



Northampton County Reporter

(USPS 395-280)

VOL. LXII

EASTON, PA October 5, 2023

NO. 92

**Luther Bond and David Flyte, on Behalf of Themselves and All Others Similarly
Situating, Plaintiffs v. Waste Management of Pennsylvania, Inc. and
Grand Central Sanitation Landfill, Inc., Defendants (Part 1 of 2)**

CONTENTS

Bar News	3	Legal Notices	9
Estate and Trust Notices	4	Office Space Available	10
Job Opening	10	Statement of Ownership	22

NOTICE TO THE BAR...

Quarterly Association Meeting
Thursday, November 9, 2023

**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

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

E-mail: ncba@nrcobar.org

PBA (800) 932-0311—PBI (800) 932-4637

BAR ASSOCIATION STAFF

Mary Beth Leeson Executive Director
Rose Wedde Accounting
Pamela Frick Smith Legal Journal
Deborah J. Flanagan Attorney Referral
Jessica M. Bosco Attorney 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.

Subscription Price—\$75.00 per year.

Periodical Postage Paid at Easton, PA and additional office.

Postmaster: Send all communications and address changes to:

NORTHAMPTON COUNTY REPORTER

155 South Ninth St., Easton, PA 18042-4399

Telephone (610) 258-6333 FAX (610) 258-8715

Ralph J. Bellafatto, Esquire

Editor

NOTICE TO NCBA MEMBERS – BAR NEWS

Save the Dates

October 9, 2023	NCBA Fall CLE Conference @ Wind Creek Conference Center Register at: https://norcobar.org/product/2023-fall-cle-conference/
October 13, 2023	Amicus Soirée – Invitations were mailed out
October 21, 2023	CluedUpp Scavenger Hunt for members, families and friends of all ages.
November 9, 2023	Quarterly Association Meeting
November 20, 2023	Fifth Annual Municipal Law Colloquium

Do more than belong: participate. Do more than care: help. Do more than
believe: practice. Do more than be fair: be kind. Do more than forgive: forget.
Do more than dream: work. ~ William Arthur Ward

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**BARNDT, VICTORIA LEE, dec'd.**

Late of Palmer Township, Northampton County, PA

Executrix: Jessica L. Cardone c/o Tara A. Eckels, Esquire, 4510 Bath Pike, Suite 201, Bethlehem, PA 18017

Attorney: Tara A. Eckels, Esquire, 4510 Bath Pike, Suite 201, Bethlehem, PA 18017

CASTEEL, JOY YVONNE, dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Brenda J. Butler c/o William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

Attorney: William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

FUNK, SANDRA, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Eric E. Funk 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

HENRITZY, CYNTHIA V., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executors: Theodore Trent Henritz, 19 Jonquil Drive, Newtown, PA 18940 and Paige Anne Zaia, 37186 Sheepsfoot Rd., Lewes, DE 19958

Attorney: Paul J. Harak, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

HRUBENAK, MARGARET MARIE, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: John S. Hrubenak, 4418 Lenox Drive, Bethlehem, PA 18017

Attorney: Victor E. Scumillio, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

KNECHT, JENNIFER L., dec'd.

Late of the Township of Forks, Northampton County, PA

Administratrix: Devon E. Graham c/o Theresa Hogan, Esquire, 340 Spring Garden Street, Easton, PA 18042

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

LEHMAN, CHESTER ANDREW, dec'd.

Late of the Township of Forks, Northampton County, PA

Administrators: Lisa M. Flood and Jeffrey Andrew Lehman c/o Carla J. Thomas, Esquire, 716 Washington St., Easton, PA 18042

Attorney: Carla J. Thomas, Esquire, 716 Washington St., Easton, PA 18042

MEASE, JEANETTE E., dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Ann Caroline Gibson c/o William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

Attorney: William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

PIERSON, ROBERT BLUNT, dec'd.

Late of Bethlehem, Northampton County, PA

Co-Executors: Karen L. Graffman and Douglas R. Pierson c/o Robert B. Roth, Esquire, The Roth Law Firm, P.O. Box 4355, Allentown, PA 18105

Attorneys: Robert B. Roth, Esquire, The Roth Law Firm, P.O. Box 4355, Allentown, PA 18105

REED, CAROLINE B., dec'd.

Late of Forks Township, Northampton County, PA

Executor: Daniel L. Lucas c/o Tara A. Eckels, Esquire, 4510 Bath Pike, Suite 201, Bethlehem, PA 18017

Attorney: Tara A. Eckels, Esquire, 4510 Bath Pike, Suite 201, Bethlehem, PA 18017

SABO, GAIL M., dec'd.

Late of Palmer Township, Northampton County, PA

Executrices: Jacqueline K. Panuccio and Cynthia L. Sabo

c/o Steven B. Molder, Esquire, 904 Lehigh St., Easton, PA 18042

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

SPANGLER, ALVERTA M., dec'd.

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

Co-Administrators: Richard Gary Spangler and Sharon Jane Bechtold c/o Joshua D. Shulman, Esquire, Shulman Law Office PC, 1935 Center Street, Northampton, PA 18067
Attorneys: Joshua D. Shulman, Esquire, Shulman Law Office PC, 1935 Center Street, Northampton, PA 18067

STATLER, EDWARD M., JR., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Administrator: Stephen C. Statler 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

WAMBOLD, GEORGE F., dec'd.

Late of the Township of Bushkill, Northampton County, PA

Executor: Brian N. Wambold, Sr. 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

SECOND PUBLICATION**HERMAN, LORI L.,** dec'd.

Late of the Borough of Northampton, Northampton County, PA

Executrix: Janice Marie Breidinger 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

LaFLEUR, CATHERINE B., dec'd.

Late of Moore Township, Northampton County, PA

Co-Executors: Andrew George Wheeler, Jr. and Paul Joseph Wheeler

Attorney: David E. Schwager, Esquire, 183 Market Street, Suite 100, Kingston, PA 18704-5444

METALLO, ROSARIA, dec'd.

