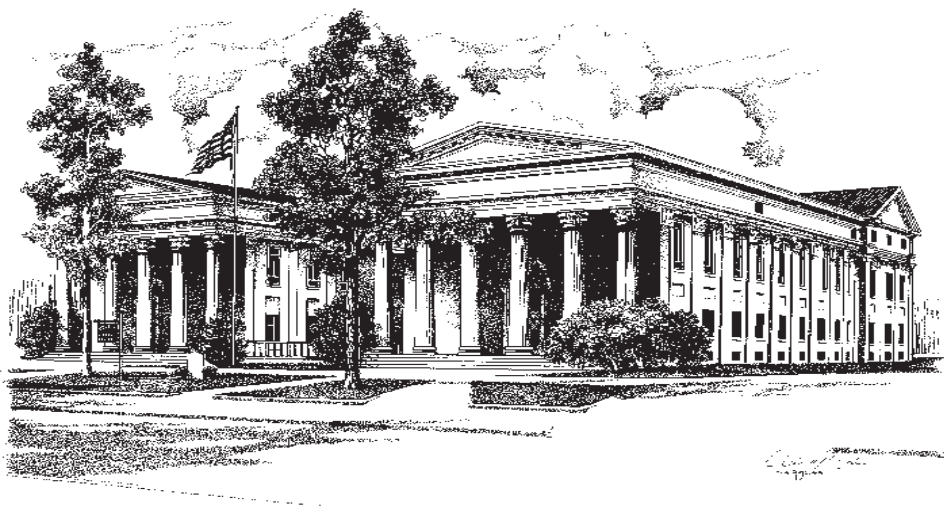


*Erie  
County  
Legal  
Journal*

June 18, 2010

Vol. 93 No. 25

USPS 178-360



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93 ERIE 109 - 117

In the matter of Audrey C. Hirt Trust

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# 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

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# Erie County Bar Association

## Calendar of Events and Seminars

### TUESDAY, JUNE 22, 2010

*The Amazing Case: How to make a Commercial Case come Alive!*

PBI Video Seminar

Erie County Bar Association

9:00 a.m. - 4:00 p.m. (8:30 a.m. reg.)

*Lunch is Included*

\$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)

5 hours substantive/1 hour ethics

### TUESDAY, JUNE 29, 2010

Mid-Year Meeting & Live ECBA Seminars

Bayfront Convention Center

10:00 a.m. - 3:30 p.m.

Package Deal available for ECBA members go to [www.eriebar.com](http://www.eriebar.com) for detailed information

### WEDNESDAY, JUNE 30, 2010

*General Practitioners Update 2010*

PBI Groupcast Seminar

Bayfront Convention Center

8:30 a.m. - 4:10 p.m. (Reg. 8:00 a.m.)

*lunch included*

\$254 (member) \$234 (admitted after 1/1/06)

\$274 (nonmember)

*Early Registration: If you register more than 2 days before this presentation you will qualify for this Early Registration Fee: \$229 (member)*

\$209 (admitted after 1/1/06) \$249 (nonmember)

5 hours substantive/1 hour ethics

### WEDNESDAY, JULY 7, 2010

*Social Security Disability: The Basics*

PBI Groupcast Seminar

Erie County Bar Association

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

### THURSDAY, JULY 8, 2010

*Handling the Sexual Harassment Case*

PBI Video Seminar

Erie County Bar Association

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

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

\$149 (nonmember)

4 hours substantive

### WEDNESDAY, JULY 14, 2010

*Boating Law Liability*

PBI Groupcast Seminar

Erie County Bar Association

12:00 p.m. - 4:15 p.m. (11:30 a.m. reg.)

*Lunch Included*

\$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 substantive

### THURSDAY, JULY 15, 2010

*Outsourcing*

PBI Groupcast Seminar

Erie County Bar Association

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

\$234 (member) \$214 (admitted after 1/1/06)

\$254 (nonmember)

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

\$209 (member) \$189 (admitted after 1/1/06) \$229 (nonmember)

4 hours substantive

### WEDNESDAY, JULY 21, 2010

*Understanding Easements in Pennsylvania*

PBI Groupcast Seminar

Erie County Bar Association

8:30 a.m. - 12:45 p.m. (8:00 a.m. reg.)

