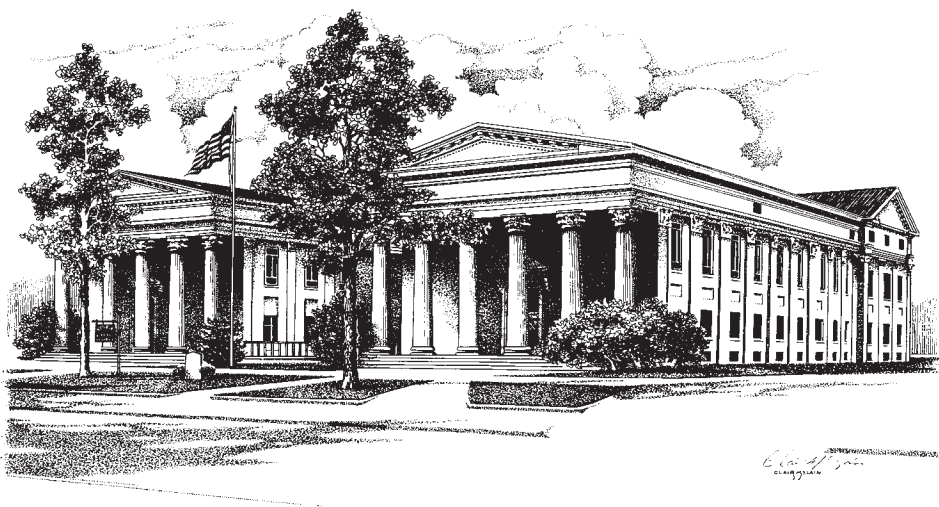


Erie County Legal Journal

January 23, 2009

Vol. 92 No. 4

USPS 178-360



92 ERIE 22 - 30

Mastrostefano v. St. Vincent Health Center, et al.

Erie County Legal Journal

*Reporting Decisions of the Courts of Erie County
The Sixth Judicial District of Pennsylvania*

Managing Editor: Paula J. Gregory
Associate Editor: Heidi M. Weismiller

PLEASE NOTE: NOTICES MUST BE RECEIVED AT THE ERIE COUNTY BAR ASSOCIATION OFFICE BY 3:00 P.M. THE FRIDAY PRECEDING THE DATE OF PUBLICATION.

All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser. Neither the Erie County Bar Association nor the printer will assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content.

The Erie County Legal Journal makes no representation as to the quality of services offered by an advertiser in this publication.

INDEX

NOTICE TO THE PROFESSION	4
OPINION	8
COURT OF COMMON PLEAS	
Change of Name Notice	17
Fictitious Name Notices	17
Incorporation Notices	17
Legal Notice	20
ORPHANS' COURT	
Audit List	22
Estate Notices	23
CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS	26

ERIE COUNTY LEGAL JOURNAL (ISSN 0730-6393) is published every Friday for \$55 per year (\$1.50 single issues/\$5.00 special issues, i.e. Seated Tax Sales). Owned and published by the Erie County Bar Association (Copyright 2009©) 302 West 9th St., Erie, PA 16502 (814/459-3111). Periodical Postage paid at Erie, PA 16515. POSTMASTER: Send Address changes to THE ERIE COUNTY LEGAL JOURNAL, 302 West 9th St., Erie, PA 16502-1427.

Erie County Bar Association

Calendar of Events and Seminars

MONDAY, JANUARY 26, 2009

View from the U.S. Trustee's Office

PBI Groupcast Seminar
Bayfront Convention Center
12:00 p.m. - 3:15 p.m.

LUNCH is INCLUDED in Pricing
\$194 (member) \$174 (admitted after 1/1/05)
\$214 (nonmember)

Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee:
\$169 (member) \$149 (admitted after 1/1/05) \$218 (nonmember)
2 hours substantive / 1 hour ethics

WEDNESDAY, JANUARY 28, 2009

Gas Leasing Update
PBI Groupcast Seminar
Erie County Bar Association
** seating is limited **
12:30 p.m. - 4:15 p.m.

LUNCH is INCLUDED in Pricing
\$224 (member) \$204 (admitted after 1/1/05)
\$244 (nonmember)

Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee:
\$199 (member) \$179 (admitted after 1/1/05) \$219 (nonmember)
4 hours substantive

TUESDAY, FEBRUARY 3, 2009

ECBA Membership Meeting
Judicial Candidates to Speak
Bayfront Convention Center
12:00 p.m.

\$20/ECBA member

TUESDAY, FEBRUARY 10, 2009

Bankruptcy Section Meeting
Bayfront Convention Center
12:00 p.m.

\$15/Section member

WEDNESDAY, FEBRUARY 11, 2009

Auto Law Update
PBI Groupcast Seminar
Bayfront Convention Center
9:00 a.m. - 1:15 p.m.

\$204 (member) \$184 (admitted after 1/1/05)
\$224 (nonmember)

Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee:
\$179 (member) \$159 (admitted after 1/1/05) \$199 (nonmember)
3 hours substantive / 1 hour ethics

THURSDAY, FEBRUARY 12, 2009

Local, State & Federal Taxes
PBI Video Seminar
Bayfront Convention Center
9:00 a.m. - 1:30 p.m.

\$119 (member) \$99 (admitted after 1/1/05)
\$139 (nonmember)
4 hours substantive

FRIDAY FEBRUARY 13, 2009

ECBA Evening at JR's Last Laugh Comedy Club
5:15 p.m. Social hour; Showtime 6:30 p.m.
\$15/person for show (food/drinks at own expense)

TUESDAY, FEBRUARY 17, 2009

Jurors by the Generations
PBI Video Seminar
Bayfront Convention Center

9:00 a.m. - 12:30 p.m.
\$119 (member) \$99 (admitted after 1/1/05)
\$139 (nonmember)
3 hours substantive

WEDNESDAY, FEBRUARY 18, 2009

Trial Advocacy: Making the Most of What 'Ya Got
ECBA Video Seminar
Erie County Bar Association Headquarters
9:00 a.m. - 12:00 p.m.
\$81 (ECBA member) \$119 (nonmember)
3 hours substantive

2009 BOARD OF DIRECTORS

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RE: JUDICIAL PLEBISCITE

Please find below the Resolution regarding judicial elections that was passed by the membership. Note that any potential judicial candidate must submit a resume to the Executive Director of the Erie County Bar Association no later than February 2, 2009 and will be given the opportunity to address the membership at the February membership meeting to be held on February 3, 2009 at noon.