Late of the Township of Forks, Northampton County, PA

Executor: Samuel J. Metallo c/o Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, 940 W. Lafayette Street, Suite 100, Easton, PA 18042

Attorneys: Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, 940 W. Lafayette Street, Suite 100, Easton, PA 18042

RUTT, NANCY, dec'd.

Late of the Township of Palmer, Northampton County, PA

Executor: Barry Rutt c/o Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, 940 W. Lafayette Street, Suite 100, Easton, PA 18042

Attorneys: Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, 940 W. Lafayette Street, Suite 100, Easton, PA 18042

THOMAS, RICHARD C., dec'd.

Late of Walnutport, Northampton County, PA

Executor: Shawn R. Thomas c/o Keith W. Strohl, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

Attorneys: Keith W. Strohl, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

TRAUGHER, MARGARET E., dec'd.

Late of the Township of Moore, Northampton County, PA

Co-Executors: Craig E. Traugher and Carlotta Emma Horvath 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

WELSH, MASAKO, dec'd.

Late of Lower Mount Bethel Township, Northampton County, PA

Executor: Gregory Stolarski c/o Christopher T. Spadoni, Esquire, 1413 Easton Ave., P.O. Box 522, Bethlehem, PA 18018

Attorney: Christopher T. Spadoni, Esquire, 1413 Easton Ave., P.O. Box 522, Bethlehem, PA 18018

YOKAI, AGNES A., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Thomas A. Yeager, Jr.
c/o Nancy K. Busch, Esquire,
825 North 19th Street, Allentown,
PA 18104

Attorney: Nancy K. Busch,
Esquire, 825 North 19th Street,
Allentown, PA 18104

THIRD PUBLICATION

ALBERT, MARGARET ELAINE, dec'd.

Late of the Borough of Pen Argyl,
Northampton County, PA

Executors: David Keith Overdorf
and Alison Roper Overdorf 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

BRANLEY, BARBARA A., dec'd.

Late of Hanover Township,
Northampton County, PA

Executrix: Katherine Strohl c/o
Douglas J. Tkacik, Esquire, 18
East Market Street, Bethlehem,
PA 18018

Attorney: Douglas J. Tkacik,
Esquire, 18 East Market Street,
Bethlehem, PA 18018

FETTERHOFF, JOYCE E., dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Executors: Dale Russell Keck
and Nancy Ellen Heller 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

HAHN, ELLEN RUTH, dec'd.

Late of the Borough of
Danielsville, Northampton
County, PA

Executors: James Earl Allen, Jr.,
3235 Reeve Dr. W., Bethlehem,
PA 18020 and Richard T. Allen,
408 Stones Crossing Rd.,
Easton, PA 18045

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

KURONYE, JUDITH ANN, dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Administratrix: Ms. Karen Lynn
Holzer c/o Robert A. Nitchkey,
Jr., Esquire, 730 Washington
Street, Easton, PA 18042

Attorney: Robert A. Nitchkey, Jr.,
Esquire, 730 Washington Street,
Easton, PA 18042

NYE, SANDRA J., dec'd.

Late of Bethlehem, Northampton
County, PA

Administratrix: Debra Louise
Thompson c/o Scott R. Steirer,
Esquire, Pierce & Steirer, LLC,
124 Belvidere Street, Nazareth,
PA 18064

Attorneys: Scott R. Steirer,
Esquire, Pierce & Steirer, LLC,
124 Belvidere Street, Nazareth,
PA 18064

O'CONNELL, THOMAS JOHN, dec'd.

Late of Bethlehem Township,
Northampton County, PA

Executrix: Casey Lynn Stewarts
c/o Kevin F. Danyi, Esquire,
Danyi Law, P.C., 133 East Broad
Street, Bethlehem, PA 18018

Attorneys: Kevin F. Danyi,
Esquire, Danyi Law, P.C., 133
East Broad Street, Bethlehem,
PA 18018

PASTERNAK, BETTY L., dec'd.

Late of 175 West North Street,
Nazareth, Northampton County,
PA

Executor: Richard D. Pasternak
Attorney: Richard L. Newman,
Esquire, Park Terrace, 275 S.
Main Street, Doylestown, PA
18901

Executrix: Andrea M. Beers 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

REEMSNYDER, DONNA M., dec'd.

Late of the Borough of Nazareth,
Northampton County, PA

Executrix: Amy Suzanne Blair
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

SEARFASS, JANET H., dec'd.

Late of Northampton County, PA
Executrix: Lynn M. Romig c/o
Carolyn Frisoli Furst, Esquire,
Reich & Furst Law Offices, 121
N. Cedar Crest Blvd., Ste. B,
Allentown, PA 18104

Attorneys: Carolyn Frisoli Furst,
Esquire, Reich & Furst Law
Offices, 121 N. Cedar Crest
Blvd., Ste. B, Allentown, PA
18104

RODGERS, HARRY C., JR., dec'd.

Late of Hanover Township,
Northampton County, PA

Executor: Nelson Edward Long,
III c/o Larry R. Roth, Esquire,
The Roth Law Firm, 123 N. 5th
St., Allentown, PA 18102

Attorneys: Larry R. Roth,
Esquire, The Roth Law Firm, 123
N. 5th St., Allentown, PA 18102

SUPERS, CRAIG L., dec'd.

Late of the Township of Bushkill,
Northampton County, PA

Administratrix: Lillian G. Supers
c/o Goudsouzian & Associates,
2940 William Penn Highway,
Easton, PA 18045-5227

Attorneys: Goudsouzian &
Associates, 2940 William Penn
Highway, Easton, PA 18045-
5227

ROWE, THOMAS S., dec'd.

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

Administratrix: Lauren Ashley
Rowe 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

VILLANUEVA, MARIA M., dec'd.