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

\$264 (nonmember)

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4 hours substantive

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## OPINION

Domitrovich, J., January 19, 2010

This matter is currently before the Court on Laurel A. Hirt's Petition To Seal Record originally presented to this Court in Motion Court on August 13, 2009. Due to the injunctive nature of a motion to seal record, and the potential harm of not sealing the record in this matter until a hearing could be held, on August 13, 2009, this Court entered an Order temporarily granting Laurel A. Hirt's Petition To Seal Record until a full hearing on the matter could be held. On December 11, 2009, a full hearing was held before this Court on Laurel A. Hirt's Petition To Seal Record in the matter of the Audrey C. Hirt Trust.

The parties and their positions in this matter are as follows. Petitioner, Laurel A. Hirt, is a Co-Trustee and beneficiary of the Audrey C. Hirt Trust. Elizabeth A. Vorsheck is a beneficiary of the Audrey C. Hirt Trust, and she opposes Laurel A. Hirt's Petition To Seal Record. The Times Publishing Company was granted permission to intervene in this matter, and opposes Laurel A. Hirt's Petition to Seal Record. The Pennsylvania Attorney General's Office in its capacity as *parens patriae* for the Commonwealth of Pennsylvania opposes Laurel A. Hirt's Petition To Seal Record. National City Bank (hereinafter "National City"), is a Co-Trustee of the Audrey C. Hirt Trust, and does not oppose nor consent to Laurel A. Hirt's Petition To Seal Record.<sup>1</sup>

The relevant factual and procedural history of this matter is as follows. On March 13, 2009, Audrey C. Hirt, a resident of Erie County, passed away. Prior to her demise, Audrey C. Hirt established a trust by written document dated July 30, 2008. At the time of Audrey C. Hirt's death, this trust was known as the Sixth Complete Restatement of the Audrey C. Hirt Revocable Trust (hereinafter "Audrey C. Hirt Trust"), and upon the Settlor, Audrey C. Hirt's demise, said trust became irrevocable. According to the terms of the trust, upon Audrey C. Hirt's death, Laurel A. Hirt, National City, and Louis S. Harrison, Esq. were appointed as Co-Trustees of the Audrey C. Hirt Trust. However, Louis S. Harrison, Esq. subsequently resigned his position as Co-Trustee; thereby leaving Laurel A. Hirt and National City as Co-Trustees of the Audrey C. Hirt Trust. Due to Attorney Harrison's resignation as Co-Trustee, on August 12, 2009, National City filed a First and Partial Account in the Register of Wills Office of Erie County. With its First and Partial Account, National City filed a redacted copy of the Trust Document of the Audrey C. Hirt Trust.<sup>2</sup> Thereafter, on August 13, 2009, counsel for

---

<sup>1</sup> The Court notes that PNC Bank has recently acquired National City Bank, and is now its successor in interest.

<sup>2</sup> Apparently, counsel for National City had contacted counsel for Petitioner, Laurel A. Hirt, prior to the filing of the First and Partial Account, and had informed counsel for Laurel A. Hirt that National City would be filing a copy of the Trust Document, and the parties agreed that National City would initially file a redacted copy of the Trust Document.

Laurel A. Hirt presented the instant Petition To Seal Record to this Court in Motion Court. National City was the only other represented party, which appeared in Motion Court, and National City did not oppose nor consent to the entry of the Petition To Seal Record. As stated previously, this Court temporarily granted the Petition To Seal Record.

In her Petition To Seal Record and related briefs, Petitioner argued four reasons to seal the record in this matter. First, Petitioner argues that this matter should be sealed because the First and Partial Account of National City and the un-redacted version of the Trust Document filed in this matter contain "sensitive information," which would not otherwise be made available for public inspection. The "sensitive information" is alleged to be information identifying the value of Trust assets, the holdings of the Trust, and the selling price of a substantial number of publicly traded stock. Petitioner argues that the identification in the Trust Document of the number of shares of publicly traded stock held by the Trust, the identification in the Trust Document of the sale and purchase rights in those shares, and the identification in the First and Partial Account of the sale price of shares of that stock sold will adversely affect the valuation of the stock for Federal estate tax valuation purposes, and these identifications will adversely affect the market price of the stock.