RESOLUTION

Be it resolved as follows:

- I. In any year in which there is an election for initial terms as Common Pleas Judges, the Erie County Bar Association will conduct a plebiscite whereby candidates shall be rated by members of the Bar Association as:

HIGHLY RECOMMENDED; RECOMMENDED; NOT RECOMMENDED; NO OPINION

- II. The evaluation of prospective candidates should be directed primarily to professional qualifications, i.e., competence, integrity and temperament.

Professional competence encompasses such qualities as intellectual capacity; judgement; legal writing and analytical ability; industry; knowledge of the law; scholarship and academic talent; professional contributions; professional experience, including such areas as years in practice, trial experience, work with administrative agencies and arbitration boards, law school teaching and public service.

Temperament encompasses such qualities as compassion; decisiveness; open-mindedness; sensitivity; courtesy; patience; freedom from bias and commitment to justice.

Ratings' Definitions

Highly Recommended

The candidate possesses the highest reputation for competence, integrity and temperament, and would be capable of outstanding performance as judge.

Recommended

Based on competency, integrity, and temperament, the candidate would be able to perform satisfactorily as a judge.

Not Recommended

Based on competence, integrity, or temperament, or any combination thereof, at the present time, the candidate is inadequate to perform satisfactorily as a judge.

If a voting member does not know a candidate well enough to evaluate his or her competence, integrity or temperament, then he or she should indicate **NO OPINION**.

III. The procedure for the conduct of the plebiscite shall be as follows:

1. The Erie County Bar Association shall publish in each edition of the *Erie County Legal Journal* during the month of January, a notice inviting prospective judicial candidates to submit a resume of not more than two 8 1/2 x 11 typewritten pages. The resumes will be submitted to the Erie County Bar Association Executive Director no later than the first day of February.
2. Each potential candidate who has submitted a resume shall be given the opportunity to address the Erie County Bar at a membership meeting to be scheduled in February with each candidate being allocated an equal amount of time.
3. The resumes and appropriate ballots will be distributed to the active membership within three days of the February meeting and shall be returned by mail postmarked no later than fifteen days after the date of distribution.
4. A two-envelope system shall be used. Each voting member shall sign the outer envelope and shall leave the inner envelope unsigned. An accounting firm shall act as teller.
5. Each candidate who agrees not to release the plebiscite results until such time the Erie County Bar Association releases the plebiscite results shall be privately advised of their own results in the plebiscite by the President of the Erie County Bar Association before the end of February.
6. If more than 50% of the February plebiscite ballots have been returned, and if there are any candidates after the last day for filing petitions who did not participate, then a separate ballot as to those persons only shall be distributed to the active membership of the Bar accompanied by ballots to be returned within ten days and tabulated in the same manner as the February plebiscite.
7. The results of any plebiscite for which more than 50% of the ballots are returned shall be published through a press release to be issued as soon as possible after the receipt of the results of the second plebiscite. In the event that a second plebiscite is not necessary, the results of the February plebiscite will be published as soon as possible after the last date for filing petitions for judicial office. Publication of the results shall also be in the form of a paid advertisement to be run on the two Sundays immediately preceding the primary election.
8. There shall be no publication of the results of the February plebiscite as to any person who is not a candidate for judicial office at the time of the publication.
9. The press release and the paid advertisement shall contain raw data only without comment on individual candidates. Raw data shall be actual count and actual percentage of ballots returned. The press release and paid ad shall specify that the results are based on ballots received, not total active membership. However, the publication shall specifically identify those candidates who were found to be "Highly Recommended", "Recommended" or "Not Recommended" by more than 50% of the membership returning ballots. For the purpose of determining whether a candidate has been found to be "Recommended" by more than 50% of the membership returning ballots, votes received by candidates in the category "Highly Recommended", shall be added to the votes received by a candidate in the category "Recommended". The press release and the paid advertisement shall also set forth the definitions of the categories as set forth above.

PUBLIC NOTICE

The current term of the office of United States Magistrate Judge Susan Paradise Baxter at Erie, Pennsylvania is due to expire August 27, 2009. The United States District Court is required by law to establish a panel of citizens to consider the reappointment of the magistrate judge to a new (8) year term.

The basic jurisdiction of a United States Magistrate Judge is specified in 28 U.S.C. §636 and the duties of the position are demanding and wide ranging. These include, but are not limited to (1) initial proceedings in criminal cases; (2) assignment of civil cases and (3) references of pretrial matters from district judges.

Comments from members of the bar and public are invited as to whether the incumbent magistrate judge should be recommended by the panel for reappointment by the Court and should be directed to Robert V. Barth, Jr., Clerk of Court, P.O. Box 1805, Pittsburgh, Pennsylvania 15230 or emailed to *robert_barth@pawd.uscourts.gov*.

Comments must be received no later than 4:00 p.m. on Friday, February 6, 2009.

ROBERT V. BARTH, JR.
Clerk of Court
U.S. District Court

Jan. 16, 23

CHANCELLOR OF THE BAR NOMINATIONS

The Erie County Bar Association is accepting nominations for Chancellor of the Bar, properly endorsed by at least five members in good standing and confirming that the nominee has practiced in the Erie County Bar for more than 30 years. Chancellor of the Bar is an honorary position; the Chancellor does serve on the Association's Nominating Committee.

The ECBA's Law Day Committee and Board of Directors will review the nominations and evaluate each nominee's contributions with respect to ethical practice, attitude toward the courts and fellow attorneys and participation in civic affairs/community life.

Nominations should be sent to the ECBA office and received/postmarked no later than Friday, February 6, 2009.

Jan. 16, 23



Erie County Bar Association Membership Meeting

Judicial Candidates to Speak

In accordance with Judicial Plebiscite Procedures adopted by the Erie County Bar Association, prospective judicial candidates seeking election to the Erie County Court of Common Pleas are being given the opportunity to address the ECBA membership at a meeting on Tuesday, February 3, 2009 at Noon.

Candidates should notify the ECBA office of their intention to attend and address the membership and should ensure that the ECBA office receives a copy of their resume by February 2, 2009. Candidates should also review the procedures as published in the *Erie County Legal Journal* on January 2, 9, 16, 23, 30, 2009.

ECBA members are encouraged to attend and hear comments from those seeking judicial office in Erie County.



When: Tuesday, February 3, 2009
Where: Bayfront Convention Center
Time: Noon, promptly
Cost: \$20.00

Reservations must be made with the ECBA office -
459-3111 or on-line at www.eriebar.com -
no later than Wednesday, January 28, 2009.

Cancellation Policy for ECBA Events/Seminars:

Cancellations received on or before the last reservation deadline will be fully refunded. Cancellations received after the deadline will be refunded in the amount remaining after deducting expenses incurred due to your anticipated attendance.

OPINION

Garhart, J., October 9, 2008

This Opinion is filed in response to Plaintiff's Statement of Matters Complained of on Appeal Pursuant to Pa.R.App.P. 1925(b). For the reasons that follow, the judgment of the Court should be affirmed.

