showing of a causal connection.” *Evans v. Thomas Jefferson University*, 81 A.3d 1062, 1070 (Pa. Commw. 2013) (emphasis added). The order of this burden shifting scheme is critical. We need only look to whether Defendant has set forth a *prima facie* defense if we find first that Plaintiff has established a *prima facie* case of his own. Having considered all of the evidence offered in support of the parties’ respective positions, we have concluded that Plaintiff has not done so.

As noted above, the first element Plaintiff must prove in order to establish his claim for violation of the Whistleblower Law is whether he made a “good faith report of wrongdoing or waste.” In his Complaint, Plaintiff contends that he made such a report by reporting to his supervisor, Lori Kennedy, that Defendant was improperly calculating and thereby inflating to a marked degree the number of job postings and OCI opportunities ostensibly made available to Lehigh students through its Office of Career & Professional Development. (Complaint, ¶¶17, 18, 21.) Plaintiff contends that the inflation of this number amounted to “wrongdoing” within the meaning of the Whistleblower Law insofar as it violates the Unfair Trade Practices and Consumer Protection Law (UTCPL), 73 P.S. §201-2(4)(xxi), which prohibits “[e]ngaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or misunderstanding.” According to Plaintiff, because prospective Lehigh students and their parents are likely to view these data made publicly available by Defendant and rely in part thereupon in determining whether they wish to apply or matriculate to Lehigh University, Defendant’s publication of inaccurate

data is deceptive to those consumers. It is clear from the evidence supplied by the parties for purposes of this motion that Plaintiff did in fact make such a report to his supervisor, on multiple occasions prior to his termination. Moreover, the evidence strongly suggests that Plaintiff's reports in this regard were made with a reasonable and strongly held belief that his interpretation of the data was accurate and that the data reporting practices used by the Defendant were in violation of the UTPCPL, and without malice or consideration of personal benefit on his part. Accordingly, we find that Plaintiff has established a *prima facie* case with respect to this first element of his claim.

In addition to establishing this first element, however, in order "to make out a *prima facie* case of retaliatory termination pursuant to the Whistleblower Law, a plaintiff must show by concrete facts or surrounding circumstances that the report [of wrongdoing or waste] led to [the plaintiff's] dismissal, such as that there was specific direction or information received not to file the report or [that] there would be adverse consequences because the report was filed." *Golashevsky v. Commonwealth, Department of Environmental Protection*, 720 A.2d 757, 759 (Pa. 1998). In other words, there must be concrete evidence to show a causal connection between the report and the adverse employment action. "In a Whistleblower Law action, the mere fact that the discharge occurred a few months after a report of wrongdoing and that the first formal negative actions by the employer occurred after the report are *not* enough to show a causal connection." *Evans*, supra at 1070-71 (emphasis original).

Having considered the record offered by Plaintiff, we find that Plaintiff has failed to bring forth sufficient evidence to support this second element. Rather, the record on this issue consists merely of vague circumstantial evidence, *e.g.* Plaintiff's subjective contention that his supervisor, Ms. Kennedy, "did not like the fact that the data was revealing inaccurate reporting, and the relationship changed after that," and that "all of a sudden things got cold with [his] supervisor[.]" (Deposition of Plaintiff, 5/25/21, pp.106, 229.) As uncomfortable as a perceived shift in the relationship between Plaintiff and Ms. Kennedy may have been for Plaintiff, same does not amount to evidence of a causal connection between Plaintiff's report and his eventual dismissal. Furthermore, Ms. Kennedy's alleged statement that the Defendant "cannot use your numbers [...] that are half what they were last year" in no way amounts to a specific direction to Plaintiff not to report his data or that there would be adverse consequences for Plaintiff because he made such a report. *Id.* at 73. In fact, same does not even amount to an acknowledgment that Plaintiff's understanding of the data was accurate or that the University had been utilizing inaccurate data. As Plaintiff testified at his deposition, "I recall Lori wanting me to talk to Marcia and Rich[,] to try to understand how they reported OCI the prior year. Because remember the numbers, as I had stated earlier, were about half what they were pub-

lished the prior year. So Lori asked me to talk to Marcia and Rich. [...] So they would do it in some other way. I don't know exactly how they did it, except that they did include different divisions." *Id.* at 123, 125. None of the testimony offered by the Plaintiff, nor any of the other testimony or exhibits offered in opposition to the motion amount to *prima facie* evidence of a causal connection between his reports to his supervisor and his eventual termination. The fact that Plaintiff's termination came roughly two months after he made a report to his supervisor does not mean that there is a causal connection between the two. As the adage provides, correlation does not equal causation.

Our conclusion herein is strongly supported by the case law on this issue. In the matter of *Golashevsky v. Commonwealth, Department of Environmental Protection*, 720 A.2d 757 (Pa. 1998), the plaintiff reported alleged computer software copyright violations to his supervisors at the Pennsylvania Department of Environmental Protection (DEP), approximately four and one half months into his probationary tenure with that employer. He was directed by his supervisor to make a detailed report regarding same. Three weeks later, Mr. Golashevsky met with that same supervisor and another supervisor for a performance evaluation, during which he was informed that his performance was lacking. A second performance evaluation three months thereafter revealed that his performance was unsatisfactory and he was terminated 10 days later. In his complaint, Mr. Golashevsky contended "that his report of alleged wrongdoing touched off a series of retaliatory actions, including negative performance evaluations, lack of cooperation from fellow employees and supervisors, withholding of information regarding computer software, and, ultimately, termination of [his] employment." *Id.* at 760. Considering the record offered in opposition to the DEP's motion for summary judgment, the Pennsylvania Supreme Court concluded, "this 'evidence' constitutes nothing more than [Mr. Golashevsky's] perception of how others treated him after he made the [report]—a perception that is obviously colored by [his] interest in proving that he is a victim of retaliatory discharge." *Id.* "Viewing the evidence objectively, [his] termination apparently was the result of his unsatisfactory work performance[.] Indeed, rather than punishing him for making an oral report of alleged wrongdoing, [his] supervisors encouraged him to follow up on the matter and produce a written report." *Id.* In conclusion, the Supreme Court found that there was "no concrete evidence tending to show a causal connection between his report [...] and his subsequent termination, and, therefore, he [could not] establish a *prima facie* case of retaliatory discharge pursuant to the Whistleblower Law," affirming the order granting summary judgment in DEP's favor. *Id.*