Second, Petitioner argues that this matter should be sealed because Article Six of the Trust Document provides for the distribution of substantial sums from the Trust to charitable organizations, and that the Trust Document specifically provides that "the Trustee shall make every effort to obtain each donee organization's agreement to treat all distributions under this Article as having been received from an anonymous donor." Thus, Petitioner argues that if this matter is unsealed and the Trust Document is made available for public inspection, then the intentions of the Settlor, Audrey C. Hirt, will be frustrated and the distributions will no longer be anonymous.

Petitioner also argues that if the identity of the donee charitable organizations is made public, these organizations will experience a decrease in the receipt of charitable donations.

Finally, Petitioner argues that if this matter is unsealed, then the identity of the beneficiaries of the Trust will be made available to the public. Petitioner argues that many of the beneficiaries of the Trust are elderly, and if their identity is made public, they could possibly be taken advantage of or put at risk by designing persons.

Pennsylvania courts possess an inherent power to control access to their proceedings and may deny access when appropriate. *In the Interest of M.B.*, 819 A.2d 59, 60 (Pa. Super. Ct. 2003). However, it is clear that in Pennsylvania, the common law, the First Amendment to the United States Constitution, and the Pennsylvania Constitution, all support the principle of openness of all judicial proceedings. *Pa. ChildCare, LLC v.*

*Flood*, 887 A.2d 309, 312 (Pa. Super. Ct. 2005). Once an interested party, such as the press, seeks access to judicial proceedings, the party seeking to keep the proceedings closed must rebut the presumption of openness. *Pa. ChildCare, LLC, supra* at 312; *M.B., supra* at 60. There are two methods for analyzing requests for closure of judicial proceedings, each of which begins with a presumption of openness - a constitutional analysis and a common law analysis. *M.B., supra* at 62 n.2.

Under the constitutional approach, which is based on the First Amendment of the United States Constitution and Pa. Const. art. I, § 11, the party seeking closure may rebut the presumption of openness by showing that closure serves an important governmental interest and there is no less restrictive way to serve that interest. *Id.* The party seeking closure must demonstrate that the material is the kind of information that the courts will protect and that there is good cause for the order to issue. *Pa ChildCare, LLC, supra* at 312. A party establishes good cause by showing that opening the proceedings will work a clearly defined and serious injury to the party seeking closure. *Id.* Only a compelling government interest justifies closure and then only by a means narrowly tailored to serve that interest. *Id.*

Under the common law approach, the party seeking closure must show that his or her interest in secrecy outweighs the presumption of openness. *M.B., supra* at 62 n.2. While the existence of a common law right of access to judicial proceedings and inspection of judicial records is beyond dispute, this rule has its limitations. *In re Estate of duPont*, 966 A.2d 636 (Pa. Super. Ct. 2009). As the Pennsylvania Superior Court has stated:

[T]he public may be excluded, temporarily or permanently, from court proceedings or the records of court proceedings to protect private as well as public interests: to protect trade secrets, or the privacy and reputations of innocent parties, as well as to guard against risks to national security interests and to minimize the danger of an unfair trial by adverse publicity. These are not necessarily the only situations where public access can properly be denied. A bright line test has yet to be formulated. Meanwhile, the decision as to public access must rest in the sound discretion of the trial court.

*Id.* (citations omitted). Ultimately, "in deciding whether to grant the motion of the party who seeks to seal records or proceedings under the common law approach, the court engages in a balancing test, weighing on the one hand the factors in favor of access, and, on the other, those against it." *Hutchinson v. Luddy*, 581 A.2d 578, 582 (Pa. Super. Ct. 1990) *rev 'd on other grounds*, 594 A.2d 301 (Pa. 1991).