Factual and Procedural History

This medical malpractice/wrongful death action arose out of the medical care provided to Plaintiff's decedent, Donald Mastrostefano, who passed away on October 17, 2003. The underlying facts surrounding his care need not be repeated in this instance, as the issues before the Court deal solely with the service of the Writ of Summons in this case and the application of *Lamp v. Heyman*, 469 Pa. 465, 366 A.2d 882 (1976), and its progeny.

In late September of 2005, Plaintiff approached Rudolph Massa, Esquire about the possibility of filing a medical malpractice lawsuit related to the death of her husband.

After deciding to take the case, Attorney Massa had his paralegal, Lauren Conway, contact the Erie County Prothonotary's Office to determine the manner in which a writ of summons was issued and served in Erie County because he was personally unfamiliar with the process in Erie County. *See* Aff. of Rudolph L. Massa, Esquire at ¶ 5. According to Mrs. Conway, she was told that the writs would be sent directly to the Sheriff by the Prothonotary and that the Sheriff would then require the Defendants' addresses and service instructions. *See* Aff. of Lauren R. Conway at ¶ 5.

A Praeceptum for Writ of Summons was received in the Prothonotary's Office on October 7, 2005. Attached to the Praeceptum was a hand-written post-it note, which read, "Please return writs in self addressed stamped envelope provided - do not forward to sheriff." Aff. of Kelly Spusta, at Ex. B (emphasis in original). The handwritten note is in Gloria Fryer's handwriting. *See* Depo. of Lauren R. Conway at 50. Mrs. Fryer was a receptionist in Attorney Massa's office in October of 2005. *See id.* at 12.

The Writs were issued on October 10, 2005 and were recorded on the list of docket numbers whereby the attorney requested to have the writ returned to the attorney for service. *See* Aff. of Spusta at ¶ 10. The Writs were returned to Attorney Massa's office and placed in his file. *See* Aff. of Massa at ¶ 6. According to Attorney Massa's office, no one realized that they had received the original Writs. *See id.* at ¶ 6; *see also* Aff. of Conway at ¶ 7.

In the meantime, Mrs. Conway conducted a search for the whereabouts of the Defendants. *See* Aff. of Massa at ¶ 7. Mrs. Conway asserted she was unable to determine service addresses for Nurse Jane Doe, Jessie J. Martin, M.D., or Saint Vincent Emergency Services. *See* Aff. of Conway at ¶ 11. However, Mrs. Conway admitted that she accessed the St. Vincent

Health Center website on October 5, 2005, and that Dr. Jessie Martin and St. Vincent Emergency Health Services were both listed on the site along with an address. *See Depo. of Conway at 90-91.* Mrs. Conway also had access to Dr. Martin's address through Health Grade's website which she access on October 4, 2005. *See id.* at 60; Ex. F. Additionally, Mrs. Conway testified that the name "Lorri Collins" was written legibly on Mr. Mastrostefano's resuscitation record, his patient admission assessment screening tool, and progress notes. *See id.* at 31-34. But, in attempting to locate Nurse Collins, Mrs. Conway did not take the basic step of looking in the phone book—where she would have quickly found Nurse Collins' listed phone number and address. *See id.*

On November 8, 2005 - one day before the Writs were set to expire - Mrs. Conway contacted the Sheriff's Office to provide service instructions for all Defendants. *See Aff. of Conway at ¶ 13.* Only then did she learn that the Sheriff's Office did not have the original Writs. *See id.* at ¶ 15. The original Writs were located in Attorney Massa's file on November 14, 2005, and were sent, along with service instructions, to the Sheriff's Office by overnight mail that same day. *See id.* at ¶ 15. However, the Sheriff could not serve the Writs because they had expired. *See id.* at ¶ 16. Plaintiff filed a Praecepto to Reissue Writ of Summons on November 15 with directions to forward the Writs to the Sheriff for service. *See id.* at ¶ 17. Defendants were ultimately served with the Writs on November 28, 2005. Prior to that day, Defendants had no notice of this lawsuit.

All Defendants filed Motions for Summary Judgment arguing that, although Plaintiff had filed the Praecipos for Writs of Summons prior to the expiration of the statute of limitations, she failed to have them timely served, and thus the application of *Lamp v. Heyman* bars this action. The Court granted the Motions for Summary Judgment on the basis of *Lamp*. This timely appeal followed.

Discussion

Plaintiff raises two allegations of error. First, she contends that the Court erred when it found that she failed to make a good faith effort to effectuate legal process and granted the Motions for Summary Judgment. Second, she contends that the Court erred in failing to grant her request for reconsideration to consider additional evidence. The Court will address each allegation in turn.

1. Motions for Summary Judgment

With regard to the granting of the Motions for Summary Judgment, Plaintiff contends that the Court erred in granting the Motions because: (1) the finding was not supported by the evidence; (2) the Court applied the incorrect legal standard (the applicable standard required a finding that Plaintiff's conduct amounted to an intentional effort to stall the judicial machinery, not an absence of a good faith effort); and (3) that

the Court resolved a disputed factual issue that was not appropriate for resolution on summary judgment.

The standard for summary judgment is well-settled:

Pennsylvania Rule of Civil Procedure 1035.2 provides that any party may move for summary judgment in whole or in part as a matter of law (1) whenever there is no genuine issue of material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or (2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to the jury.

In addition, we are mindful that in considering a motion for summary judgment the court must examine the record in the light most favorable to the non-moving party; that the court's function is not to decide issues of fact but merely to determine whether any such issues exist; and that all doubts as to the existence of a genuine issue of material fact must be resolved in favor of the non-moving party. We also note that ordinarily most questions relating to the applicability of the defense of the statute of limitations are questions of fact to be determined by the jury. Specifically, the questions of whether a plaintiff has exercised due diligence in discovering the incidence of his injury is usually a jury question. Whether the statute has run on a claim is usually a question of law for the judge, but where ... the issue involves a factual determination, i.e. what is a reasonable period, the determination is for the jury.

This is not to say that there are not instances where summary judgment may be ordered in malpractice actions based upon a statute of limitations defense. Entry of summary judgment is proper where the plaintiff fails to plead facts sufficient to toll the statute, or admits facts sufficient to admit the limitations defense or fails in his response, by affidavits, or as otherwise provided, to set forth facts showing that there is a genuine issue for trial or where the evidence relied upon by the plaintiff is inherently incredible.

Ward v. Rice, 828 A.2d 1118 (Pa. Super. 2003)(citation omitted).

