

*Erie  
County  
Legal  
Journal*

January 15, 2010

Vol. 93 No. 3

USPS 178-360



---

93 ERIE 1-12

Mihadas v. Giannopoulos

---

# 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

<b>NOTICE TO THE PROFESSION</b> -----	4
<b>OPINION</b> -----	5
<b>BANKRUPTCY NOTICES</b> -----	17
<b>COURT OF COMMON PLEAS</b>	
Change of Name Notices -----	19
Incorporation Notices -----	19
Organization Notice -----	19
Legal Notices -----	19
<b>ORPHANS' COURT</b>	
Estate Notices -----	20
<b>CHANGE IN CONTACT INFORMATION FOR ECBA MEMBERS</b> -----	22

ERIE COUNTY LEGAL JOURNAL (ISSN 0730-6393) is published every Friday for \$57 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 2010©) 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

### THURSDAY, FEBRUARY 4, 2010

#### *Means Testing*

PBI Video Conference Seminar

Erie County Bar Association

12:00 p.m. - 3:15 p.m. (11:10 a.m. reg.)

*lunch is included*

\$224 (member) \$204 (admitted after 1/1/06)

\$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 1/1/06) \$219 (nonmember)*

3 hours substantive

### THURSDAY, FEBRUARY 4, 2010

#### *Fundamentals of Civil Practice & Procedure*

PBI Groupcast Seminar

Manufacturers Association Conference Center

9:00 a.m. - 1:15 p.m. (8:30 a.m. reg.)

\$224 (member) \$204 (admitted after 1/1/06)

\$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 1/1/06) \$219 (nonmember)*

4 hours substantive

### FRIDAY, FEBRUARY 5, 2010

#### *Medicare Secondary Payer Statute in Liability & Workers Comp. Claims*

PBI Groupcast Seminar

Erie County Bar Association

9:00 a.m. - 11:00 a.m. (8:30 a.m. reg.)

\$194 (member) \$174 (admitted after 1/1/06)

\$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 1/1/06) \$189 (nonmember)*

2 hours substantive

### FRIDAY, FEBRUARY 12, 2010

#### *Special Needs Trust*

PBI Groupcast Seminar

Erie County Bar Association

9:00 a.m. - 1:15 p.m. (8:30 a.m. reg.)

\$244 (member) \$224 (admitted after 1/1/06)

\$264 (nonmember)

*Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee:*

*\$219 (member) \$199 (admitted after 1/1/06) \$239 (nonmember)*

4 hours ethics

### TUESDAY, FEBRUARY 16, 2010

#### *Juvenile Injustice in Luzerne County: Ethical Consideration for Lawyers, Judges and Prosecutors*

PBI Groupcast Seminar

Erie County Bar Association

9:00 a.m. - 12:15 p.m. (8:30 a.m. reg.)

\$214 (member) \$194 (admitted after 1/1/06)

\$234 (nonmember)

*Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee:*

*\$189 (member) \$169 (admitted after 1/1/06) \$209 (nonmember)*

3 hours ethics

### FRIDAY, FEBRUARY 12, 2010

#### *ECBA's 6th Annual Evening at JR's Last Laugh*

JR's Last Laugh Comedy Club

5:15 p.m.

*Featuring Comedian Ralph Harris*

\$22 / person

*Cash Bar*

### THURSDAY, FEBRUARY 25, 2010

#### *Evidence for Trial Lawyers*

PBI Groupcast Seminar

Bayfront Convention Center

8:30 a.m. - 3:30 p.m. (8:00 a.m. reg.)

\$344 (member) \$324 (admitted after 1/1/06)

\$364 (nonmember)

*Early Registration - If you register more than 2 days before this presentation you will qualify for this Early Registration Fee:*

*\$319 (member) \$299 (admitted after 1/1/06) \$339 (nonmember)*

6 hours substantive

### THURSDAY, FEBRUARY 25, 2010

#### *The Basics of Intellectual Property Law*

PBI Video Seminar

Erie County Bar Association

9:00 a.m. - 12:30 p.m. (8:30 a.m. reg.)

\$129 (member) \$109 (admitted after 1/1/06)

\$149 (nonmember)

3 hours substantive

## 2010 BOARD OF DIRECTORS

J.W. Alberstadt, Jr., President

Lisa Smith Presta, First Vice President

Donald F. Fessler, Jr., Second Vice President

Mary Payton Jarvie, Past President

Thomas J. Buseck, Treasurer

Neal R. Devlin

John W. Draskovic

Brian J. Krowicki

Richard A. Lanzillo

John C. Melaragno

Melissa LaFata Pagliari

John M. Quinn, Jr.

Richard T. Ruth

Edwin W. Smith

Richard A. Vendetti

## CHANCELLOR OF THE BAR NOMINATIONS

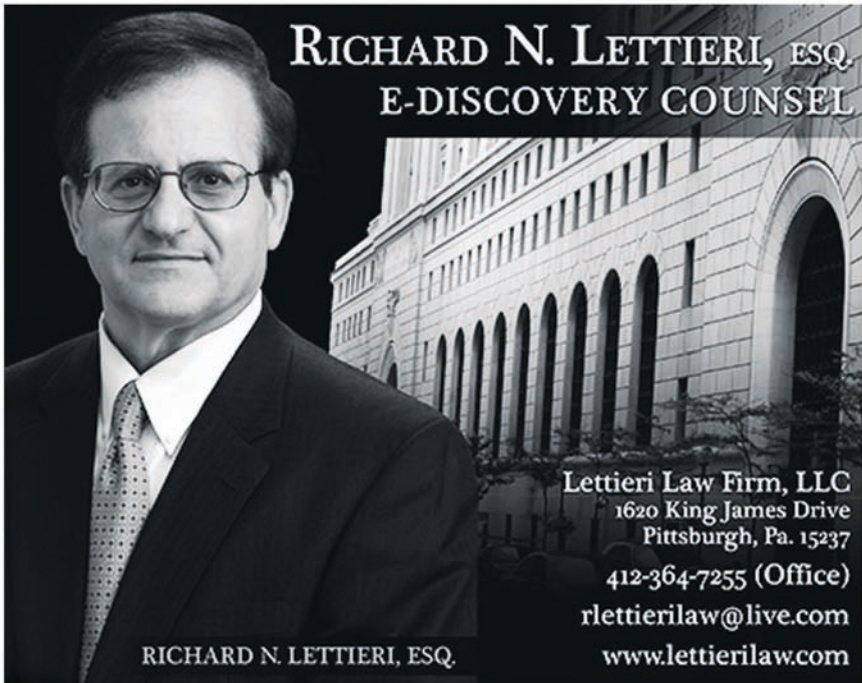
The Erie County Bar Association is accepting nominations for Chancellor of the Bar, properly endorsed by at least five members in good standing and confirming that the nominee has practiced in the Erie County Bar for more than 30 years. Chancellor of the Bar is an honorary position; the Chancellor does 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 5, 2010.

Jan. 15, 22

---



**RICHARD N. LETTIERI, ESQ.**  
**E-DISCOVERY COUNSEL**

Lettieri Law Firm, LLC  
1620 King James Drive  
Pittsburgh, Pa. 15237  
412-364-7255 (Office)  
rlettierilaw@live.com  
www.lettierilaw.com

RICHARD N. LETTIERI, ESQ.