Late of Northampton County, PA
Executor: William Nicholas
Argeros c/o Barbara L.
Hollenbach, Esquire, Norris
McLaughlin, P.A., 515 West
Hamilton Street, Suite 502,
Allentown, PA 18101

Attorneys: Barbara L.
Hollenbach, Esquire, Norris
McLaughlin, P.A., 515 West
Hamilton Street, Suite 502,
Allentown, PA 18101

SCHALK, SUSAN L., dec'd.

Late of the Township of Bushkill,
Northampton County, PA

ZAVITSANOS, PETER SOCRATES,
dec'd.

Late of the Borough of Wilson,
Northampton County, PA

Executrix: Katherine R. Vayda,
50 Spring Valley Rd., Easton, PA
18042

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

NOTICE FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on August 2, 2023, the petition of Andrea Dominique Ashley was filed in Northampton County Court of Common Pleas at C-48-CV-2023-5521, seeking to change the name of petitioner from Andrea Dominic Ashley to Andrea Dominique Ashley. The court has fixed Friday, October 13, 2023 at 9 A.M. at the Northampton County courthouse as the date for hearing of petition courtroom TBD. 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

Oct. 5

NOTICE FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on September 1, the petition of Hae Ryun Guinan was filed in Northampton County Courthouse, docketed to C-48-CV-2023-6509, seeking to change the name of the petitioner from Hae Ryun Guinan to Haeryun Guinan. The court has fixed November 9, 2023 at 9:00 a.m., in Motions Court/Courtroom No. 4 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.

Oct. 5

Personal Injury Law Firm in Allentown Seeking a Lawyer Admitted to Practice 5 to 10 Years With Experience in Personal Injury

- Handle personal injury case files from start to finish including trials.
- Evaluate potential personal injury claims and provide legal advice to prospective clients accordingly.
- Prepare demand letters, pleadings, motions, discovery responses, memorandums and other legal documents.
- Communicate with clients, expert witnesses, insurance company adjusters, supporting witnesses, and medical providers to gather information.
- Represent the client at hearings, depositions, mediations and trial.
- Manage a litigation paralegal.

Job Type: Full-time; License/Certification: PA Bar (Required); Work Location: In person.

Please send resume to: ddistefano@scherlinelaw.com with cover letter, writing sample and salary requirement.

Oct. 5

OFFICE SPACE AVAILABLE

Law/Professional Office Space in existing law office for rent 1/2 block West of Courthouse. Spacious 15.5' by 14.5' office with separate secretarial area and access to conference room or, at option of Lessee, second 12' by 12' room available. Rent, utilities and access to copier negotiable, depending on option(s) chosen. Minimum one (1)-year lease with one (1) month S/D. Inquire at (610) 258-0821.

Sept. 28; Oct. 5, 12

LUTHER BOND and DAVID FLYTE on Behalf of Themselves and All Others Similarly Situated, Plaintiffs v. WASTE MANAGEMENT of PENNSYLVANIA, INC. and GRAND CENTRAL SANITARY LANDFILL, INC., Defendants

Class Action—Nuisance—Numerosity—Commonality—Typicality—Adequacy—Efficiency.

Plaintiffs are Pen Argyl residents living near the Grand Central Sanitary Landfill. They have brought a class action lawsuit against Grand Central Sanitary Landfill, Inc. and its parent company Waste Management of Pennsylvania, Inc. on behalf of themselves and all others similarly situated.

Rule 1702 of the Pennsylvania Rules of Civil Procedure outlines the following five prerequisites that must be met for class certification: 1) sufficient numerosity of class members; 2) commonality in questions of law or fact; 3) typicality in the claims of the class representatives; 4) fairness and adequacy in the representation of the class; and 5) fairness and efficiency in bringing the matter in the form of a class action.

Upon a motion for class certification, the court will hold a hearing to determine whether class certification is appropriate. Such a hearing is akin to a preliminary hearing in which the proponent must only present sufficient evidence to make out a prima facie case that the five prerequisites for class certification are met.

The underlying cause of action in this matter is the alleged emission of noxious odors from the Grand Central Sanitary Landfill which formed a nuisance for those living in close proximity. These odors are akin to that of rotting eggs.

At the hearing, Plaintiffs presented expert testimony which identified a prospective class by construing three data values: the volume of hydrogen sulfide emissions from the landfill, as dispersed according to weather data, but only reaching as far as where the air concentration remained above the CDC's odor threshold. As construed, that prospective class constitutes over 3,000 persons. Accordingly, with regard to numerosity, the court found that such a large prospective class would be impracticable to join.

Further, the court found the commonality prerequisite satisfied where each class member's claim is rooted in the same contentions: the reasonableness of the landfill's odor mitigation practices, whether the landfill caused odors to invade the class members' land and whether the odor concentration constituted a significant harm.

Proceeding to typicality, the court found the prerequisite satisfied where the proposed class representatives' claims are sufficiently typical of the broader class such that, in litigating their nuisance claim, the class representatives will adequately advance the interests of the whole class. In particular, the court noted that the class representatives' claims are generally centered around being unable to use the outdoor area of their property and the inability to entertain guests.

The adequacy of representation prerequisite is generally presumed and was not contended in the instant case. Nevertheless, the court found that where the proposed class counsel advanced the costs of the suit and generally conducted themselves in a professional manner, the prerequisite was satisfied.

Finally, with regard to the fairness and efficiency prerequisite, the court centered its analysis on the predominance question which inquires as to whether common questions of law or fact predominate over questions affecting only individual members. In resolving the inquiry in favor of Plaintiffs, the court held that the majority of the nuisance issues raised revolved around two common themes: the inability of class members to use the outside portion of their properties and their inability to entertain guests. The court found that the variability in home/yard features was not so great as to predominate the broader common questions at issue.

Having found class certification appropriate, the court ordered Plaintiffs to provide a proposed plan for class notification.

In the Court of Common Pleas of Northampton County, Pennsylvania,
Civil Action—No. C-48-CR-2019-02017.