In resolving the issue of whether the statute of limitations has been tolled by the filing of a writ of summons, the courts are tasked with following the *Lamp* line of cases to determine whether the plaintiff has made a good faith effort to effectuate notice of the lawsuit to the defendant. In *Lamp*, the Supreme Court announced:

we now conclude that there is too much potential for abuse in a rule which permits a plaintiff to keep an action alive without proper notice to a defendant merely by filing a praecipe for a writ of summons and then having the writ reissued in a timely fashion without attempting to effectuate service. ... Our purpose is to avoid the situation in which a plaintiff can bring an action, but, by not making a good-faith effort to notify a defendant, retain exclusive control over it for a period in excess of that permitted by the statute of limitations.

...

Accordingly, pursuant to our supervisory power over Pennsylvania courts, we rule that henceforth, i.e., in actions instituted subsequent to the date of this decision, a writ of summons shall remain effective to commence an action only if the plaintiff then refrains from a course of conduct which serves to stall in its tracks the legal machinery he has just set in motion.

Lamp v. Heyman, 469 Pa. 465, 478, 366 A.2d 882, 888 (1976).

The Superior Court has recently summarized the good faith standard:

It is well settled in this Commonwealth pursuant to *Lamp v. Heyman*, 469 Pa. 465, 366 A.2d 882 (1976), and *Farinacci v. Beaver County Industrial Development Authority*, 510 Pa. 589, 511 A.2d 757 (1986), that service of original process completes the progression of events by which an action is commenced. Once an action is commenced by writ of summons or complaint the statute of limitations is tolled only if the plaintiff then makes a good faith effort to effectuate service. *Moses v. T.N.T. Red Star Express*, 1999 PA Super 31, 725 A.2d 792 (Pa. Super. 1999), *appeal denied*, 559 Pa. 692, 739 A.2d 1058 (1999). "What constitutes a 'good faith' effort to serve legal process is a matter to be assessed on a case by case basis." *Id.* at 796; *Devine v. Hutt*, 2004 PA Super 460, 863 A.2d 1160, 1168 (Pa. Super. 2004) (citations omitted). "[W]here noncompliance with *Lamp* is alleged, the court must determine in its sound discretion whether a good-faith effort to effectuate notice was made." *Farinacci* at 594, 511 A.2d at 759.

In making such a determination, we have explained:

It is not necessary [that] the plaintiff's conduct be such that it constitutes some bad faith act or overt attempt to delay before the rule of *Lamp* will apply. Simple neglect and mistake to fulfill the responsibility to see that requirements for service are carried out may be sufficient to bring the rule in *Lamp* to bear. Thus, conduct that is unintentional that works to delay the defendant's notice of the action may constitute a lack of good faith on the part of the plaintiff.

Devine, supra at 1168 (quoting *Rosenberg v. Nicholson*, 408 Pa. Super. 502, 597 A.2d 145, 148 (Pa. Super. 1991), *appeal denied*, 530 Pa. 633, 606 A.2d 903 (1992)). "[A]lthough there is no mechanical approach to be applied in determining what constitutes a good faith effort, it is the plaintiff's burden to demonstrate that his efforts were reasonable." *Bigansky v. Thomas Jeffers on University Hospital*, 442 Pa. Super. 69, 658 A.2d 423, 433 (Pa. Super. 1995), *appeal denied*, 542 Pa. 655, 1668 A.2d 1119 (1995).

Englert v. Fazio Mech. Serv., Inc., 932 A.2d 122 (Pa. Super. 2007).

The Pennsylvania Supreme Court has also recently re-visited the *Lamp* issue. In the case of *McCreesh v. City of Philadelphia*, 585 Pa. 211, 888 A.2d 664 (2005), the plaintiff commenced an action against the City of Philadelphia by filing a praecipe to issue a writ of summons two days before the applicable statute of limitations would expire. The plaintiff tried to serve the City by sending the writ to the City Law Department by certified mail. The City acknowledged that it received the writ. The plaintiff later had the writ reissued and properly served on the City by hand delivery. The City filed preliminary objections asserting that the initial writ was ineffective because it had not been served properly and that the claims were therefore time-barred.

The trial court overruled the preliminary objections finding that the plaintiff had made a good faith effort to serve notice of the suit on the City by sending it certified mail. The Commonwealth Court reversed holding that plaintiff's failure to comply with the Rules of Civil Procedure was demonstrative of his failure to make a good faith effort to serve notice of the suit.

In discussing the progression of the *Lamp* case, the Supreme Court noted that two lines of cases had developed in this area. The *Teamann* line of cases required strict compliance with the Rules of Civil Procedure; whereas the *Leidich* line of cases permitted cases to go forward despite procedural defects in service where the defendant had actual notice of the lawsuit and is not prejudiced by the failure to strictly comply with the Rules of Civil Procedure. *See McCreesh*, 585 Pa. at 219, 888 A.2d at 669. The Supreme Court then held that it would follow the *Leidich* line of cases, which "would dismiss only those claims where plaintiffs have demonstrated an intent to stall the judicial machinery or where plaintiffs' failure to comply with the Rules of Civil Procedure has prejudiced defendant." *McCreesh*, 585 Pa. at 227, 888 A.2d at 674. The decision of the Commonwealth Court was reversed because the plaintiff had provided the City with actual notice of the suit.

The Supreme Court observed in a footnote "that there may be situations where actual notice may not be absolutely necessary so long as prejudice did not result, but we need not delineate such an exception here because the issue is not before us." *Id.* This is precisely the issue placed before

this Court.

The Superior Court has reviewed a case factually similar to this one in light of the *McCreesh* opinion. In the case of *Englert v. Fazio Mech. Serv., Inc.*, 932 A.2d 122 (Pa. Super. 2007), the plaintiffs commenced their lawsuit by praecipe for writ of summons on September 19, 2003, well before the expiration of the applicable statute of limitations. The plaintiffs provided the sheriff with the address of the defendant's business as it was listed in the telephone directory. However, the sheriff was unable to serve the writ on the defendant because they had moved from that address almost six months prior to the date the praecipe for writ of summons was filed. The sheriff's office filed a return of service on October 23, 2003, indicating that the defendant had not been served because they moved and noted the defendant's new address on the return. Plaintiffs' counsel moved his office shortly after the time the sheriff filed the return of service, and plaintiffs' counsel apparently never received a copy of the return because he was experiencing problems with mail deliveries. Plaintiff's counsel never contacted the Prothonotary's office to determine whether service had been effected.

The defendant's insurance carrier contacted plaintiffs directly in March of 2004 inquiring whether they would make a claim for their injuries and reminding them that the statute of limitations would end on March 25, 2004. In March of 2004, plaintiffs' counsel finally received the sheriff's return of service in the mail. On March 31, 2004, two years and six days after the accident, plaintiffs' counsel filed a praecipe to reissue the writ of summons. The trial court dismissed the suit finding that the plaintiffs had failed to establish they made a good faith effort to accomplish service.