**ATHANASIOS MIHADAS, Plaintiff**

v.

**STACY GIANNOPOULOS, Defendant***CHILD CUSTODY / BEST INTERESTS OF CHILD*

Where all other considerations are essentially equal, best interests is determined by the advantage to the child to primarily reside in the home which will maximize time for direct interaction with a parent.

*CHILD CUSTODY / GRUBER ANALYSIS*

Where the court must choose the primary residence for a child who has resided 50% of the time with each parent in two different states for 4 years and a primary residence must be chosen as the child has reached school age, a mechanical *Gruber* analysis is not appropriate, but the court considered *Gruber* factors as related to a best interests analysis.

*EXPERTS / WITNESS AT TRIAL*

Expert witness was not permitted to testify where expert's report and CV were not provided prior to trial, despite requests made by opposing counsel.

*CHILD CUSTODY / ADEQUACY OF SUBSTITUTE VISITATION*

Where substitute visitation provided under *Gruber* analysis, no requirement that time be identical to prior arrangement, only that it foster ongoing relationship between child and non-custodial parent.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,  
PENNSYLVANIA NO. 13918-2004

Appearances: John R. Evanoff, Esq., Attorney for the Plaintiff  
Edward J. Niebauer, Esq., Attorney for the Defendant

**OPINION**

**October 8, 2009:** Before the Court is a dispute regarding the appropriate custodial arrangement for E.M.M., born July 20, 2004 (hereinafter "Child"). Specifically, Stacy Giannopoulos (hereinafter "mother") requested modification of an April 6, 2005 Order which granted her and Athanasios Mihadas (hereinafter "father") equal shared custody of the child on an alternating weekly schedule.

**PROCEDURAL AND FACTUAL HISTORY**

The parties were married on October 26, 2003. N.T. July 14, 2009 at 19. The child was born July 20, 2004. *Id.* at 21. Just three months later, on October 21, 2004, the parties separated. *Id.* at 5 and 97. Upon separation, mother moved with the child to Whitestone, New York to reside with her parents. *Id.* at 5.

On October 28, 2004, father filed a Custody Complaint requesting legal and physical custody of the child. In the Complaint, father alleged that it would be in the child's best interests to be in his legal and physical

custody because mother wrongfully moved the child to New York, he played a substantial role in meeting the child's needs, moving the child to New York would not substantially improve the child's quality of life, realistic substitute visitation arrangements were not available and an evidentiary hearing must be conducted prior to moving the child outside of the jurisdiction. On the same date, father presented to the Honorable Michael E. Dunlavey a Petition for Emergency relief alleging that mother, on October 21, 2004, moved the child to Whitestone, New York without his knowledge or consent. Father further requested sole legal and physical custody of the child, pending a custody conference. By an October 28, 2004 Order, Judge Dunlavey awarded father sole legal and physical custody of the child, pending a custody conference.

Mother did not relinquish custody of the child to father and she failed to attend a December 20, 2004 custody conference. After the Court entered an order maintaining father as the child's sole legal and physical custodian, however, mother filed a Request for Adversarial Hearing listing relocation, primary residence, and alleged abusive conduct by father as the issues for consideration. Moreover, mother filed an Answer, New Matter and Counter-Complaint for Custody alleging that abusive circumstances by father and his family caused her to flee to New York with the child and that it would be in the child's best interests for mother to have custody in New York.

Pursuant to an agreement of the parties, Judge Dunlavey, on April 6, 2005, entered an Order requiring the parties to exchange the child on a week to week basis every Sunday at 4:00 p.m. at the State Police Barracks in Rockview, Pennsylvania, the approximate midway point between New York City, New York and Erie, Pennsylvania. *See* N.T. April 6, 2005. For the past four years, the parents have followed the April 6, 2005 Order. N.T. July 14, 2009 at 9.

On June 26, 2009, mother filed a Petition for Custody Modification requesting modification of the April 6, 2005 Order to accommodate the child's commencement of formal education. Specifically, mother requested that the weekly travel be eliminated and an appropriate custody schedule be entered taking into consideration the child's school schedule. This Court presided over the Custody Trial regarding this matter on July 14, 2009 and July 28, 2009.

On August 12, 2009, this Court entered its Order granting the parents shared legal and physical custody of the child, with mother receiving primary residential custody. The Order further provides that father shall receive custody of the child the second and fourth weekend of every month, the child's Thanksgiving break from school, the child's Christmas/Winter Break from school, any fall break from school and any Easter and Spring break. Furthermore, father is granted custody for the summer, with the exception that mother shall have three long weekends of custody during the summer break plus one seven day period of custody. Moreover, the

Order requires each parent to permit and encourage telephone contact between the child and the non-custodial parent.

Father, on September 9, 2009, filed his Notice of Appeal.

**A. Mother**

Mother lives in Whitestone, New York with her parents. N.T. July 14 at 5, 16. She and the child have lived in their present residence since the parties' separation in October of 2004. *Id.* at 5. It is a three bedroom, two bathroom residence with two dining rooms, living rooms, play rooms, two kitchens and a back yard with a garden. *Id.* at 6, 26-29; *see also* Exhibit A.

Mother is forty years old. N.T. July 14 at 12. She has a Master's degree in Early Elementary School Education with a specialty in children's literature. *Id.* at 17. Mother obtained her teacher's certification in New York and she taught in New York from 1994 until June of 2003 when she married father and moved to Pennsylvania. *Id.* at 18-19.

Mother does not currently work. N.T. July 14 at 7. She receives financial support from her father who is a long-time restaurant owner who also has substantial income from real estate. *Id.* at 7-9 and 81. Specifically, mother's father owns one whole block in Manhattan, with an estimated worth of \$30 million. *Id.* at 7-9 and 81. Mother's father is willing to continue to support mother and the child. *Id.* at 9. Nevertheless, mother plans to serve as a substitute teacher in the same school district where the child will attend school in New York. *Id.* at 52-53.

**B. Father**

Father resides in Erie, Pennsylvania in a three-bedroom three and one-half bath home. N.T. July 14 at 87 and 98. Father's parents live next door to him and his sister lives on the other side of his parents. *Id.* at 98 and 115-16. Father's parents, his sister, his aunt and his godmother provide childcare for father. *Id.* at 98 and 119-20.

Father has a B.S. in accounting. *Id.* at 97. He is the owner of a Meineke Car Care Center. *Id.* at 100. His hours are from 8:00 a.m. to 6:00 p.m. Monday through Saturday. *Id.* at 118.

**C. The Child**

In New York, the child has her own bedroom and a playroom. N.T. July 14 at 6, 26 and 79; *see also* Exhibit A. The child and mother have meals with mother's parents in the home. N.T. July 14, 2009 at 40.

While in her mother's custody, the child attends Broadway shows, the circus, playgrounds, Central Park, and church services with mother and her extended family. *Id.* at 6-7, 41-42. Mother and the child also do a daily activity together, which might include going to the library, baking or watching a movie. *Id.* at 40. In addition to mother and her maternal grandparents, the child has a great-grandmother, aunts, uncles and cousins in New York. *Id.* at 61. The child regularly engages in activities



with this extended family, as well as with other children her age. *Id.* at 61-62, 78.