In order for Petitioner to be successful, it is necessary for her to

overcome the presumption of openness through a constitutional analysis and a common law analysis. The Court notes that trusts are normally private matters performed outside of judicial proceedings; and therefore, not made available to the public. The Court further notes the matter currently at issue has only transpired because the trustees were required by statute to file an accounting upon Louis S. Harrison, Esq. resigning his position as Co-Trustee. *See* 20 Pa. C.S. § 7792; 20 Pa. C.S. § 3184. Thus, the Court is fully aware that but for National City filing the contested documents as mandated by operation of law, this matter would not be before the Court. However, since National City has filed these documents, the Court cannot seal them unless Petitioner overcomes her burden to demonstrate that sealing these documents outweighs the presumption that these documents should be open. Although Petitioner has presented some valid concerns regarding why certain documents should be sealed, Petitioner has failed to rebut the presumption that these judicial proceedings should be open to the public, which is one of the cornerstone principles of the American judicial system. None of Petitioner's arguments or a combination thereof, rebut the constitutional and common law presumptions that all of these judicial proceedings should be open to the public. Furthermore, this Court agrees with the position of the Office of the Attorney General of Pennsylvania that sealing the documents in this matter goes against the government interest of transparency in charitable organizations and public trust in these organizations.

In regard to Petitioner's first argument that this matter should be sealed because the First and Partial Account of National City and the un-redacted version of the Trust Document filed in this matter contain "sensitive information," which would not otherwise be made available for public inspection, there was absolutely no evidence presented at the December 11, 2009 hearing, which would support Petitioner's assertion. In fact, Brian DiLucente testified as an expert witness at the December 11, 2009 hearing, and Mr. DiLucente, who did not have access to the un-redacted copy of the Trust Document, credibly stated and gave specific examples of how the value of certain stocks held by the Trust may be determined. This Court concludes there is no "sensitive information" contained in the Trust Document or First and Partial Account, other than the names and addresses of the beneficiaries and the specific gifts contained in the Trust, which would otherwise not be available to the public. Specifically, there is no "sensitive information" regarding the Erie Indemnity Company, which needs protection.

Therefore, Petitioner's first argument does not overcome the presumption that this proceeding should be open through either a constitutional or common law analysis. Under a constitutional analysis of Petitioner's first argument, no important government interest exists in



keeping this information closed, when the information is not sensitive in nature. Additionally, under a common law analysis of Petitioner's first argument, since no "sensitive information" is contained in the Trust Document and First and Partial Account, the need to keep the information in these documents sealed does not outweigh the presumption that these proceedings should be open.

In regard to Petitioner's second argument that the Settlor's intent will be frustrated if the anonymous donations are made public by unsealing the record, this Court concludes that the Settlor's intent to keep proceedings closed does not overcome the presumption that the proceedings should be open, in as much that any other litigant's desire to have proceedings closed would not overcome the presumption of open proceedings. A party's desire to have closed proceedings is not enough to close the proceedings. Moreover, the Court notes Petitioner's argument that the Settlor would want these proceedings closed is not an absolute, determinative conclusion. The Trust Document merely provides that the Trustee shall make every effort to obtain each donee organization's agreement to treat all distributions as having been received from an anonymous donor. The Trust Document does not absolutely require the gifts to be anonymous. However, assuming *arguendo* it would be the Settlor's intent to close these proceedings, there is not a legitimate government interest to protect in regard to this argument, and the Settlor's intent, by itself, does not overcome the presumption of openness either under a constitutional or common law approach.

In regard to Petitioner's third argument that if the identity of the donee charitable organizations is made public, these organizations will experience a decrease in the receipt of charitable donations, this Court concludes that any argument in this regard is mere speculation. It is absolutely impossible to make the conclusion that charitable organizations will see a decrease in donations if this matter is unsealed. At the December 11, 2009 hearing, Petitioner presented Mark Amendola as an expert witness on charitable giving in the Erie area. Mr. Amendola is the Executive Director of Perseus House, Inc., a local non-profit organization in Erie, and Mr. Amendola testified that in his opinion the public disclosure of the identity of anonymous charitable beneficiaries will cause those charitable organizations to experience a decrease in donations, which would otherwise have been made to those organizations. While Mr. Amendola is indeed well respected in the Erie community, there is absolutely no concrete evidence, studies, treatises, or experience in which Mr. Amendola based his opinion. As previously stated, Petitioner's argument in this regard is equivocal and speculative, and this Court cannot give Mr. Amendola's opinion much, if any, weight. While this Court concludes that protecting charitable organizations from a decrease in donations may be a legitimate government interest, this

Court cannot conclude that opening these proceedings will result in any charitable organizations realizing a decrease in donations. There was absolutely no credible, definitive evidence offered to support Petitioner's argument that charitable organizations will realize a decrease in donations if this matter is unsealed.