The Superior Court affirmed the decision. After reviewing the *McCreesh* decision, the *Englert* court stated:

We discern no abuse of discretion under the circumstances presented here, where Appellants took no action whatsoever once the writ was issued to ascertain whether service was properly made and relied instead on counsel's customary practice of waiting for word from the Sheriff's office, no matter how long that might take and in spite of the difficulties he had experienced receiving his mail in a timely manner. Appellant's conduct clearly amounted to neglect to fulfill the responsibility to see that requirements for service were carried out. In other words, Appellants' inaction demonstrated an intent to stall the judicial machinery which was put into motion by the filing of the initial writ and simply cannot be excused.

Englert, supra at 126-27. Moreover, the *Englert* court distinguished its case from *McCreesh* on the basis that the plaintiffs had not provided actual notice of the suit to the defendants.

This Court found that this case was similar to *Englert* in that Plaintiff had not provided Defendants with actual notice of this action, and that

her counsel's instruction to the Prothonotary's Office to return the Writs to him was evidence of an intent to stall the judicial machinery. As in *Englert*, the Plaintiff here had the writs reissued and properly served shortly after the statute of limitations ended.

The *McCreesh* Court noted that the purpose behind the statutes of limitations "is to expedite litigation and thus discourage delay and the presentation of stale claims which may greatly prejudice the defense of such claims." *McCreesh*, 585 Pa. at 222, 888 A.2d at 671. Once an action is commenced, the defendant must be notified of the lawsuit in order to fulfill that purpose. *See id.* In the *McCreesh* case and in the *Leidich* line of cases, the Courts were willing to overlook procedural defects in service of the lawsuits because the plaintiffs had actually notified the defendants about the lawsuits within the statutes of limitations or within the time for serving notice of the lawsuit. That is not the situation presented here. Here, Defendants had no notice of the lawsuit until the Writs were actually served on November 28, 2005 - 42 days after the statute of limitations ended and 19 days after the original Writs expired.

The Court found that the note attached to the Praecipis directing that the Writs be returned to Attorney Massa's office was evidence of intent to maintain complete control over the Writs and to stall the judicial machinery. Even if the Court disregards the note, the actions of Plaintiff's counsel after discovering that the Sheriff did not have the original Writs and could not serve them demonstrated a lack of a good faith effort to serve Defendants with notice of the suit. The carelessness and neglect in arranging to have the Writs served demonstrated in this case is similar to the neglect seen in *Englert*. Plaintiff did not provide Defendants with actual notice of the lawsuit, and she did not file a Praeceptum to Reissue and/or Replace the Lost Writs. Instead, nothing was done until the Writs were found in Attorney Massa's file on November 14, 2005 - five days later. Timewise, this is not unlike the situation presented in *Englert* where the Praeceptum to Reissue the writ was issued two days after the statute of limitation expired.

Contrary to Plaintiff's assertion, the Court does not read *McCreesh* to require Defendants prove that Plaintiff intended to stall the judicial machinery rather than demonstrate Plaintiff failed to put forth a good faith effort. The *McCreesh* Court specifically stated that it was "merely re-animating the purpose of *Lamp*." *McCreesh*, 585 Pa. at 227, 888 A.2d at 674. It was *Lamp* that first introduced the concept of requiring a plaintiff to make a good faith effort to notify the defendant about the lawsuit. Nothing in *McCreesh* abolishes the good faith requirement; to hold otherwise would eviscerate *Lamp*. Moreover, the Courts have routinely held that bad faith or an overt effort to delay the proceedings is not necessary to bring the *Lamp* rule into play; mere neglect or unintentional conduct may be evidence of lack of good faith. *See Farinacci v. Beaver*

County Indust. Develop. Auth., 510 Pa. 589, 511 A.2d 757 (1986); *Englert, supra*; *Devine v. Hutt*, 863 A.2d 1160 (Pa. Super. 2004). Thus, it was not error for the Court to rely on the good faith standard.

2. Refusal to grant reconsideration

With regard to the refusal to grant reconsideration, Plaintiff contends that the Court erred in failing to grant reconsideration to consider the additional evidence. The Court did consider the affidavits and exhibits attached to Plaintiff's Motion for Reconsideration. Indeed, the arguments set forth in the Motion for Reconsideration were presented, to a certain extent, at the argument on the Motion for Summary Judgment. There was nothing in the Motion for Reconsideration or the affidavits and exhibits attached thereto that compelled the Court to reverse its decision.

Conclusion

For all the foregoing reasons, the judgment of the Court should be affirmed.

BY THE COURT:

/s/ **John Garhart, Judge**

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania

In re: Dustin Scott Boyles

No. 10113-2009

Notice is hereby given that on January 13, 2009 the Petition of Dustin Scott Boyles was filed in the above Court requesting a Decree to change his name to Dustin Scott Chipoletti.

The Court has fixed February 20, 2009 at 8:45 a.m. in Court Room No. H at the Erie County Court House, 140 West Sixth Street, Erie, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

Stephen A. Tetuan, Esquire

558 West Sixth Street

Erie, Pennsylvania 16507

Jan. 23

FICTITIOUS NAME NOTICE

Pursuant to Act 295 of December 16, 1982 notice is hereby given of the intention to file with the Secretary of the Commonwealth of Pennsylvania a "Certificate of Carrying On or Conducting Business Under an Assumed of Fictitious Name." Said Certificate contains the following information:

FICTITIOUS NAME NOTICE

1. Fictitious Name: Ability Foot and Ankle Center

2. Address of the principal place of business, including street and number: 3901 Liberty Street, Erie, PA 16509

3. The real names and addresses of the persons or entities who are party to the registration: Bay City Associates in Podiatry, Inc., 3901 Liberty Street, Erie, PA 16509

4. An application for registration of a fictitious name under the Fictitious Names Act was filed on December 22, 2008.

Anthony Angelone, Esquire

Vendetti & Vendetti

3820 Liberty Street

Erie, PA 16509

Jan. 23

FICTITIOUS NAME NOTICE

1. The real name and address of the person owning the business is: Diana R. Hanes of 56 Gibson Street, North East, PA 16428

2. The name under which said business is being carried on is: Diana's Flower Cart.

3. The character of the business so carried on is a retail flower and gift shop and other such activities.

4. The place where said business so carried on is: 11 East Main Street, North East, PA 16428

5. The said Certificate was filed on January 7, 2009 with the Secretary of the Commonwealth of Pennsylvania.

James S. Bryan, Esq.