JOHN E. KOTSATOS, ESQUIRE, JONATHAN NACE, ESQUIRE and MARK
L. MINOTTI, ESQUIRE, for the Plaintiffs.

JOHN F. STOVIK, ESQUIRE, CATHLEEN M. DEVLIN, ESQUIRE, SHANE
P. SIMON, ESQUIRE, TRICIA M. DUFFY, ESQUIRE and DANIEL E. COHEN,
ESQUIRE, for Defendants.

Order of the Court entered on July 31, 2023 by BELTRAMI, J.

OPINION

This case is before the court on “Plaintiffs’ Motion for Class Certification,” filed on April 22, 2022. A hearing on the Motion was held on December 5, 2022, and December 6, 2022. Briefs have been submitted, and the Motion is ready for disposition.

FINDINGS OF FACT

The Parties

1. Plaintiff Luther Bond is an individual who resides at 312 East Main Street, Pen Argyl, Northampton County, Pennsylvania. (N.T., 12/5/2022, at 148:8-12.)

2. Bond has lived at that residence for fifteen years. (*Id.* at 148:13-14.)

3. Plaintiff David Flyte is an individual living at 136 Buss Street, Pen Argyl, Northampton County, Pennsylvania. (*Id.* at 108:11-15.)

4. Flyte has lived at that residence for sixty years. (*Id.* at 108:16-17.)

5. Defendant Waste Management of Pennsylvania, Inc. is a Pennsylvania Corporation and the parent company of Defendant Grand Central Sanitary Landfill, Inc. (Pls.’ Second Am. Compl. ¶4; Defs.’ Answer ¶4.)

6. Defendant Grand Central Sanitary Landfill, Inc. is a Pennsylvania Corporation which owns and operates Grand Central Sanitary Landfill (“GCSL”) in Plainfield Township, Northampton County, Pennsylvania. (Pls.’ Second Am. Compl. ¶¶4-5; Defs.’ Answer ¶¶4-5.)

GCSL and Its Odor Control Measures

7. GCSL dates back to the early 1950s. (N.T., 12/5/2022, at 177:23-178:1.)

8. Scott Perin is an area director of disposal operation for Waste Management of Pennsylvania, Inc. and oversees GCSL as well as other landfills in the Greater Mid-Atlantic region. (*Id.* at 177:1-12.)

9. GCSL occupies roughly 160 acres but is filled in smaller, ten- to fifteen-acre increments called cells. (*Id.* at 180:18-181:3.)

10. GCSL is a solid waste landfill which accepts normal household waste as well as construction debris and certain commercial industrial waste. (*Id.* at 188:3-189:1.)

11. GCSL has a permit for operation from the Pennsylvania Department of Environmental Protection (“DEP”). (*Id.* at 197:15-20.)

12. The process for obtaining such a permit is lengthy and includes such measures as:

- a) obtaining approval from the local planning commission and board of supervisors;
- b) obtaining local conditional use approval;
- c) obtaining a solid waste permit from the Bureau of Solid Waste; and
- d) an air and water quality permit.

(*Id.* at 197:23-199:5.)

13. GCSL pays Wind Gap Borough, Pen Argyl Borough, and Plainfield Township host and royalty fees for operating GCSL on or in proximity to those localities. (*Id.* at 199:14-201:11.)

14. GCSL takes a number of measures to mitigate and monitor the emission of odors from its property.

15. A cover, comprised of soil or weighted tarps, is spread over the newly-deposited waste on a daily basis. (*Id.* at 185:20-187:8.)

16. GCSL also applies an odor control chemical which encapsulates odorous particles. (*Id.* at 222:15-20.)

17. GCSL also utilizes flares to control the gasses emitted from the waste. (*Id.* at 223:9-14.)

18. The natural decomposition of trash will begin to generate gas after approximately six to eight months. (*Id.* at 191:9-16.)

19. Among these gases is hydrogen sulfide. (*Id.* at 197:8-11.)

20. Hydrogen sulfide has an odor commonly described as that of a rotten egg smell. (*Id.* at 197:12-14; 251:8-13.)

21. GCSL has gas collection systems to collect and send the gas to the Green Knight Energy Center or to GCSL’s own backup site. (*Id.* at 223:9-14.)

22. GCSL is required to maintain a nuisance control plan which, among other things, monitors other potential local sources of odor. (*Id.* at 223:15-224:1.)

23. These other sources of odor include but are not limited to:

- a) the Wind Gap Wastewater Treatment Plant;
- b) the GAF Premium Products Manufacturing facility, which is an asphalt shingle manufacturing facility;
- c) Techno-Bloc, another manufacturing facility; and
- d) farm fields.

(N.T., 12/6/2022, at 113:8-115:3; N.T., 12/5/2022, at 224:10-14.)

24. GCSL is subject to random inspections by the DEP, during which an inspector will conduct an onsite water and air quality inspection. (N.T., 12/5/2022, at 208:17-209:11.)

25. The DEP also conducts odor patrol surveys in which inspectors visit various areas surrounding GCSL and record observations of odor, its intensity, and its duration. (N.T., 12/6/2022, at 88:14-89:15.)

26. These inspections are conducted several times a month. (*Id.*)

27. Each inspection consists of between thirty and fifty observations. (*Id.* at 100:23-101:5.)

28. Odor inspections are labeled as strong, moderate, slight, or none. (*Id.* at 91:5-9.)

29. Of the more than 3,000 odor inspections completed between 2017 and 2019, the DEP reported 216 instances of odors. (*Id.* at 101:6-22.)

30. GCSL, as part of its quality assurance program, employs an individual to inspect the facility and the local community for the nuisance impact of GCSL. (N.T., 12/5/2022, at 210:15-21.)

31. GCSL maintains a 24/7 hotline for residents to call and record a complaint related to GCSL. (*Id.* at 212:7-16.)

32. Plainfield Township has also commissioned an engineering firm, Hanover Engineering, to conduct monthly odor surveys. (N.T., 12/6/2022, at 103:15-20.)