In New York, the child attended pre-school five days per week from 8:30 until 1:30. N.T. July 14, 2009 at 13 and 25. Mother enrolled the child in the pre-school program when she was three years old. *Id.* at 22. Mother maintained daily contact with the child's teachers. *Id.* at 25. Moreover, mother works with the child to teach her how to read, write and learn her numbers. *Id.* at 11 and 76-78.

The child has experienced some developmental delays. *Id.* at 33-34; *see also* Exhibits D-O. Accordingly, prior to her enrollment in pre-school, the child received Early Intervention services. N.T. July 14, 2009 at 22-23, 35; *see also* Exhibits D-F. Some portions of the therapy provided through Early Intervention continued through the child's pre-school in New York. N.T. July 14, 2009 at 23-25, 35; *see also* Exhibits G-O. The Early Intervention services offered to the child in Erie, however, discontinued in September of 2006. N.T. July 14, 2009 at 104.

The child cries when she goes to custodial exchanges from mother to father. *Id.* at 10, 58, 75 and 84. Mother, however, encourages the child to spend time with her father. *Id.* at 10, 58, 75 and 84.

The child has a doctor and dentist in New York. *Id.* at 36-38. The child also has a doctor in Pennsylvania. *Id.* at 96. Each parent maintains medical coverage for the child. *Id.* at 58 and 97.

In Erie, the child has her own bedroom. N.T. July 14, 2009 at 98. Sometimes, however, she sleeps at her paternal grandparents' house or at her aunt's house. *Id.* at 116-17. In Erie, the child is involved in preschool, toddler aerobics, swimming, soccer, basketball and ballet. *Id.* at 89-91, 99 and 111-112; *see also* Exhibit P-1. Moreover, she is enrolled in a reading program at Tracy Elementary School. N.T. July 14, 2009 at 94 and 99. The child's preschool was Monday, Wednesday and Friday from 9:30 until 2:30, with extracurricular classes on Tuesday and Thursday from 9:30 until 2:30. *Id.* at 119.

The school proposed for the child's attendance in New York is PS-79 in Whitestone, New York. *Id.* at 30-31; *see also* Exhibit R. The school is within walking distance of mother's home and mother and her father will transport the child to and from school. N.T. July 14, 2009 at 32. The school proposed for the child in Erie is Villa Elementary School. *Id.* at 96.

### **DISCUSSION**

The paramount concern of the Court in a child custody case is the best interests of the child. *Collins v. Collins*, 897 A.2d 466, 471 (Pa. Super. 2006). In determining what is in the child's best interests, the Court must assess, on a case-by-case basis, all factors that may legitimately affect the child's physical, intellectual, moral and spiritual well-being. *Id.* When a custody case involves relocation, the best interests analysis must include: (1) assessment of the potential advantages of the proposed



move and whether the move is likely to significantly improve the quality of life for the parent and the child; (2) assurance that the move is not motivated simply by a desire to frustrate the visitation rights of the non-custodial parent or to impede the development of a meaningful parent/child relationship; and (3) consideration of the feasibility of substitute visitation arrangements to insure a continued relationship between the child and the non-custodial parent. *Gruber v. Gruber*, 400 Pa. Super. 174, 583 A.2d 434, 439 (1990). When a court reviews a request for change of custody and relocation in the context of an equal shared custody arrangement, there are two primary family units and, therefore, the *Gruber* factors must be analyzed in the context of two competing custodial environments. *McAlister v. McAlister*, 747 A.2d 390, 392 (Pa. Super. 2000) citing *Thomas v. Thomas*, 739 A.2d 206, 210-11 (Pa. Super. 1999)(en banc). The *Gruber* factors are but one aspect of the overall best interests analysis when the court is formulating a primary physical custody order involving relocation of the child. *Klos v. Klos*, 934 A.2d 724, 729 (Pa. Super. 2007); see also *Clapper v. Harvey*, 716 A.2d 1271 (Pa. Super. 1998).

As discussed in Section IIA below, this case is not a traditional *Gruber* case. Nevertheless, to some extent, the *Gruber* factors were relevant to this fact scenario. Accordingly, this Court, to the extent relevant to the child's physical, intellectual, moral and spiritual well-being, considered the *Gruber* factors as part of its best interests analysis.

## **I. BEST INTERESTS OF THE CHILD**

First, it is clear that both parties are capable and loving parents.

Both parents ensure the child's physical well-being. Whether in mother's custody or father's custody, the child has adequate physical living arrangements, neither with an obvious benefit over the other. Moreover, each residence either includes a support network of extended family, or is directly next door to extended family. Furthermore, each parent ensures the child's physical care through maintaining healthcare coverage in his/her home state and through providing medical care.<sup>1</sup>

In addition, each parent looks out for the child's intellectual needs. For example, when the child displayed some developmental delays, each parent obtained early intervention services for the child in his or her home town. Furthermore, each parent pursued pre-school education for the child during the time that the child was in his/her custody.

---

<sup>1</sup> It is noteworthy that, at one point, a lack of communication between the parties resulted in the child receiving duplicate shots. N.T. July 14, 2009 at 36-37. It is completely inappropriate and unacceptable that such an incident occurred. Nevertheless, the testimony of both parties indicates that the parties now understand the harm of their juvenile behavior and the Court believes that communication is improving between the parties and that they can work together for the best interests of this child. *Id.* at 54-56, 63-64, 70-71, 102. Father attempted to demonstrate that the lack of communication was one-sided. The Court notes, however, that father, like mother, failed to provide relevant information regarding the child's care and activities while in his custody. *Id.* 55, 69, 72 and 110-112.

Moreover, it is clear that mother has been personally involved in the child's education, staying in daily contact with the child's teachers and working with the child to teach her to read, write, and learn her numbers. Similarly, father works with the child on her reading and he enrolled her in an extracurricular reading class. N.T. July 14, 2009 at 94-95.

Furthermore, the experts<sup>2</sup> agree that both parents are capable and loving parents and that the child responds to and shows love toward both parents. For example, Dr. Victor Masone indicated in his report as follows:

During the observations of E.M. with her parents, E.M. tended to respond to requests equally. She tended to be emotionally attached to both, showed affection to both and had no difficulty interacting with both parents. It is obvious that both parents made attempts to direct her play and to give her appropriate prompts when needed. Neither parent seemed to be overly demanding or harsh with E.M. during the course of the evaluation.

*Psychological (Custody) Evaluation*, Victor Masone, Ph.D., at 12. Dr. Masone further provided:

there does not appear to be any significant information that would suggest either one of the parents would be unfit to parent this child. Both of these people have been parenting her since 2005 and providing her with the interventions and services and activities that she will need to develop appropriately.

...

A review of the mental health assessments of both parents indicate that neither parent appears to be better equipped emotionally to handle E.M.'s educational needs and emotional needs than the other. Both parents have very strong and supportive families that provide support, physical as well as mentally. Strong family systems are present in which E.M. could thrive.

...

Impressions of E.M.'s perception of her relationship with her parents was evaluated (at her ability and maturity level). She seems to have an attachment to both. She reports loving both parents and liking to be with and visit both parents.