Knox Law Firm

11 Park Street

North East, PA 16428

Jan. 23

FICTITIOUS NAME NOTICE

1. Fictitious Name: Shippensburg Reserve Partnership

2. Address of the principal place of business, including street and number: 2601 West 26th Street, Erie, PA 16506

3. The real name(s) and addresses, including street and number, of the persons who are parties to the registration: John M. Gordon, 2601 West 26th St., Erie, PA 16506; Michael J. Redlawsk, 2601 West 26th St., Erie, PA 16506; Westminister Development, LLC, 2601 West 26th St., Erie, PA 16506; Westminister Place Partnership, 2601 West 26th St., Erie, PA 16506

4. An application for registration of a fictitious name under the Fictitious Name Act was filed on December 30, 2008 with the Department of State.

Brian Glowacki, Esq.

Knox, McLaughlin, Gornall

& Sennett, P.C.

120 West Tenth Street

Erie, PA 16501

Jan. 23

INCORPORATION NOTICE

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

The McDonald Group, L.L.P.

Thomas J. Buseck

456 West Sixth Street

P.O. Box 1757

Erie PA 16507-0757

Jan. 23

INCORPORATION NOTICE

Erie Rentals, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988.

Scott L. Wallen, Esquire

Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc.

2222 West Grandview Boulevard

Erie, Pennsylvania 16506-4508

Jan. 23

INCORPORATION NOTICE

Hull Excavating, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Robert J. Jeffery, Esq.

Orton & Jeffery, P.C.

33 East Main Street

North East, Pennsylvania 16428

Jan. 23

INCORPORATION NOTICE

Notice is hereby given that J Neil, Inc., has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Richard A. Vendetti, Esq.

Vendetti & Vendetti

3820 Liberty Street

Erie, PA 16509

Jan. 23

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Dennis Lagan
27 Years- PSP

Gerald Nichols
30 Years - FBI

Benjamin Suchocki
30 Years - FBI/IRS

Jennifer Mazur
Investigator

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ERIE COUNTY LEGAL JOURNAL

COMMON PLEAS COURT

LEGAL NOTICE

COMMON PLEAS COURT

LEGAL NOTICE

IN THE MATTER OF PROCEEDING BY THE REDEVELOPMENT AUTHORITY OF THE CITY OF ERIE FOR THE CONDEMNATION OF PROPERTY OF

ESTATE OF JAMES WILEY; ERIC ALLAN BARTON; JACK MEUCCI, ALSO KNOWN AS, JACK MAUCCI & ELIZABETH HERMANKEVICH; JOSEPH THURSTON BEALE; KATHLEEN S. RIDER & SCOTT A. RIDER; MICHAEL MUROSKY & MARK MUROSKY; ROGER W. MOUNTS; MICHAEL MODESKI & GERTRUDE MODESKI; ERNEST & EDNA KEITH; LOREN P. BRUCE, OWNERS OR REPUTED OWNERS

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA

NO. 12980-2005, 12987-2005, 12989-2005, 12990-2005, 12993-2005, 12992-2005, 10248-2006, 10805-2006, 10806-2006, 10225-2006, 10223-2006

EMINENT DOMAIN

NOTICE OF CONDEMNATION

In accordance with Section 305 of the Eminent Domain Code of 1964, 26 P.S. §1-305, the Redevelopment Authority of the City of Erie hereby notifies you that

1. Your property has been condemned by the Authority for the purposes of elimination of blight and promotion of urban renewal and rehabilitation pursuant to its authority under the Urban Redevelopment Law at 35 P.S. §§1701, 1712 and 1712.1.
2. A Declaration of Taking was filed on the below-referenced date, in the Court of Common Pleas of Erie County, Pennsylvania at the below-referenced term and number.
3. The filing of the Declaration of Taking and this Notice of Condemnation were authorized by Resolution of the Authority, adopted at a public meeting at the below-referenced date, and the resolution may be examined at the offices of the Redevelopment Authority of the City of Erie at the address set forth below in paragraph 5.
4. The Condemnees and the properties being condemned, including the docket numbers at which the Declaration of Taking was filed, are as follows:

Condemnee	Address	Index Number	Docket Number	Date of Public Meeting	Date of filing of Declaration of Taking
Estate of James Wiley	1713 Cascade St.	(16) 3043-123	12980-05	11/17/2003	08/17/2005
Eric Allan Barton	206-62 West 16 th St.	(16) 3012-104	12987-05	08/15/2005	08/17/2005
Jack Meucci, also known as, Jack Maucci & Elizabeth Hermankevich	612 West 16 th St.	(16) 3032-109	12989-05	08/15/2005	08/17/2005
Joseph Thurston Beale	562 East 7 th St.	(14) 1016-200	12990-05	08/15/2005	08/17/2005
Kathleen S. Rider & Scott A. Rider	456 East 21 st St.	(18) 5017-225	12993-05	08/15/2005	08/17/2005
Kathleen S. Rider & Scott A. Rider	462 East 21 st St.	(18) 5017-200	12992-05	08/15/2005	08/17/2005
Michael Murosky & Mark Murosky	802-804 Wayne St. and 753 East 8 th St.	(15) 2034-206	10248-06	11/17/2003	01/23/2006
Roger W. Mounts	946 West 18 th St.	(16) 3043-128	10805-06	01/23/2006	02/27/2006
Michael Modeski & Gertrude Modeski	1821 Chestnut St.	(19) 6009-221	10806-06	09/19/2005	02/27/2006
Ernest & Edna Keith	839 East 20 th St.	(18) 5033-209	10225-06	09/19/2005	01/20/2006
Loren P. Bruce	1301 Holland St.	(15) 2013-308	10223-06	09/19/2005	01/20/2006

5. The Condemnor is the Redevelopment Authority of the City of Erie whose offices are located at 917 State Street, Erie, Pennsylvania 16501.
6. The nature of the title acquired in and to the condemned property is fee simple title.
7. The Authority Condemnor has secured the payment of just compensation for the Condemnee by the filing with the Declaration of Taking a bond, without surety, payable to the Commonwealth of Pennsylvania for the use of the owner of the property interests condemned, the condition of which shall be that the Condemnor shall pay the damages determined by law as authorized by 26 P.S. § 303(a).


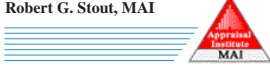

8. A written offer of just compensation based on the fair market value of the condemned property, which amount compensates the Condemnee for any loss sustained as a result of the condemnation of the property, has been prepared. Please contact John J. Shimek, III, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506, (814) 833-2222 during normal business hours to receive your written offer of just compensation and/or to review full copies of the Declaration of Taking and Notice of Condemnation.