33. Between 2017 and 2019, Hanover Engineering conducted thirty-six odor inspections. (*Id.* at 103:21-104:5.)

34. During nineteen percent of these odor inspections, Hanover Engineering discovered that an odor was present. (*Id.* at 104:10-15.)

Odors Alleged by Plaintiffs and the Circumstances Surrounding Them

35. David Flyte's residence is approximately 800 feet from GCSL. (N.T., 12/5/2022, at 120:11-13.)

36. Flyte smells "putrid garbage" odors from GCSL while at his property. (*Id.* at 113:17-114:3.)

37. In 2017, Flyte smelled the odors on at least a weekly basis. (*Id.* at 114:25-115:3.)

38. In 2018, the frequency of those odors became daily. (*Id.* at 115:17-116:9.)

39. In 2019, Flyte continued to smell the garbage odors. (*Id.* at 116:10-25.)

40. Because of the odors, Flyte was at times unable to work in his yard, open his windows in the summer, or host picnics for his family. (*Id.* at 117:4-119:3.)

41. Flyte made complaints to the DEP about the odors coming from GCSL. (*Id.* at 119:20-120:10.)

42. Luther Bond's home is roughly one mile from GCSL. (*Id.* at 153:11-14.)

43. Bond's home is a single dwelling with two stories and an attached garage which functions as his office. (*Id.* at 149:24-150:3.)

44. At times, Bond has smelled foul and putrid odors emanating from GCSL which he described as making him "want to almost vomit." (*Id.* at 150:7-17.)

45. Bond identifies the odors as coming from GCSL because they match the odor he observes when he has driven past GCSL for the last fifteen years. (*Id.* at 150:18-21.)

46. Bond testified that in 2017, the frequency and intensity of the odors began to increase. (*Id.* at 151:9-13.)

47. At that time, he was smelling the odors approximately two to three times per week. (*Id.* at 151:17-19.)

48. In 2018, the odors and their frequency were even more intense, reaching him several times a week. (*Id.* at 152:4-17.)

49. In 2019, the odors subsided to between one and three times per week. (*Id.* at 153:7-10.)

50. The odors prevented Bond from using his swimming pool, entertaining guests outside, and opening his windows. (*Id.* at 154:9-155:25.)

51. Bond reported the odors to the DEP. (*Id.* at 156:12-17.)

Notable Circumstances of GCSL From 2017-2019

52. In August of 2018, GCSL experienced abnormally heavy rains. (*Id.* at 216:24-217:10.)

53. Rainwater is a catalyst for landfill gases because it accelerates the decomposition of waste. (*Id.* at 217:10-14.)

54. In October of 2018, GCSL had hired a construction crew to expand its gas collection system by drilling wells into the landfill to install corrugated stone to collect gas. (*Id.* at 217:21-218:7.)

55. The abnormal rains also delayed the construction of these wells. (*Id.* at 217:21-24.)

56. During the construction, a piece of the drill rig broke and caused further delays as GCSL attempted to extract the equipment and resume the project. (*Id.* at 218:8-23.)

57. These issues resulted in the issuance of two Notices of Violation by the DEP. (*Id.* at 220:2-12.)

58. The construction was ultimately completed by January of 2019. (*Id.* at 226:10-12.)

Testimony of Expert Witness Sullivan

59. Ryan Sullivan has been a scientist meteorologist with Sullivan Environmental Consulting since 2004. (*Id.* at 39:9-20.)

60. Sullivan has obtained a bachelor's degree in business administration from James Madison University and a master's degree in geoscience with a concentration in applied meteorology from Mississippi State. (*Id.* at 36:14-23, 37:22-38:2.)

61. Applied meteorology is the application of meteorology and physics to real world problems. (*Id.* at 38:9-12.)

62. The scope of Sullivan's work includes agricultural studies, establishing meteorological stations and air quality collections, air dispersion modeling, and noise, air, and odor dispersion. (*Id.* at 39:20-40:12.)

63. Sullivan prepared a report in connection with the instant litigation. (*See* Pls.' Ex. 1.)

64. As part of his report, Sullivan used AERMOD to assess the concentration of odorous particles in the area surrounding GCSL. (*Id.*)

65. AERMOD is a model typically used to assess the transport of chemicals or pollutants. (N.T., 12/5/2022, at 44:5-10.)

66. AERMOD is recommended by the EPA in matters of simple and complex range. (*Id.* at 44:11-17.)

67. The amount of a pollutant emitted, terrain data, and meteorological data, such as upper and surface air, are inputted into AERMOD. (*Id.* at 44:18-45:5.)

68. Using this data, AERMOD calculates the concentration or depositions of the pollutant at various distances from the source. (*Id.* at 45:6-11.)

69. Sullivan's AERMOD model used the input of two main data sets: hydrogen sulfide emissions and weather data taken from GCSL's weather station.

70. Specifically, Sullivan used the DEP's data on fugitive hydrogen sulfide emissions from 2017, 2018, and 2019. (*Id.* at 65:17-66:17.)

71. Regarding weather data, Sullivan incorporated meteorological data collected from the GCSL facility to construct three wind roses. (*Id.* at 55:12-57:17.)

72. Notably, Sullivan substituted the 2017 GCSL meteorological data for the 2018 data because he understood the 2018 data to be anomalous due to a broken wind vane. (*Id.* at 61:3-18.)

73. A wind rose is a graphic representation of wind direction, frequency and speed. (*Id.* at 55:7-11.)

74. Sullivan then used AERMOD to determine where hydrogen sulfide would exist in concentrations beyond .0005 parts per million. (Pls.' Ex. 1.)

75. Humans can usually smell hydrogen sulfide at concentrations of .0005 parts per million and above. (Pls.' Ex. 2.)

76. Sullivan's report also included a frequency analysis which modeled how many times a year the hydrogen sulfide concentration exceeded .0005 parts per million. (Pls.' Ex. 1.)