*Psychological (Custody) Evaluation*, Victor Masone, Ph.D., at 15-16. Similarly, Dr. Marcus noted: "[t]rying to discern what is in [the Child's] best interests is extremely difficult for she loves both of her adequate and doting hands-on parents, as they do her." Report of Paul Marcus, Ph.D. at p. 2. Furthermore, Dr. Marcus observed that "both [father] and [mother]

---

<sup>2</sup> Each party employed a psychologist to perform a psychological custody evaluation. The experts did not testify in this case. Instead, the parties stipulated to the admission of the expert reports of Dr. Paul Marcus and Dr. Victor Masone. N.T. July 14 at 43-44.

were attentive, responsive and affectionate with [the child] and capable of setting reasonable limits with her. There was nothing to criticize in terms of their hands-on parenting skills..." See report of Paul Marcus, Ph.D. at p. 8. Along with the expert reports, it is clear from witness testimony and photographs that, despite some hesitation on custodial exchange days, the child is happy and well cared for in each parent's home.

Accordingly, it is clear that each environment available to this child is loving, appropriate, positive and truly structured in favor of the child's best interests. As the child's educational needs require a primary residence, however, the question arises as to which of these seemingly equal and positive environments provides advantages to the child which will serve her best interests.

With regard to father's home, an apparent advantage is that father, unlike mother, has financial independence. Nevertheless, the home that mother provides for the child in New York is financially stable. Specifically, it is clear that mother's parents have the desire and the ability to support both mother and the child, a position to which they have demonstrated a commitment for more than four years. Furthermore, mother has the education and desire necessary to resume her career now that the child is school age. In that respect, the Court believes that it is likely that mother will gain financial independence, despite a lack of any indication that she will need it. Regardless, due to the unwavering support of mother's parents, a lack of financial independence does not equate to instability in this case.

With regard to mother's home, the child has available an optimum amount of first-hand parental care. Specifically, mother is not currently employed, so her focus is exclusively on the child and the child's needs. Moreover, as mother returns to work, she will be on precisely the same work schedule as the child's school schedule.

Father, on the other hand, works six days per week from 8:00 a.m. until 6:00 p.m. as the owner of a car care center. He attempted to lead this Court to believe that being the owner of the company allows him the flexibility to be very involved with the child, including actively participating in many activities with her. The unrebutted testimony of Gregory Heintz, a private investigator hired by mother, clearly indicates, however, that the use of Father's flexible schedule is merely to leave work in order to chauffeur the child to and from her multiple activities. N.T. July 28 at 9-20. When father drops the child off at one of her activities, he does not stay and engage in the activity with the child, or even observe her participation.<sup>3</sup> *Id.* Instead, he leaves her in the care of a third party and

---

<sup>3</sup> Father testified that he participates in the child's swimming with her on open swim days and he passes the soccer ball around with her. N.T. July 14, 2009. Considering the testimony of Gregory Heintz, as well as father's clear commitment to his business, it is apparent that these are isolated incidents. N.T. July 28, 2009 at 9-20.

then he returns to work. *Id.* When the child's activities end, father returns to pick the child up and delivers her to the care of one of his relatives for several hours while he returns to work. *Id.* These exchanges take merely a matter of minutes; father does not stay and spend time with the child. *Id.* In this respect, it is clear that the child spends the majority of her waking hours engaged in an activity with someone other than father.

While there is absolutely no indication that the time that the child spends with her paternal relatives or learning skills in a structured activity is negative, the fact remains that when the child is in mother's custody, mother, unlike father, is personally available to the child at all times in which the child is in her care. Mother has never had to use a daycare provider or babysitter for the child when the child has been in her custody. N.T. July 14 at 40. Instead, she utilizes her custodial time to personally participate in activities with the child and to be personally involved in the child's education. When the child is not in school, mother and the child engage in constructive activities together. They bake, go to the library, work on reading and writing skills, go on play dates, prepare things for show and tell and simply spend time together. *Id.* at 40, 61-62, 76-78. As Athena Giannopoulos, the child's maternal grandmother, testified with regard to the child's love of playing school with mother, "you should see it, I admire both of them, it's funny sometimes. But, you should see them, you think you're watching teacher and a student." *Id.* at 76. As Ms. Giannopoulos' testimony demonstrates, this child benefits from the time that she has to actually engage in activities with mother.

Considering that the child must endure a significant transition in her custody arrangement, but that each household available to the child is a positive environment, the Court sees it as an advantage to the child to be in the home that will maximize the time that she has for direct interaction with a parent. In this respect, the Court agrees with Dr. Marcus that, given the essentially equal living environments, this advantage to the child is controlling. *See* report of Paul Marcus, Ph.D. at pp. 17-18. Mother, unlike father, is completely available to the child to provide maximum parental contact and care.

Moreover, with regard to a comparison of the educational opportunities available to the child in Pennsylvania versus New York, there is no indication that one environment is better for the child than the other. *See Psychological (Custody) Evaluation* of Dr. Masone at p. 15; *see also* report of Dr. Marcus at p. 17. Nevertheless, it is noteworthy that mother has a degree in Early Elementary School Education. Mother's background, combined with her hands-on parenting and personal availability to the child, has the potential to benefit this child - who has experienced some developmental delays - as she begins her early elementary school education. It is apparent that mother takes advantage of her time with the child to personally teach her things important for her

education. In addition to helping her with reading, writing and numbers, mother also incorporates education into the child's play in a manner that the child enjoys. N.T. July 14, 2009 at 76-77. While father's testimony indicates that he also works with the child on learning to read and he even enrolled her in an extracurricular reading class, mother is much more active in the child's education. For example, mother maintained daily contact with the child's teachers and she personally engages the child in educational activities like taking her to the library and mimicking a school setting at home. Mother's background, approach and availability appear to be a unique educational opportunity and benefit for the child.

Despite the advantages that mother offers to the child, the Court is compelled to address the concern raised by Dr. Masone that mother's removal of the child from Pennsylvania and her refusal to stop using a doctor that father objects to indicate that mother has a propensity to alienate the child from father. *See Psychological (Custody) Evaluation*, Victor Masone, Ph.D., ¶5 at 16. While mother may not have made the best choices, the Court does not believe that her motive in seeking primary custody of the child is questionable. First, witness testimony clearly indicates that mother encourages the child to attend visits with father, even when the child cries. N.T. July 14 at 10, 58, 75 and 84. Moreover, in her testimony, mother acknowledged that the child loves her father and that he loves her. Furthermore, both of the experts in this case clearly indicate that the child has a loving relationship with both parents, she likes visiting both parents and she has an attachment to both. It is highly unlikely that the child would have such a positive relationship with her father if mother were truly trying to impede the child's relationship with him. Considering the wonderful relationship that the child has with each parent, as well as the parties' strict adherence to an equal shared custody arrangement for four years, the Court believes that neither mother nor father seek primary custody of the child in an attempt to frustrate the other's visitation rights or to impede the parent/child relationship. This child has simply reached school age and it is obvious that she cannot shift between two different schools in separate states on a weekly basis.

With regard to the feasibility of substitute visitation arrangements to insure a continued relationship between the child and the non-custodial parent, it is clear that alternate arrangements are available in this case. Specifically, each parent has, without any apparent difficulty, been able to exercise shared custody of the child, despite the distance, for more than four years. The child's school schedule mandates that the custodial arrangement will be different from that to which the parties and the child have become accustomed. Nevertheless, the Court established a schedule with the intent to maximize the non-custodial parent's time, without jeopardizing the child's educational needs.