Likewise, in *Evans v. Thomas Jefferson University*, 81 A.3d 1062 (Pa. Commw. 2013), the Commonwealth Court considered evidence that the plaintiff's "discharge and most or all of the warnings and disciplinary

actions for conduct toward patients and coworkers occurred after the report [of wrongdoing],” the fact that “she received a rating of ‘Outstanding’ in her annual review nine months before the report and a lower, but satisfactory, rating of ‘Effective’ in her annual review a few months after the report,” and the fact that “she felt that [her supervisor] treated her differently and in a hostile manner after the report,” and found same to be “insufficient to meet her burden of showing a causal connection,” to her termination, affirming summary judgment in the hospital’s favor. *Id.* at 1070.

In order to succeed in opposing a motion for summary judgment on this issue, more evidence is required than that which Plaintiff herein has supplied. For example, in *Bailets v. Pennsylvania Turnpike Commission*, 123 A.3d 300 (Pa. 2015), the Pennsylvania Supreme Court found that the plaintiff had met his burden to overcome a motion for summary judgment where he testified in his deposition that, after reporting several perceived improprieties to his supervisors, including a particular contract award, one supervisor “allegedly stated, ‘You should not say anything about it,’ and warned him not to ‘make any waves or your job will be in jeopardy,’” and that when he continued to complain that same supervisor “reminded [him] that he was jeopardizing his job by criticizing [the contract award].” *Id.* at 302. In addition, Mr. Bailets testified in his deposition that another supervisor to whom he had complained of wrongdoing with respect to the contract award told him that he “agreed with [him] but told him to ‘tread lightly’ with [the contract award].” *Id.* Nothing coming near to such evidence is of record in the case now before us.

In contrast, the facts of record in this matter are quite similar to those considered and found lacking by the Supreme Court in *Golaschewsky*, and by the Commonwealth Court in *Evans*, in that Plaintiff is unable to point to anything more than a perceived chill in his relationship with Ms. Kennedy as the evidence of a causal connection between his report and his termination. Same simply does not amount to the “concrete facts or surrounding circumstances” that Plaintiff is required to produce in order to meet his burden. Accordingly, we find that summary judgment is properly granted in favor of the Defendant on Plaintiff’s Whistleblower Law claim.

The second claim raised by Plaintiff in his Complaint is a claim for wrongful discharge from his employment with Defendant. “Under Pennsylvania law, employment is presumed to be at-will unless it is shown that the parties contracted to restrict the right to terminate employment.” *Deal v. Children’s Hospital of Philadelphia*, 223 A.3d 705, 711 (Pa. Super. 2019). Having reviewed the record offered by the parties in this matter, we find no evidence that would suggest that Plaintiff was not an at-will employee of Defendant. To the contrary, the parties acknowledge that Plaintiff was hired for a six-month provisional period beginning in August 2017.

“An at-will employment relationship may be terminated by either the employer or the employee at any time, for any reason, or for no reason.”

Id. “As a general rule, an at-will employee has no common law cause of action for wrongful discharge against [his] employer.” *Id.* at 711-12. “A limited exception to this rule exists and an action for wrongful discharge can be brought only where the termination of employment implicates a clear mandate of Pennsylvania public policy.” *Id.* at 712. “This public policy exception applies and permits a cause of action for wrongful discharge where the employer discharges an employee for refusing to commit a crime, where the employer discharges an employee for complying with a statutorily imposed duty, or where the employer is specifically prohibited from discharging the employee by statute.” *Id.* “In contrast, outside of those narrow types of circumstances, claims that a discharge falls within the public policy exception have been repeatedly rejected, even where the plaintiff has invoked constitutional provisions or the employee was discharged for raising safety issues.” *Id.*

Plaintiff herein does not allege that his employment was terminated for his refusal to commit a crime, or for his compliance with a statutorily imposed duty, nor does he allege that Defendant was specifically prohibited from discharging him by statute. Moreover, no evidence of record would support such a conclusion. While Plaintiff does contend that he was wrongfully terminated for reporting to his supervisor that Defendant was acting in violation of the UTPCPL, and that “it is the public policy of the Commonwealth of Pennsylvania to prevent deceptive trade practices likely to deceive a consumer,” in the wrongful termination context “public policy is to be ascertained by reference to the laws and legal precedents and not from supposed public interest,” and Plaintiff cites no authority for the proposition that a claim for wrongful discharge would lie in where the UTPCPL is implicated. Complaint, ¶37; *McLaughlin v. Gastrointestinal Specialists, Inc.*, 750 A.2d 283, 288 (Pa. 2000). Accordingly, we find that Plaintiff’s claim for wrongful discharge must fail, and Defendant is entitled to summary judgment thereupon.



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, April 17, 2023**