77. Sullivan also based his review on the DEP's emission inventory documents, the depositions of Flyte and Bond, complaint logs submitted to GCSL, and an onsite inspection. (*Id.* at 52:13-53:18.)

78. Section 7.0 of Sullivan's report depicts a black polygon encompassing Pen Argyl and surrounding areas impacted by GCSL's emissions. (Pls.' Ex. 1.)

79. This black polygon represents the proposed class area in the instant matter. (*Id.*)

Expert Testimony of Roberto Gasparini, PhD, CCM

80. Dr. Roberto Gasparini is a meteorologist for Spirit Environmental and does consulting in the field of air quality. (N.T., 12/6/2022, at 56:8-14.)

81. Dr. Gasparini has a bachelor's degree in meteorology as well as a master's degree and Ph.D. in atmospheric sciences, all from Texas A&M University. (*Id.* at 56:21-24; 58:12-24; Defs.' Ex. 1.)

82. In preparation for his testimony, Dr. Gasparini reviewed the inspection and odor patrol reports prepared by the DEP, the Hanover Engineering odor inspection reports, the GCSL complaint logs, the Title V permit, and Sullivan's report. (N.T., 12/6/2022, at 66:20-67:16, 116:2.)

83. Dr. Gasparini also conducted a site inspection of the GCSL and its surrounding area. (*Id.* at 68:5-20.)

84. Gasparini opined that, based on his investigation, there was no widespread or persistent odor in the area. (*Id.* at 88:3-10.)

85. Gasparini also opined that there is no persistent wind pattern in the area such that the emissions and odors from GCSL would have been highly variable. (*Id.* at 79:2-9.)

DISCUSSION

This case is before the court on Plaintiffs' Motion for Class Certification filed pursuant to Pennsylvania Rule of Civil Procedure 1707. That rule requires that the court hold a hearing to determine whether class certification is appropriate after considering "all relevant testimony, depositions, admissions and other evidence." Pa. R.Civ.P. 1707(c).

"The burden of proving that class certification is appropriate falls upon the party seeking certification." *Foust v. Se. Pennsylvania Transp. Auth.*, 756 A.2d 112, 118 (Pa. Commw. 2000). That burden is "akin to a preliminary hearing," *Debbs v. Chrysler Corp.*, 810 A.2d 137, 153 (Pa. Super. 2002), in which the proponent "must only present sufficient evidence to make out a *prima facie* case" that the five prerequisites for class certification are met. *Keppley v. Sch. Dist. of Twin Valley*, 866 A.2d 1165, 1171 (Pa. Commw. 2005).

Nevertheless, "[w]hile the class proponent's burden is not heavy, more than mere conjecture or conclusory allegations are required to enable

a court to conclude that the class certification requirements are met.” *Dunn v. Allegheny Cnty. Prop. Assessment Appeals and Review*, 794 A.2d 416, 423 (Pa. Commw. 2002). Further, where “there is an actual conflict on an essential fact, the proponent bears the risk of non-persuasion.” *Samuel-Bassett v. Kia Motors Am., Inc.*, 34 A.3d 1, 16 (Pa. 2011) (quoting *Clark v. Pfizer Inc.*, 990 A.2d 17, 24 (Pa. Super. 2010)).

The court also analyzes the present matter upon the premise that, as a matter of policy, Pennsylvania law construes the rules for class certification “liberally and in favor of maintaining a class action.” *Debbs*, supra at 153 (quoting *Weinberg v. Sun Co.*, 740 A.2d 1152, 1162 (Pa. Super. 1999), *rev’d in part on other grounds*, 777 A.2d 442 (Pa. 2011)). The rationale behind this policy is that that these suits “permit the aggregation of small claims that would otherwise go unlitigated in individual actions.” *Dunn*, supra at 427. Further, class actions “promote efficiency and economy of litigation in adjudicating the claims of large groups of similarly situated plaintiffs.” *In re Bridgeport Fire Litig.*, 5 A.3d 1250, 1255 (Pa. Super. 2010). To that end, the court must strike a balance between judicial economy and the uniformity of claims.

Rule 1702 outlines the five prerequisites which must be met for class certification as follows:

One or more members of a class may sue or be sued as representative parties on behalf of all members in a class action only if

- (1) the class is so numerous that joinder of all members is impracticable;
- (2) there are questions of law or fact common to the class;
- (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class;
- (4) the representative parties will fairly and adequately assert and protect the interests of the class under the criteria set forth in Rule 1709; and
- (5) a class action provides a fair and efficient method for adjudication of the controversy under the criteria set forth in Rule 1708.

Pa. R.Civ.P. §1702. The court addresses each in turn.

Numerosity

Rule 1702(1) requires that the prospective class be “so numerous that joinder of all members is impracticable.” *Id.* Our Commonwealth Court has explained:

There is no clear test of numerosity, but it is proper for a court to inquire whether the number of potential individual plaintiffs would pose a grave imposition on the resources of the court and an unnecessary drain on the energies and re-

sources of the litigants should such potential plaintiffs sue individually. When a class is narrowly and precisely drawn and there are still so many potential class members that joinder is impracticable or impossible, the class is sufficiently delineated to meet the numerosity requirement.

Muscarella v. Com., 39 A.3d 459, 468 (Pa. Commw. 2012) (quoting *Foust v. Southeastern Pa. Transp. Auth.*, 756 A.2d 112, 118 (Pa. Commw. 2000)). Thus, the proposed class must be, at once, so numerous that considerations of judicial economy counsel against individual lawsuits, yet identifiable to the extent that the proponent can “define the class with some precision and affords the court with sufficient indicia that more members exist than it would be practicable to join.” *Janicik v. Prudential Ins. Co. of Am.*, 451 A.2d 451, 456 (Pa. Super. 1982). Moreover, “[w]hether the class is sufficiently numerous is not dependent upon any arbitrary limit but upon the facts of each case.” *Cook v. Highland Water & Sewer Auth.*, 530 A.2d 499, 503 (Pa. Commw. 1987).