In sum, both of these parents are good parents with equally wonderful

relationships with the child. Obviously, neither distance nor either party is an impediment to this child's relationship with the other parent. Moreover, both parents can be faulted for the lack of communication which has, at times, worked to the child's detriment. Nevertheless, there is no indication that either parent wishes to impede the other parent's custodial time with the child. In that respect, it was difficult to determine whether it would be in the best interests of the child to be in mother's primary custody or whether it would be in her best interests to be in father's primary custody. For the aforementioned reasons, the Court selected mother as the child's primary custodian.

## II. STATEMENT OF MATTERS

In his Concise Statement of Matters Complained of on Appeal, father alleges that this court erred when it failed to apply *Gruber*; failed to take testimony from Dr. Doris Gernovich, failed to "maximize the time the child spends with the parents based upon the parties schedules," and its findings were against the weight of the evidence.

### A. Gruber

With regard to *Gruber*, this Court considered the *Gruber* factors as part of its overall best interests analysis. Nevertheless, as this case presents the unusual scenario of an equal shared custody arrangement occurring for four years while the parties live nearly ten hours apart, this was not the typical *Gruber* case. As recently stated by the Superior Court in a case wherein the parent requesting primary custody of the child was already established in the relocation state:

...[t]he use of the term "relocation" in this case, as understood in the traditional *Gruber* case, is somewhat incorrect, in that, only the minor children would be "relocating" to Florida because Father is already a Florida resident. Therefore, in reality, the primary focus for the trial court, and, by extension, this Court, was to determine whether the living situation for the minor children at either Mother's home or Father's home in Florida serves the minor children's best interests, i.e., whether Mother or Father should be granted primary physical custody of the minor children. Consequently, the trial court's examination of the factors enunciated in *Gruber* constituted only a small component of that broad analysis. As such, we will not, as Mother would have us, perform a mechanical analysis of the *Gruber* factors, but we will instead incorporate our analysis of these issues into the broader question of whether the trial court's custody award was in the best interests of the minor children.

*See Klos v. Klos*, 934 A.2d 724, 729 (Pa. Super. 2007)(citations omitted). Even more unusual in this case, is the fact that even the child is established in the "relocation" state as she has lived in New York on an equal basis

as her time spent in Pennsylvania. In that respect, there is a degree of difficulty in trying to force this fact scenario into the traditional *Gruber* analysis. For example, it is difficult to consider whether relocating the child to New York is likely to significantly improve the quality of life for mother and the child when, in fact, Mother and the child already have a quality life firmly established in New York. On the other hand, it is possible to consider the potential advantages of the child living primarily in New York as opposed to her living primarily in Pennsylvania, which this Court analyzed as discussed above. Accordingly, with the ultimate goal of serving the best interests of the child, this Court applied the *Gruber* factors as relevant. In that respect, father's first assignment of error is without merit.

**B. Testimony of Dr. Gernovich**

Father further alleges that this Court erred by precluding the testimony of Dr. Gernovich.

On June 30, 2009, father filed an Initial Pre-Trial Narrative Statement that listed Dr. Doris Gernovich as an expert. No other information regarding Dr. Gernovich or her anticipated testimony was provided. Accordingly, at trial, mother's counsel asked for an offer of proof with regard to Dr. Gernovich. N.T. July 28, 2009 at 37. In response, father's counsel indicated that Dr. Gernovich was being called to have her qualified as an expert in the field of elementary school education. N.T. July 28, 2009 at 37-38. Counsel further indicated that Dr. Gernovich did a comparison of Villa Maria Elementary, the school that the child would attend in Erie, with PS 79, the school that the child would attend in New York. N.T. July 28, 2009 at 37-38. In response, mother's counsel indicated "I don't even have a curriculum vitae as to her qualifications. I have no report. I've asked for the report and was given the answer that she does not prepare reports, and hasn't in the past." N.T. July 28, 2009 at 38. The record further reflects that, on July 8, 2009, mother filed a Notice of Serving Interrogatories and Request for Production of Documents on father's counsel.<sup>4</sup>

Considering that mother's counsel was, without reasonable explanation, denied additional information regarding Dr. Gernovich's anticipated testimony, despite requesting it, this Court precluded Dr. Gernovich's testimony. *See* Pa.R.C.P. 4003.5; *see also Klyman v. Southeastern Pennsylvania Transp. Authority*, 480 A.2d 299 (Pa. Super. 1984). Without information regarding the facts and opinions to which the expert was expected to testify, as well as the basis for those opinions, mother had not even the most basic information upon which to prepare a meaningful response to the testimony presented at trial. In that respect,

---

<sup>4</sup> Judge Cunningham, by Order dated June 25, 2009, granted the parties leave to conduct discovery.



mother clearly would have been prejudiced by the testimony.

Accordingly, father's second assignment of error is without merit.

**C. Maximizing the Child's Time with her Parents**

Father further alleges that this Court failed to maximize the time the child spends with the parents based upon the parties' schedules.

After four and one-half years of equal shared custody, it is difficult to formulate an arrangement that seems fair to either party. The law, however, requires only that realistic substitute visitation arrangements exist to foster an ongoing relationship between the child and the non-custodial parent; not that the schedule available is identical to the custodial arrangement currently in place. *See Billhime v. Billhime*, 869 A.2d 1031, 1039-40 (Pa. Super. 2005).

As discussed above, the Court considered the parties' schedules and selected mother as the child's primary custodian for the specific reason of maximizing the amount of time that the child has with a parent. The schedule provided for father's custodial time was an attempt to give the child as much time as possible with her father, considering that she is now school age. The Court fails to see how a schedule, which ensures that the child is with a parent at all times while in the care of her primary custodian and grants the non-custodial parent greater time than father proposed for the non-custodial parent's custody, fails to maximize the time that the child spends with her parents. N.T. July 14 at 102-103. This is particularly puzzling to the Court when father testified that he has a flexible work schedule because he owns his own business. N.T. July 14 at 104.

For the foregoing reasons, father's third allegation of error is without merit.

**D. Weight of the Evidence**

For the reasons discussed above, this Court's August 12, 2009 Order was not against the weight of the evidence. Accordingly, father's final allegation of error is without merit.

**BY THE COURT**  
/s/ **ELIZABETH K. KELLY**  
**PRESIDENT JUDGE**

**BANKRUPTCY NOTICE**

IN THE UNITED STATES  
BANKRUPTCY COURT FOR  
THE WESTERN DISTRICT OF  
PENNSYLVANIA

IN RE: GARY A. ARNOLD, Debtor  
GARY A. ARNOLD, Plaintiff

v.

TEMCO EMPLOYEES FEDERAL  
CREDIT UNION, now by merger,

ERIE GENERAL ELECTRIC  
FEDERAL CREDIT UNION,

ERIE COUNTY TAX CLAIM  
BUREAU, SCOTT HAMMER

TAX COLLECTOR OF NORTH  
EAST TOWNSHIP,

SHARON MARIE ARNOLD  
and RONDA J. WINNECOUR,

TRUSTEE, Defendants

BANKRUPTCY NO. 09-12290-TPA  
CHAPTER 13

ADV. PROC. NO. 09-1149

HEARING DATE: February 17, 2010

HEARING TIME: 3:00 P.M.