IF YOU WISH TO CHALLENGE THE POWER OR RIGHT OF THE REDEVELOPMENT AUTHORITY OF THE CITY OF ERIE AS CONDEMNOR TO APPROPRIATE CONDEMNED PROPERTY, THE SUFFICIENCY OF THE SECURITY, THE PROCEDURE FOLLOWED BY THE CONDEMNOR OR THE DECLARATION OF TAKING, YOU ARE REQUIRED TO FILE PRELIMINARY OBJECTIONS TO THE DECLARATION OF TAKING WITHIN THIRTY (30) DAYS AFTER BEING SERVED WITH THIS NOTICE.

REDEVELOPMENT AUTHORITY OF THE CITY OF ERIE

John J. Shimek, III, Esquire
 Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc.
 2222 West Grandview Blvd.
 Erie, PA 16506

Jan. 23

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<p>1001 State Street, Ste 1100, Erie, PA 16501 www.sas-rea.com</p>		<p>814-456-2900, Fax (814) 456-8070 rsam@sas-rea.com</p>	
<p><i>To acquire the designation MAI, an appraiser must complete numerous courses, perform acceptable appraisal work for a specific period of time, prepare a demonstration narrative appraisal report, and receive a passing grade on a comprehensive examination.</i></p>			

**AUDIT LIST
NOTICE BY
PATRICK L. FETZNER**

**Clerk of Records,
Register of Wills and Ex-Officio Clerk of
the Orphans' Court Division, of the
Court of Common Pleas of Erie County, Pennsylvania**

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **Monday, January 26, 2009** and confirmed Nisi.

February 19, 2009 is the last day on which Objections may be filed to any of these accounts.

Accounts in proper form and to which no Objections are filed will be audited and confirmed absolutely. A time will be fixed for auditing and taking of testimony where necessary in all other accounts.

<u>2009</u>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
4.	Ina Mae Woods	Thomas B. Woods, Exr.	Knox McLaughlin Gornall & Sennett PC
5.	Donald J. Vandervort	Matthew L. Vandervort, Exr.	Marsh Spaeder Baur Spaeder & Schaaf LLP
6.	David L. Arnold.....	Carol S. Arnold, Exrx.	Quinn Buseck Leemhuis Toohey & Kroto Inc
7.	Cheryl L. Meyer	Christine E. Tombaugh, Exrx.	Darlene M. Vlahos
8.	Thelma Marie Musolf.....	Russell W. Musolf, Exr.	Rebecca Musolf

PATRICK L. FETZNER
Clerk of Records
Register of Wills & Orphans' Court Division

Jan. 23, 30

ESTATE 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. All persons having claims or demands against said estates are requested to make known the same and all persons indebted to said estates are requested to make payment without delay to the executors or their attorneys named below.

FIRST PUBLICATION

**ADAMS, VIRGINIA W.,
a/k/a DOROTHY V. ADAMS,
a/k/a VIRGINIA ADAMS,
deceased**

Late of the City of Erie, County of Erie, Pennsylvania
Executor: Richard Skinner, c/o 150 West Fifth St., Erie, PA 16507
Attorney: Colleen C. McCarthy, Esq., McCarthy, Martone & Peasley, 150 West Fifth St., Erie, PA 16507

**BERARDUCCI, ANN MARIE,
a/k/a ANN M. BERARDUCCI
and ANN BERARDUCCI,
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania
Administrators: Jacqueline S. Bongiorno and Joann Campanella, c/o 305 West Sixth Street, Erie, PA 16507
Attorney: Randy L. Shapira, Esq., 305 West Sixth Street, Erie, PA 16507

**BORGIA, JOSEPH J.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: Joseph A. Borgia, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508
Attorney: Scott L. Wallen, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**CARTER, HELEN A.,
a/k/a HELEN CARTER,
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania
Administratrix: Terri L. Toy
Attorney: David J. Rhodes, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**DEAK, HARRIET MELISSA,
deceased**

Late of Summit Township, County of Erie, and Commonwealth of Pennsylvania
Executor: David P. Milk, 8690 Perry Hwy., Erie, PA 16509
Attorney: Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

**FRANCIS, JUNE M.,
deceased**

Late of Millcreek Township, Erie County, Pennsylvania
Executrix: Anita M. Wilson, c/o 2580 West 8th Street, Erie, Pennsylvania 16505
Attorney: Ralph R. Riehl, III, 2580 West 8th Street, Erie, Pennsylvania 16505

**HUDY, JEANNA L., a/k/a
JEAN HUDY a/k/a GINA HUDY,
deceased**

Late of the Township of Summit, Erie County, PA
Co-Executors: Kelly M. Hudy-Boyles and William P. Boyles, 104 Chasbrier Court, Cary, NC 27518.
Attorney: None

**KNAF, ROBERT W.,
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania
Executor: Benjamin F. Lydic, Jr., c/o Anthony Angelone, Esquire, 3820 Liberty Street, Erie, PA 16509
Attorney: Anthony Angelone, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**KORYNOSKI, VIOLET M., a/k/a
VIOLET MECCI KORYNOSKI,
deceased**

Late of the Township of Fairview, County of Erie, State of Pennsylvania
Executor: William N. Korynoski, PO Box 112, Lake City, Pennsylvania 16423
Attorney: James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**LOSCALZO, VINCENT J.,
deceased**

Late of Millcreek Township, County of Erie, Pennsylvania
Executor: Michael B. Loscalzo, c/o 150 West Fifth Street, Erie, PA 16507
Attorney: Colleen C. McCarthy, Esq., McCarthy, Martone & Peasley, 150 West Fifth St., Erie, PA 16507

**MARKIEWICZ, FRANK J.,
deceased**

Late of the City of Erie
Administrators: Karen Couse and Christine Simu
Attorneys: Marsh Spaeder Baur Spaeder & Schaaf, LLP, Will J. Schaaf, Esquire, Attorneys at Law, Suite 300, 300 State Street, Erie, PA 16507

**MEYER, ROBERT J.,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Administratrix: Christine E. Tombaugh, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, PA 16508

**RODNEY, JAMES P.,
deceased**

Late of the Township of Harborcreek, County of Erie, and Commonwealth of Pennsylvania
Executrix: Susan M. Stroz, c/o Joseph A. Yochim, Esq., 345 West 6th Street, Erie, PA 16507
Attorney: Joseph A. Yochim, Esq., Yochim & Nash, 345 West 6th Street, Erie, PA 16507

**SCHWARTZ, MILDRED J.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania

Executor: Frank R. Schwartz, Jr., c/o William J. Schaaf, Esq., Suite 300, 300 State Street, Erie, PA 16507

Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, William J. Schaaf, Esq., Suite 300, 300 State Street, Erie, PA 16507