In the instant case, the proposed class is a polygon based upon the work of Ryan Sullivan of Sullivan Environmental. Within that polygon are thousands of residents allegedly impacted by the emission of odors from GCSL. In generating that polygon, Sullivan used AERMOD, an air dispersion model which projects concentrations and depositions of a pollutant emitted from a source. Here, the pollutant at issue is hydrogen sulfide, an odorous gas typically associated with the smell of rotting garbage. An individual will begin to smell hydrogen sulfide when its air concentration reaches .0005 parts per million. The DEP collects data on GCSL’s fugitive emissions of hydrogen sulfide. Fugitive emissions are emissions from the surface of GCSL that reach the atmosphere.

Separately, Sullivan prepared wind roses for the years 2017, 2018, and 2019 based upon data recorded at GCSL. A wind rose is a graphical representation of wind direction, frequency, and speed. Notably, Sullivan did not use GCSL’s 2018 data, as GCSL’s wind vane was broken for part of that year, rendering the data unreliable in his estimation. As part of his report, Sullivan also conducted site inspections of GCSL and its weather station as well as the DEP emissions inventory documents.

Thus, the scope of the proposed class is generally the intersection of three data values: the volume of hydrogen sulfide emissions, as dispersed according to the wind roses, but only reaching as far as where the air concentrations remain above the odor threshold. The resulting polygon covers thousands of individuals within the Pen Argyl area.

Plainly, at a prospective class of 3,500, the court finds that the class is so numerous that considerations of judicial economy counsel against individual lawsuits. However, as noted, this inquiry makes up only half of the numerosity analysis, as Plaintiffs must still “define the class with some

precision.” *Baldassari v. Suburban Cable TV Co.*, 808 A.2d 184, 190 (Pa. Super. 2002) (quoting *Janicik*, supra.)

Here, Defendants challenge the sufficiency of Plaintiffs’ evidence on two grounds. First, Defendants claim that Plaintiffs’ proposed class rests on a flawed model. Specifically, Defendants argue that AERMOD cannot be used to create a prospective class because it is a model only capable of predicting odor concentration, not measuring actual impact. Further, Defendants argue that the prospective class is arbitrary because Sullivan erroneously substituted the 2017 meteorological data for the entire 2018 data because of a broken wind vane which, in reality, was only broken for two weeks. The court disagrees. Plaintiffs have not sought to certify an overly expansive and arbitrarily-defined class. *See Cribb v. United Health Clubs Inc.*, 485 A.2d 1182, 1184 (Pa. Super. 1984) (finding numerosity could not be met by simply seeking to represent “all customers” of the defendant’s business.); *see also, Weismer v. Beech-Nut Nutrition Corp.*, 615 A.2d 428, 430-31 (Pa. Super. 1992) (finding a class consisting of “all children residing in the Commonwealth” who have suffered the complained of injury to be too broad to satisfy numerosity.). Rather, at this preliminary juncture, Sullivan’s analysis using AERMOD produced sufficiently particular contours around a proposed class affected by an odorous concentration of hydrogen sulfide. Defendants’ arguments regard the weight of the evidence to be decided by the ultimate finder of fact.

Second, Defendants argue that Plaintiffs have failed to show that a sufficient number of potential class members were actually affected by GCSL. This is a challenge to the odor’s causation. Defendants’ argument focuses on what Sullivan’s model fails to consider, namely other potential sources of odor and the variable impact of other factors such as distance from the odor and wind speed/direction. However, the court finds this argument better suited for the commonality review. With regard to numerosity, the court is concerned with whether the class was drawn with at least some precision such that it may define the class scope. Here, the court finds the precision of the proposed class sufficient where it is not construed using arbitrary lines but rather actual analysis, interpreted by a reliable model and data, and applying agency standards.

Commonality

Next, Rule 1702 requires that there exist “questions of law or fact common to the class.” Pa. R.Civ.P. 1702(2). The commonality prerequisite is a consideration of judicial economy. That purpose is served where each claim is rooted in the same contention(s) of fact and law such that their resolution will substantially resolve all the class members’ claims. The Commonwealth Court has explained:

‘The common question of fact means precisely that the facts must be substantially the same so that proof as to one claimant could be proof as to all.’ Allegheny County Housing

Authority v. Berry, 338 Pa. Super. 338, 487 A.2d 995, 997 (1985). Common questions will generally exist if the class members' legal grievances arise out of the same practice or course of conduct on the part of the class opponent.

Buynak v. Dep't of Transp., 833 A.2d 1159, 1163 (Pa. Commw. 2003). Conversely, where "each question of disputed fact has a different origin, a different manner of proof and to which there are different defenses, [the court] cannot consider them to be common questions of fact within the meaning of Pa.R.C.P. 1702." *Allegheny County Housing Authority v. Berry*, 338 Pa. Super. 338, 487 A.2d 995, 997 (1985). Moreover, the existence of individual questions is not itself fatal to commonality but is instead relevant to the later predominance analysis. *Id.*

The court now turns to the substantive elements of nuisance insofar as they are useful to determine what common matters of fact or law may be at issue. *See Debbs*, supra (noting that "courts may need to examine the elements of the underlying cause of action in order to dispose of class issues properly."). In doing so, the court's primary inquiry is whether these issues of law or fact may be subject to common proof.

The Pennsylvania Superior Court has looked to the Restatement of Torts to provide the definition and elements of a private nuisance cause of action. *See Youst v. Keck's Food Serv., Inc.*, 94 A.3d 1057, 1072 (Pa. Super. 2014). The Second Restatement of Torts §822 provides:

One is subject to liability for a private nuisance if, but only if, his conduct is a legal cause of an invasion of another's interest in the private use and enjoyment of land, and the invasion is either

- (a) intentional and unreasonable, or
- (b) unintentional and otherwise actionable under the rules controlling liability for negligent or reckless conduct, or for abnormally dangerous conditions or activities.