NOTICE OF HEARING ON  
COMPLAINT FOR PRIVATE  
SALE OF THE INTEREST OF  
THE BANKRUPTCY ESTATE  
AND CO-OWNER OF  
REAL PROPERTY FREE AND  
DIVESTED OF LIENS

TO THE RESPONDENTS, ALL  
CREDITORS AND PARTIES  
IN INTEREST OF THE ABOVE  
DEBTOR:

NOTICE IS HEREBY GIVEN  
THAT, the Debtor, GARY A.  
ARNOLD, Plaintiff in the  
within action, has filed a  
COMPLAINT FOR PRIVATE  
SALE OF THE INTEREST OF  
THE BANKRUPTCY ESTATE  
AND CO-OWNER OF REAL  
PROPERTY FREE AND  
DIVESTED OF LIENS for the  
following property:

124 Gay Road

North East, PA 16428

to JOHN A. LECH and DIANE M.  
LECH, HIS WIFE, for \$225,000.00,  
according to the terms set forth in  
the Complaint for Sale.

An Order has been issued setting  
deadlines for objections to the  
sale of property and for the date  
of the hearing on the sale. **On  
or before JANUARY 29, 2010**,  
any objections shall be filed with  
the U.S. Bankruptcy Court, US

Courthouse, 17 South Park Row,  
Erie, Pennsylvania 16501, with  
a copy served on all interested  
parties. A hearing is schedule for  
**FEBRUARY 17, 2010, at 3:00  
P.M.**, before Judge Thomas P.  
Agresti, Bankruptcy Courtroom,  
US Courthouse, 17 South Park Row,  
Erie, Pennsylvania 16501 **at which  
time higher/better offers will be  
considered and objections to the  
sale will be heard.**

Date of Notice: January 4, 2010

Shapira, Hutzelman, Berlin,

Ely, Smith and Walsh

Stephen H. Hutzelman, Esq.

305 West Sixth Street

Erie, PA 16507

Phone: (814) 452-6800

Fax: (814) 456-2227

E-mail: [shutzelman@shapiralaw.com](mailto:shutzelman@shapiralaw.com)

PA ID 06541

Arrangements for inspection prior  
to said sale hearing may be made  
with:

Stephen H. Hutzelman, Attorney

for Plaintiff / Debtor

305 West Sixth Street, Erie, PA 16507

(814) 452-6800

Jan. 15

**BANKRUPTCY NOTICE**

In Re: Thayer Power and  
Communication Line Construction  
Company, Inc.

Chapter 11 Case No. 08-11904 TPA  
Motion for Order (1) Approving  
Sale of Substantially All Personal  
Property of the Debtor Free  
and Clear of Liens, Claims,  
Encumbrances, and Interests  
Outside the Ordinary Course of  
Business, (2) Authorizing Debtor  
to Assume and Assign Certain  
Executory Contracts and Unexpired  
Leases, and (3) Granting Related  
Relief (Document No. 302)

NOTICE OF AUCTION AND  
SALE HEARING TO SELL  
SUBSTANTIALLY ALL OF  
THE DEBTOR'S PERSONAL  
PROPERTY

PLEASE TAKE NOTICE that  
Thayer Power and Communication  
Line Construction Company, Inc.  
has filed a Motion for Order (1)  
Approving Sale of Substantially  
All Personal Property of the Debtor  
Free and Clear of Liens, Claims,

Encumbrances, and Interests  
Outside the Ordinary Course of  
Business, (2) Authorizing Debtor  
to Assume and Assign Certain  
Executory Contracts and Unexpired  
Leases, and (3) Granting Related  
Relief (the "Sale Motion").

The assets to be sold include all of  
the tangible personal property of  
the Debtor, including all furniture,  
equipment, inventory, accounts  
receivable, prepaid expenses  
and deposits, certain executory  
contracts and unexpired leases,  
all data and records, all intangible  
rights and property, intellectual  
property, rights under any non-  
disclosure, confidentiality, and  
non-compete or non-solicitation  
agreements, all Debtor-owned  
vehicles and James Thayer owned  
vehicles. The purchase price is  
\$2,100,000.00 cash, based upon  
the Debtor's Balance Sheet as of  
September 30, 2009, subject to  
adjustments for changes, plus the  
cure costs for assumed contracts  
and up to \$350,000.00 for Post-  
Petition Administrative Claims and  
subject to adjustment for Inventory  
Proceeds and Purchased Equipment  
Leases.

**IT IS NOT ANTICIPATED  
THAT THIS SALE WILL  
GENERATE A DISTRIBUTION  
FOR GENERAL, UNSECURED  
CREDITORS.**

The Auction and Sale Hearing  
will be held before the Honorable  
Thomas P. Agresti, United States  
Bankruptcy Judge in the United  
States Bankruptcy Court for the  
Western District of Pennsylvania, 17  
South Park Row, Erie, Pennsylvania  
16501 on **February 4, 2010 at 2:30  
p.m.**, at which time higher and  
better offers will be heard.

A Bidding Procedures Order has  
been entered by the Court that  
contains important deadlines and  
information. If you are interested in  
purchasing the assets of the Debtor  
as described herein, you should  
**immediately** contact counsel for  
the Debtor to obtain additional  
information in regards to bidding  
procedures.

To be a Qualified Bidder, on or  
before **Friday, January 29, 2010**

(the "Bid Deadline"), interested parties must satisfy the requirements set forth in Paragraphs II.A.i.(a-f) of the Bidding Procedures Order including, but not limited to, paying an earnest money deposit of \$200,000 (a "Qualified Bidder Deposit") by cashier's or certified check (made payable to the Quinn Law Firm) or wire transfer of immediately available funds, which deposit shall be held in the IOLTA account of Debtor's counsel.

All responses and/or objects to the relief sought in the Sale Motion shall be filed with the Court on or before **February 2, 2010**.

This notice provides only a partial summary of the relief sought in the Sale Motion and granted pursuant to the Bidding Procedures Order.

Copies of the Sale Motion and the Bidding Procedures Order are available for inspection for a charge by accessing the Court's Website at <http://www.pawb.uscourts.gov/> or by requesting a copy from Debtor's counsel at the address listed below.

The Quinn Law Firm

Lawrence C. Bolla, Esquire

[lbolla@quinnfirm.com](mailto:lbolla@quinnfirm.com)

Nicholas R. Pagliari, Esquire

[npagliari@quinnfirm.com](mailto:npagliari@quinnfirm.com)

2222 West Grandview Blvd.

Erie, Pennsylvania 16506

Telephone: (814) 833-2222

Fax: (814) 835-2076

Counsel for Debtor, Thayer Power & Communication Line

Construction Co., Inc.

Jan. 15

Our offices have helped thousands of people file under the new bankruptcy code.  
We can help your clients keep their most valuable assets:  
their house, their car, & their personal belongings.

We are gladly accepting all Bankruptcy & Debt Relief referrals.

LAW OFFICES OF

*Mazzei & Associates*

ATTORNEYS AT LAW

A Debt Relief Agency helping people file for relief under the Bankruptcy Code.