**SIITERSON, MARY E.,
a/k/a MARY LUCHANSKY
SIITERSON,
deceased**

Late of Lawrence Park Township, County of Erie and Commonwealth of Pennsylvania

Executor: PNC Bank National Association

Attorney: Thomas J. Minarcik, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**TEIXEIRA, IDA MAY,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania

Executor: Denise DiGiacomo, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

Attorney: Colleen R. Stumpf, Esquire, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**WATKINS, ROGER,
deceased**

Late of Erie County

Co-Administrators: Melissa A. Watkins and Roger J. Watkins

Attorney: Stanley G. Berlin, Esquire, Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

SECOND PUBLICATION

**BLACKWOOD, JAMES E.,
deceased**

Late of the Borough of Edinboro, Commonwealth of Pennsylvania

Executrix: Nancy Bird-Blackwood, c/o Anthony Angelone, Esquire, 3820 Liberty Street, Erie, PA 16509

Attorney: Anthony Angelone, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**CLARK, LILLIAN MAE, a/k/a
LILLIAN M. CLARK,
deceased**

Late of the Township of Fairview, County of Erie, State of Pennsylvania

Executrix: Marylou Partington, 7567 Anchor Drive, Fairview, Pennsylvania 16415

Attorney: James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**CULBERTSON, OLIVE P.,
deceased**

Late of Millcreek Township

Executor: Gary W. Culbertson, 18909 Haida Road, Apple Valley, CA 92307-5301

Attorney: Jack M. Gornall, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**EDWARDS, GERALD L., a/k/a
GERALD LEROY EDWARDS,
a/k/a GERALD EDWARDS,
deceased**

Late of Union City Borough, Erie County, Pennsylvania

Executor: Melvin Edwards, c/o Paul J. Carney, Jr., Esquire, 43 North Main Street, Union City, Pennsylvania 16438

Attorney: Paul J. Carney, Jr., Esquire, 43 North Main Street, Union City, Pennsylvania 16438

**MARTIN, MILDRED T.,
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania

Executrix: Betty Korrell, c/o William J. Schaaf, Esq., Suite 300, 300 State Street, Erie, PA 16507

Attorney: William J. Schaaf, Esq., Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

**SHENKER, DOLORES C.,
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania

Executor: James E. Marsh, Jr., Esquire, c/o Marsh, Spaeder, et al., Suite 300, 300 State Street, Erie, PA 16507

Attorney: James E. Marsh, Jr., Esq., Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

**WARUSZEWSKI, HELENE,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania

Executor: Chester F. Waruszewski, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, PA 16508

THIRD PUBLICATION

**BERGER, GRANT L. III,
deceased**

Late of the City of Erie, County of Erie

Executrix: Nancy Sonzoni, 421 Thoreau Street, Branford, Connecticut 06405

Attorney: W. Richard Cowell, Esquire, Carney & Good, 254 West Sixth Street, Erie, Pennsylvania 16507

**BRAY, JEANNE LOIS, a/k/a
JEANNE L. BRAY, a/k/a
JEAN L. BRAY,
deceased**

Late of the Township of Millcreek, County of Erie, Pennsylvania
Executrix: Joan E. Partch, c/o 246 West 10th Street, Erie, PA 16501
Attorney: Scott E. Miller, Esquire, 246 West Tenth Street, Erie, PA 16501

**DAVIS, CHRISTAL A.,
deceased**

Late of the Township of Harborcreek, County of Erie, and Commonwealth of Pennsylvania
Executrix: Bradley A. Davis, 317 Robinhood Road, Covington, LA 70433
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**HOUSMAN, FRED W.,
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Executrix: James D. Cullen, 100 State Street, Suite 700, Erie, PA 16507-1459
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**KUENEN, NORMAN B.,
deceased**

Late of the City of Des Moines, County of Polk, and State of Iowa
Executrix: Carol S. Henderson, 3410 S.W. 5th Street, Des Moines, IA 50315
Attorney: Robert E. McBride, Esquire, 32 West Eighth Street, Suite 600, Erie, Pennsylvania 16501

**LUTHER, MILLARD H.,
deceased**

Late of the City of Erie, Erie County, Pennsylvania
Executrix: Carl Anderson, c/o Jeffrey A. Misko, Esquire, 1415 West 38th Street, Erie, Pennsylvania 16508
Attorney: Jeffrey A. Misko, Esquire, 1415 West 38th Street, Erie, Pennsylvania 16508

**MORGAN, ALVINA M.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Harry R. Morgan, Jr., 146 Cooper River Drive, Mount Pleasant, SC 29464
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**NEWPORT, GERALDINE E.
JOHANNES, a/k/a
GERALDINE E. NEWPORT, a/k/a
GERALDINE E. JOHANNES,
a/k/a GERALDINE NEWPORT,
deceased**

Late of the City of Erie, County of Erie, Pennsylvania
Co-Executrixes: Clifford Newport and William Schaaf, c/o 150 West Fifth St., Erie, PA 16507
Attorney: Colleen C. McCarthy, Esq., McCarthy, Martone & Peasley, 150 West Fifth St., Erie, PA 16507

**PANIGHETTI, GENO A.,
deceased**

Late of the City of Erie
Executrix: Richard A. Panighetti
Attorney: Norman A. Stark, Esquire, The Stark Law Firm, 100 State Street, Suite 210, Erie, PA 16507

**RECTENWALD, ARLENE G.,
deceased**

Late of the City of Erie, Pennsylvania
Executrix: Ross E. Rectenwald, c/o Thomas C. Hoffman II, Esq., 120 West 10th Street, Erie, PA 16501
Attorney: Thomas C. Hoffman II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**SMITH, HARVEY K.,
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Executrix: Marcia J. Smith, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: James F. Toohey, Esquire, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**VARGO, LOTTIE D.,
deceased**

Late of the City of Erie, Pennsylvania
Executrix: Marlene A. Spaeder, c/o Thomas C. Hoffman II, Esq., 120 West 10th Street, Erie, PA 16501
Attorney: Thomas C. Hoffman II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

Lee S. Acquista ----- (814) 835-2121
Acquista Law Office ----- (f) (814) 835-0401
2525 West 26th Street, Suite 203
Erie, PA 16506 ----- *lee@acquistalawfirm.com*

John F. Mizner ----- (814) 480-5747
The Renaissance Center
1001 State Street, Suite 1400
Erie, PA 16501

Carolyn E. Gold ----- (814) 451-6200
Gaming Revenue Manager
Erie County Court House
140 West Sixth Street
Erie, PA 16501 ----- *cgold@eriecountygov.org*

Firm Name Change

Yochim, Skiba, Johnson & Nash is now **Yochim & Nash**
Bryan & Bryan is now a branch of **Knox, McLaughlin, Gornall & Sennett, P.C.**

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