Restatement (Second) of Torts §822 (1979). The Restatement further clarifies that "[t]here is liability for a nuisance only to those to whom it causes significant harm, of a kind that would be suffered by a normal person in the community or by property in normal condition and used for a normal purpose." *Id.* §821F.

Thus, to establish its claim, the class will need to prove that GCSL was the legal cause of odors invading the class members' properties and that the odors interfered with the private use and enjoyment of those properties resulting in an objectively significant harm. The court then explores whether these questions can be shown by common proof. Foremost, Plaintiffs contend that significant harm can be shown by common proof and is demonstrated wherever hydrogen sulfide was concentrated beyond the government's odor detection threshold. Whether the threshold constitutes significant harm is a question for the jury but a common question nonetheless.

To be continued

UNITED STATES POSTAL SERVICE® Statement of Ownership, Management, and Circulation

1. Publication title
Northampton County Reporter

2. Publication Number
3 9 5 1 2 1 0

3. Filing Date
9/15/2023

4. Issue Frequency
weekly

5. Number of Issues Published Annually
52

6. Annual Subscription Price
\$75.00

7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4®)
Northampton County Reporter
155 S Ninth St Easton PA 18042-4399 Northampton County

8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer)
Mary Beth Leeson
Telephone (include area code)
610-258-6533

9. Complete Mailing Address of Publisher
Northampton County Reporter
155 S Ninth St, PO Box 4733, Easton PA 18042-4399

10. Complete Mailing Address of Publisher, Editor and Managing Editor (Do not leave blank)
Northampton County Bar Association
155 S Ninth St, PO Box 4733, Easton PA 18042-4399

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box
None

12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)
The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes:
a. Has Not Changed During Preceding 12 Months
b. Has Changed During Preceding 12 Months

13. Form 3526, July 2014 (Page 4 of 4) Instructions page 4-I PSN 7530-01-000-6001 PRIVACY NOTICE: See our privacy policy on www.usps.com

Editor (Name and complete mailing address)
Ralph J Belledetto, Esquire
155 S Ninth St, PO Box 4733, Easton PA 18042-4399

Managing Editor (Name and complete mailing address)
see editor above

14. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as that of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)
Full Name
Northampton County Bar Association
155 S Ninth St Easton PA 18042-4399

15. Total Distribution (Sum of 15c and 15d)
492

16. Copies not Distributed (See Instructions to Publishers #4 (page #2))
69

17. Total (Sum of 15e and g)
561

18. Percent Paid (Percent Paid by 15f times 100)
98.8%

19. If you are claiming electronic copies, go to line 15 on page 3. If you are not claiming electronic copies, skip to line 17 on page 3.

20. Total Paid Distribution (Sum of 15d (1), (2), (3), and (4))
486

21. Free or Nominal Rate Outside-County Copies Included on PS Form 3541
3

22. Free or Nominal Rate In-County Copies Included on PS Form 3541
5

23. Total Paid Distribution Outside the Mail (Carriers or other means)
3

24. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))
8

25. Total Distribution (Sum of 15e and 15f)
507

26. Copies not Distributed (See Instructions to Publishers #4 (page #2))
53

27. Total (Sum of 15g and g)
560

28. Percent Paid (Percent Paid by 15f times 100)
98.4%

29. If you are claiming electronic copies, go to line 15 on page 3. If you are not claiming electronic copies, skip to line 17 on page 3.

30. Total Paid Distribution (Sum of 15d (1), (2), (3), and (4))
486

31. Free or Nominal Rate Outside-County Copies Included on PS Form 3541
3

32. Free or Nominal Rate In-County Copies Included on PS Form 3541
5

33. Total Paid Distribution Outside the Mail (Carriers or other means)
3

34. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))
8

35. Total Distribution (Sum of 15e and 15f)
507

36. Copies not Distributed (See Instructions to Publishers #4 (page #2))
53

37. Total (Sum of 15g and g)
560

38. Percent Paid (Percent Paid by 15f times 100)
98.4%

39. If you are claiming electronic copies, go to line 15 on page 3. If you are not claiming electronic copies, skip to line 17 on page 3.

40. Total Paid Distribution (Sum of 15d (1), (2), (3), and (4))
486

41. Free or Nominal Rate Outside-County Copies Included on PS Form 3541
3

42. Free or Nominal Rate In-County Copies Included on PS Form 3541
5

43. Total Paid Distribution Outside the Mail (Carriers or other means)
3

44. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))
8


45. Total Distribution (Sum of 15e and 15f)
507

46. Copies not Distributed (See Instructions to Publishers #4 (page #2))
53

47. Total (Sum of 15g and g)
560

48. Percent Paid (Percent Paid by 15f times 100)
98.4%

49. If you are claiming electronic copies, go to line 15 on page 3. If you are not claiming electronic copies, skip to line 17 on page 3.



UNITED STATES
POSTAL SERVICE®

Statement of Ownership, Management, and Circulation
(All Periodicals Publications Except Requester Publications)

16. Electronic Copy Circulation		17. Publication of Ownership	
Printed Name of Publication	Issue Published During Preceding 12 Months	Publication Title	Date
a. Paid Electronic Copies	▲		
b. Total Paid Print Copies (Line 15a) + Paid Electronic Copies (Line 16a)	▲		
c. Total Paid Distribution (Line 15b) + Paid Electronic Copies (Line 16a)	▲		
d. Percent Paid (Both Print & Electronic Copies) (15b divided by 16c x 100)	▲		

☐ I certify that 95% of all my distributed copies (electronic and print) are paid above a nominal price.

☒ If the publication is a general publication, publication of this statement is required. Will be printed in the 10/5/2023 issue of this publication. ☐ Publication not required.

18. Signature and Title of Editor, Publisher, Business Manager, or Owner

Ben W. Weaver Agent 9/15/2023

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

Oct. 5



PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Tuesday, October 10, 2023