In regard to Petitioner's final argument that if the identities of the beneficiaries of the Trust are made public, these beneficiaries may be placed at risk, this Court concludes that this argument does not overcome the presumption that these proceedings should be open under a constitutional analysis. Petitioner argues that there is a legitimate government interest in protecting people from being targeted and placed at risk. However, this Court cannot conclude that any beneficiary will be harmed if this record is unsealed in its entirety. There was absolutely no credible, definitive evidence offered to support Petitioner's argument that any beneficiary will be harmed if this matter is unsealed; and therefore, there is no legitimate government interest that needs protecting in this regard. While protecting persons from designing individuals may be a legitimate government interest, there was absolutely no evidence presented which would support that this government interest needs protecting in this matter. Petitioner cannot identify a clearly defined, specific injury that will result from opening the proceedings; and therefore, Petitioner has not demonstrated good cause to close this matter.

Moreover, Petitioner's argument that the beneficiaries may be placed at risk if the information contained in the Trust Document, First and Partial Account, and Petition For Adjudication is made public does not overcome the presumption of openness through a common law analysis either. As stated previously, "in deciding whether to grant the motion of the party who seeks to seal records or proceedings under the common law approach, the court engages in a balancing test, weighing on the one hand the factors in favor of access, and, on the other, those against it." *Hutchinson, supra* at 582. In balancing the interests regarding this particular argument for sealing these documents against the presumption of openness, this Court concludes that Petitioner has failed to rebut this presumption. Petitioner has failed to prove that any beneficiary will be harmed if the information contained in any document in this matter is made available to the public. Any judgment concluding otherwise would be mere speculation, and this Court will not override the fundamental presumption of openness merely upon speculation. Thus, under a constitutional and common law analysis, Petitioner's argument fails to rebut the presumption that these entire proceedings should be open.

Having addressed all of Petitioner's arguments, this Court concludes that Petitioner has not overcome the presumption that the instant matter should be open. The presumption that judicial proceedings are open

is an essential aspect of our judicial system, and Petitioner has not demonstrated a legitimate government interest or any other reason, which would outweigh this presumption of openness; and therefore, Petitioner's Petition To Seal Record is hereby denied. Furthermore, the Court notes Elizabeth. A. Vorsheck has asked for a protective order redacting the names and addresses of the beneficiaries in this matter. Although this may be a less restrictive means of protecting the beneficiaries than sealing the entire documents, the Court cannot grant the requested relief, since the Court has concluded there is not a legitimate government interest in protecting this information, and the need to protect the information does not outweigh the presumption of openness. To grant Ms. Vorsheck's petition would result in a contradiction; and therefore, for all of the reasons, which denied the Petition To Seal Record, the Court hereby denies Elizabeth A. Vorsheck's Motion For Protective Order To Protect The Identity And Addresses Of The Individual Beneficiaries. However, the Court notes that all of the parties, as stated on the record, agreed and stipulated to this Court granting Michelle Conrad's Motion For Protective Order Related To The First And Partial Accounting filed in this matter. Michelle Conrad is a beneficiary of the Trust, as are her minor children. The parties have agreed to redact Michelle Conrad's address from the record since beneficiaries, who are also minors, live there. Additionally, since there is a custom used by the Pennsylvania appellate courts and Orphans' courts of using only the initials of minor children, this Court will grant Michelle Conrad's request to redact the names of her minor children and use only their initials. This Court notes that there was no request to appoint a Guardian Ad Litem to represent the interests of these minor children in this matter. However, in order to ensure this matter is resolved in a timely manner, the Court will protect the identity of beneficiaries who are minors, by redacting their names and addresses and replacing their names with their initials. Furthermore, the Court will allow any other beneficiary, who may be a minor, the opportunity to file for a protective order, as well.