Erie • Clarion • Meadville • Sharon • Warren

Local: 814-860-3040

Toll Free: 1-800-BANKRUPT

[www.debt-be-gone.com](http://www.debt-be-gone.com)

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania  
Docket No. 10041-10

IN RE: Harris Daniel Campbell and Lilia Shannon Campbell

Notice is hereby given that on the 6th day of January, 2010, Petitions were filed in the above named Court, requesting an order to change the names of Harris Daniel Campbell and Lilia Shannon Campbell to Harris Daniel James Campbell and Lilia Shannon Tara Campbell, respectively.

The Court has fixed the 1st day of March, 2010 at 9:00 a.m. in Courtroom No. 208B of the Erie County Court House as the time and place for the hearing on said Petitions, when and where all interested parties may appear and show cause, if any, why the prayer of the Petitioners should not be granted.

Jan. 15

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania  
Docket No. 15119-09

IN RE: Miranda Jane Harrison

Notice is hereby given that on the 13th day of November, 2009 a Petition was filed in the above named Court requesting an order to change the name of Miranda Jane Harrison to Miranda Jane Melto.

The Court has fixed the 19th day of January, 2010 at 9:00 a.m. in Courtroom I-217 of the Erie County Court House 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.

Jan. 15

**INCORPORATION NOTICE**

Living Water Global Ministries, Inc., has been incorporated under the provisions of the Nonprofit Corporation Law of 1988.

Paul J. Carney, Jr., Esq.  
42 North Main Street  
Union City, PA 16438

Jan. 15

**INCORPORATION NOTICE**

Notice is hereby given that Lund Mile High Karate, Inc. has been incorporated under the provisions of the Pennsylvania Corporation Law of 1988.

Joseph B. Spero, Esquire  
3213 West 26th Street  
Erie, Pennsylvania 16506

Jan. 15

**NOTICE OF ORGANIZATION**

Notice is hereby given that a Certificate of Organization has been filed with the Department of State for the Commonwealth of Pennsylvania for VOGT FINISHES, LLC, a domestic limited liability company, which has been organized under the provisions of the Limited Liability Company Law of 1994.

John R. Falcone, Esq.  
The Gideon Ball House  
135 East 6th Street  
Erie, Pennsylvania 16501

Jan. 15

**LEGAL NOTICE**

**NOTICE OF ADMINISTRATIVE  
SUSPENSION**

Notice is hereby given that Julianne Marie Weibel of Erie County has been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated December 1, 2009, pursuant to Rule 111(b), Pa.R.C.L.E., which required that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective December 31, 2009 for Compliance Group 1 due April 30, 2009.

Suzanne E. Price  
Attorney Registrar  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Jan. 15

**LEGAL NOTICE**

TO: SILK J. DECKARD, JOHN SILK DECKARD AND JOAN MATTA A/K/A JOAN DECKARD

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

You should take this paper to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer.

If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

Lawyers Referral Service  
Box 1792  
Erie, Pennsylvania 16507  
814-459-4411

Mon. - Fri. 8:30 a.m. - 3:00 p.m.  
Revival of Judgment filed by SAINT VINCENT HEALTH CENTER at Court of Common Pleas, 2009-15241.

Lawrence C. Bolla, Esquire  
Attorney for Plaintiff  
2222 West Grandview Blvd.  
Erie, PA 16506  
(814) 833-2222

Jan. 15

**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**

**BENSON, ELMER A.,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Robert M. Benson  
*Attorney:* Thomas J. Minarcik, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**DYLEWSKI, ADAM ROBERT,  
a/k/a ADAM R. DYLEWSKI,  
a/k/a ADAM DYLEWSKI,  
deceased**

Late of the Township of Washington, County of Erie, State of Pennsylvania  
*Administrator:* Robert J. Dylewski, 3631 Leacock Road, Edinboro, Pennsylvania 16412  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**HUMPHREY, ADELINE B.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executor:* Edward D. Coleman, 3209 Georgian Court, Erie, PA 16506  
*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**KURELOWECH, BERNICE H.,  
deceased**

Late of Wayne Township, County of Erie, Commonwealth of PA  
*Executrix:* Linda M. Bush, c/o Joan M. Fairchild, Esq., 132 N. Center St., Corry, PA 16407  
*Attorney:* Joan M. Fairchild, Esq., 132 N. Center St., Corry, PA 16407

**McGREGOR, JOHN JEFFREY  
ROY, a/k/a JOHN J.  
McGREGOR,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania  
*Executor:* Kevin J. McGregor, 3420 Amherst Road, Erie, PA 16506  
*Attorney:* Randy L. Shapira, Esq., 305 West Sixth Street, Erie, PA 16507

**NEAL, CLARA PIERCE  
CLANTON PAGE,  
deceased**

Late of the Township of Millcreek  
*Administrator:* Ethel M. Simmons  
*Attorney:* Joseph M. Walsh, III, Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 302 West 6th Street, Erie, PA 16507

**PAGLIARI, JOSEPH R., SR.,  
deceased**

Late of the Township of Millcreek, Erie County, Pennsylvania  
*Executrix:* Deborah L. Deimel, 307 French Street, Erie, Pennsylvania 16507-1542  
*Attorney:* Raymond A. Pagliari, Esq., 307 French Street, Erie, Pennsylvania 16507-1542

**WOLFE, BEATRICE I.,  
deceased**

Late of the Borough of Wesleyville, County of Erie, Pennsylvania  
*Executrix:* Joyce Harper, c/o Thomas E. Larson, 2820 W. 23rd St., Suite 101, Erie, PA 16506  
*Attorney:* Thomas E. Larson, Esq., 2820 W. 23rd Street, Suite 101, Erie, PA 16506

**ZANOTELLI, MARY,  
deceased**

Late of the City of Erie, County of Erie, and State of Pennsylvania  
*Executrix:* Agnes Billisits, 2737 West 33rd Street, Erie, PA 16506  
*Attorney:* Stephen A. Tetuan, Esquire, The Stark Firm, 100 State Street, Suite 210, Erie, PA 16507

**SECOND PUBLICATION**

**BEMISS, E. LUCILLE,  
deceased**

Late of North East Borough, Erie County, North East, Pennsylvania  
*Executrix:* Shirley Thompson, c/o Robert J. Jeffery, Esq., 33 East Main Street, North East, Pennsylvania 16428  
*Attorney:* Robert J. Jeffery, Esq., Orton & Jeffery, P.C., 33 East Main Street, North East, Pennsylvania 16428

**BURNS, MARY ANN,  
deceased**

Late of Millcreek Township, Erie, PA  
*Executor:* Susan R. Dunn  
*Attorney:* I. John Dunn, Esquire, The Quinn Law Firm, 2222 West Grandview, Erie, PA 16506

**CROSBY, ROBERT L., SR., a/k/a  
ROBERT LEE CROSBY, SR.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Henry Holcombe, c/o Jason A. Checque, Esq., 305 West Sixth Street, Erie, PA 16507  
*Attorney:* Jason A. Checque, Esq., Shapira, Hutzelman, Berlin, Ely, Smith & Walsh, 305 West Sixth Street, Erie, PA 16507

**GRYGIER, EDWARD S.,  
deceased**

Late of the Borough of North East, Erie County, Pennsylvania  
*Executrix:* Cynthia G. McMillan, 600 Orchard Beach Road, North East, PA 16428  
*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**HUNTWORK, GLADYS M.,  
deceased**