Thus for all of the foregoing reasons stated, the Court enters the following Order:

#### **ORDER**

AND NOW, to wit, this 19th day of January, 2010, after a full hearing and for all of the reasons stated in the foregoing Opinion, it is hereby **ORDERED, ADJUDGED AND DECREED** that Laurel A. Hirt's Petition To Seal Record is hereby **DENIED** and the record in this matter shall be unsealed.

Additionally, it is **ORDERED** that Elizabeth A. Vorsheck's Motion For Protective Order To Protect The Identity And Addresses Of The Individual Beneficiaries is also hereby **DENIED**.

It is further **ORDERED** that Michelle Conrad's Motion For Protective Order Related To The First And Partial Accounting is hereby **GRANTED**. The Register of Wills of Erie County shall redact Michelle Conrad's home address from the Petition To Seal Record, and Answers or Objections thereto. All parties-in-interest shall redact her home address from any filings they have received. The parties-in-interest shall not use Michelle Conrad's home address in future filings, and the parties-in-interest shall not disclose Michelle Conrad's home address in other pleadings or otherwise in matters related to the Trust. Furthermore, the names of Michelle Conrad's children shall be redacted from all documents and replaced with their initials.

However, in order to allow any party to appeal this Order, without being prejudiced in that appeal, and in order to allow any other beneficiaries, who are minor children, the opportunity to file protective orders, it is further **ORDERED** that this Court will wait thirty (30) days from entering an Order unsealing the record.

Furthermore, in the event that this Order is perceived as an interlocutory Order, pursuant to Pa. R.A.P. 312, the Court hereby permits any party to file an appeal of this Order within thirty (30) days of the date of this Order to address the merits contained herein.

**BY THE COURT:**

**/s/ Stephanie Domitrovich, Judge**

**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. The fictitious name is: Mill Run Collision Center.
2. The principal place of business to be carried on under the fictitious name is: 2330 Church Street, Mill Village, PA 16427.
3. The names and addresses of the parties to the registration are: Lee B. Debrakeleer - 2330 Church Street, Mill Village, PA 16427.
4. An application for registration of the above fictitious name was filed with the Pennsylvania Department of State under the Fictitious Name Act on May 28, 2010.  
Joseph M. Walsh, III, Esquire  
Shapira, Hutzelman, Berlin, Ely,  
Smith & Walsh  
305 West Sixth Street  
Erie, PA 16507

Jun. 18

**FICTITIOUS NAME NOTICE**

1. The fictitious name is: Mill Run Truck & Trailer Sales.
2. The principal place of business to be carried on under the fictitious name is: 2330 Church Street, Mill Village, PA 16427.
3. The names and addresses of the parties to the registration are: Lee B. Debrakeleer - 2330 Church Street, Mill Village, PA 16427.
4. An application for registration of the above fictitious name was filed with the Pennsylvania Department of State under the Fictitious Name Act on May 28, 2010.  
Joseph M. Walsh, III, Esquire  
Shapira, Hutzelman, Berlin, Ely,  
Smith & Walsh  
305 West Sixth Street  
Erie, PA 16507

Jun. 18

**FICTITIOUS NAME NOTICE**

1. Fictitious Name: Chapman Transport
2. The principal business address: 121 West 14th Street, 2nd Floor, Erie, PA 16501
3. The name and address of the parties to the registration: National Truckload, Inc., 121 West 14th Street, 2nd Floor, Erie, PA 16501
4. An application for registration of the fictitious name was filed with the Pennsylvania Department of State under the Fictitious Name Act on June 4, 2010.  
Knox McLaughlin Gornall  
& Sennett, P.C.  
120 West Tenth Street  
Erie, Pennsylvania 16501