Late of Harborecreek Township  
*Executor:* Richard G. Huntwork, 1 Interlachen Lane, Pinehurst, NC 28374  
*Attorney:* Thomas A. Tupitza, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**JEZERINAC, JOSEPH,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executor:* John E. Gomolchak, 3854 Walker Blvd., Erie, PA 16509  
*Attorney:* John E. Gomolchak, Esq., 3854 Walker Blvd., Erie, PA 16509

**LAWRY, JANE M., a/k/a  
MARTHA JANE LAWRY,  
deceased**

Late of the Borough of Edinboro, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Janet Shafer, c/o Ritchie T. Marsh, Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorney:* Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Attorneys-at-Law, Suite 300, 300 State Street, Erie, PA 16507

**MEISER, LOUISE E., a/k/a  
LOUISE ELY MEISER,  
deceased**

Late of Summit Township, Erie County, Pennsylvania  
*Executrix:* Lynette N. Hughes, c/o Jerome C. Wegley, Esq., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**SCOBEY, CHARLES R., a/k/a  
CHARLES ROBERT SCOBEY,  
deceased**

Late of the Township of Fairview, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Jennifer L. Gimber, c/o Jason A. Checque, Esq., 305 West Sixth Street, Erie, PA 16507  
*Attorney:* Jason A. Checque, Esq., Shapira, Hutzelman, Berlin, Ely, Smith & Walsh, 305 West Sixth Street, Erie, PA 16507

**SPAEDER, VIRGINIA M., a/k/a  
VIRGINIA SPAEDER,  
deceased**

Late of Summit Township, Erie County, Pennsylvania  
*Executrix:* Ann M. Sedlacek, c/o Thomas C. Hoffman II, Esq., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Thomas C. Hoffman II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**TOWER, JACK M., a/k/a  
JACK MILAN TOWER,  
deceased**

Late of Erie, Pennsylvania  
*Executor:* Gregory D. Tower, c/o Jerome C. Wegley, Esq., 120 West 10th Street, Erie, PA 16501  
*Attorney:* Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**THIRD PUBLICATION****BRIGMAN, EUNICE, a/k/a  
EUNICE E. BRIGMAN,  
deceased**

Late of the City of Erie  
*Executrix:* Deborah C. Mason, 37 Clinton St., Westfield, NY 14787  
*Attorney:* None

**CHESNEY, LUCILE, a/k/a  
LUCILLE CHESNEY,  
deceased**

Late of the Township of Fairview  
*Administrator:* Robert N. Whittaker  
*Attorney:* Jay L. Fingeret, Attorney at Law, Four Gateway Center, Suite 2200, 444 Liberty Avenue, Pittsburgh, PA 15222

**REICHARD, TRACY L., a/k/a  
TRACEY L. REICHARD, a/k/a  
TRACEY LEE REICHARD,  
deceased**

Late of Fairview Township, Erie County, Pennsylvania  
*Executor:* Harry E. Wagner, 5660 Franklin Road, Fairview, PA 16415  
*Attorney:* Randy L. Shapira, Esq., 305 West Sixth Street, Erie, PA 16507

**RENSEL, HAROLD A.,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Jeffrey J. Rensel, 801 West Gore Road, Erie, Pennsylvania 16509  
*Attorney:* Peter W. Bailey, Esquire, 336 East Sixth Street, Erie, Pennsylvania 16507

**RICHARDSON, NORMA S.,  
a/k/a NORMA RICHARDSON,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania  
*Executor:* Robert R. Richardson, III, 12779 Forrest Drive, Edinboro, PA 16412  
*Attorney:* Randy L. Shapira, Esq., 305 West Sixth Street, Erie, PA 16507

CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

**Honorable Daniel J. Brabender, Jr.** ----- (814) 451-6252  
Erie County Court House  
140 West Sixth Street, Room 221  
Erie, PA 16501 ----- *dbrabender@eriecountygov.org*

**Jennifer K. Fisher** ----- (814) 871-4638  
Unemployment Compensation Appeal Referee  
3300 Lovell Place  
Erie, PA 16503 ----- *jenfisher@state.pa.us*

**Carolyn E. Gold** ----- (814) 451-7406  
c/o The Honorable Daniel J. Brabender, Jr. ----- (f) (814) 451-7474  
Erie County Court House, Room 221  
140 West Sixth Street  
Erie, PA 16501 ----- *cgold@eriecountygov.org*

**Melissa LaFata Pagliari** ----- (814) 456-6144  
The Family Law Group, LLC ----- (f) (814) 456-6143  
Frontier Place, 1359 West Sixth Street  
Erie, PA 16505 ----- *mlpagliari@eriefamilylaw.com*

IF THERE ARE ANY NEW ATTORNEYS IN ERIE INTERESTED IN JOINING  
THE ERIE COUNTY BAR ASSOCIATION, PLEASE  
CALL 459-3111 AND AN APPLICATION WILL BE MAILED TO YOU OR GO TO OUR  
WEBSITE AT [WWW.ERIEBAR.COM](http://WWW.ERIEBAR.COM) AND FILL OUT THE ONLINE APPLICATION.

IF YOU KNOW OF ANY ADDRESS CHANGES  
PLEASE CONTACT THE LEGAL JOURNAL OFFICE AT 459-3111  
OR [ADMIN@ERIEBAR.COM](mailto:ADMIN@ERIEBAR.COM). THANK YOU.

The Erie County Bar Foundation and its Justice Samuel J. Roberts Scholarship Fund  
continue to be in need of contributions to support this scholarship program.  
Have you made your contribution yet?  
If not, you can find information about the scholarship and make an online contribution at  
[www.eriebar.com](http://www.eriebar.com) or contact the ECBF at 459-3111.



For over 50 years, **USI Affinity** has been administering insurance and financial programs to attorneys and other professionals.



Our programs include:

- Professional Liability
- Health Insurance
- Life Insurance
- Short-term and Long Term Disability

To learn more please contact us today at (800)327-1550 or visit our website at [www.usiaffinity.com](http://www.usiaffinity.com)



 **DENNIS & ASSOCIATES, INC**  
**LAGAN**  
INVESTIGATORS AND CONSULTANTS

- ◆ DOMESTIC, CIVIL, CRIMINAL
- ◆ WRITTEN STATEMENTS
- ◆ SURVEILLANCE
- ◆ WIRETAP/"BUG" DETECTION
- ◆ POLYGRAPH

**814-455-7007**  
ERIE, PENNSYLVANIA

**877-99-LAGAN**  
(TOLL-FREE)

---

Dennis Lagan 27 Years- PSP	Gerald Nichols 30 Years - FBI	Benjamin Suchocki 30 Years - FBI/IRS	Jennifer Mazur Investigator
-------------------------------	----------------------------------	---	--------------------------------

---

**NORTHWEST PENNSYLVANIA'S PREMIER INVESTIGATIVE TEAM**

*Quality...Experience...Results...*

*It's what your clients deserve*

*Medical Malpractice • Auto Accidents • Personal Injury*



**GISMONDI**

& ASSOCIATES

**412-281-2200**

**[www.gislaw.com](http://www.gislaw.com)**

**700 Grant Bldg., 310 Grant St., Pgh., PA 15219**