Jun. 18

**LEGAL NOTICE**

TO: John Doe Father of Rosealena Marie Jenkins  
Please be advised that a Petition for Guardianship in regard to your minor daughter, Rosealena Marie Jenkins, born to Melanie Su Jenkins in Erie, Pennsylvania, on March 15, 1995 has been filed in the Erie County Court of Common Pleas on May 27, 2010. A hearing will be held in the Court of Common Pleas of Erie County, Pennsylvania, at the Erie County Courthouse, 140 West Sixth Street, Erie, Pennsylvania 16501, before the Honorable Stephanie Domitrovich on the 2nd day of July, 2010 at 11:45 a.m. in Courtroom G, Room 222. If you wish to object to the same your presence is required.  
Any questions may be directed to Kari A. Froess, Esquire at 254 West Sixth Street, Erie, Pennsylvania 16507, (814) 453-5004.

Jun. 4, 11, 18

**LEGAL NOTICE**

TO: Melanie Su Jenkins, Mother of Rosealena Marie Jenkins  
Please be advised that a Petition for Guardianship in regard to your minor daughter, Rosealena Marie Jenkins, born to Melanie Su Jenkins in Erie, Pennsylvania, on March 15, 1995 has been filed in the Erie County Court of Common Pleas on May 27, 2010. A hearing will be held in the Court of Common Pleas of Erie

County, Pennsylvania, at the Erie County Courthouse, 140 West Sixth Street, Erie, Pennsylvania 16501, before the Honorable Stephanie Domitrovich on the 2nd day of July, 2010 at 11:45 a.m. in Courtroom G, Room 222. If you wish to object to the same your presence is required.  
Any questions may be directed to Kari A. Froess, Esquire at 254 West Sixth Street, Erie, Pennsylvania 16507, (814) 453-5004.

Jun. 4, 11, 18

**LEGAL NOTICE**

THE SCHOOL DISTRICT  
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**NOTICE TO BIDDERS**

The School District of the City of Erie, 148 West 21st Street, Erie, PA 16502 will receive SEALED BIDS for Thermal Learning System, Pro V10 Two Post Lift, and Paper Towels and Toilet Tissues, up to Thursday, June 24, 2010 at 12:00 p.m., Daylight Savings Times, and will be opened in the Board Room on Thursday, June 24, 2010, at 1:30 p.m. in accordance with the bid forms and specifications to be obtained from the Purchasing Department.  
Robin Smith  
Secretary

Jun. 4, 11, 18



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**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**

**BUNTING, SUZANNE,  
deceased**

Late of Millcreek Township, County of Erie, Pennsylvania  
*Executor:* Gary J. Bunting, c/o Robert C. Brabender, Esquire, 2741 West 8th Street, Suite No. 16, Erie, PA 16505  
*Attorney:* Robert C. Brabender, Esquire, 2741 West 8th Street, Suite No. 16, Erie, PA 16505

**CHIOCCO, ANTOINETTE F.,  
deceased**

Late of the Township of Millcreek, County of Erie, Pennsylvania  
*Executor:* Gayle M. Chiocco, c/o 3939 West Ridge Road, Suite B-27, Erie, PA 16506  
*Attorney:* James L. Moran, Esquire, 3939 West Ridge Road, Suite B-27, Erie, PA 16506

**COY, MARY LOU, a/k/a  
MARY L. COY,  
deceased**

Late of the City of Erie, County of Erie, Pennsylvania  
*Administratrix:* Carol A. Horton, c/o 246 West 10th Street, Erie, PA 16501  
*Attorney:* Scott E. Miller, Esquire, 246 West Tenth Street, Erie, PA 16501

**DINICOLA, JOANNE M.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Jamie DiNicola  
*Attorney:* Craig A. Zonna, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**FLICK, PAUL L.,  
deceased**

Late of Fairview Twp., Erie County, Pennsylvania  
*Executor:* Gary P. Flick, 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

**HARTMANN, LAURETTA A.,  
a/k/a ANNE HARTMANN,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Administrator c.t.a.:* Msgr. Richard J. Sullivan, 1116 W. 7th St., Erie, PA 16502  
*Attorney:* David F. Dieteman, Esq., 100 State Street, Suite 210, Erie, PA 16507

**KENNERKNECHT, RAYMOND P.,  
deceased**

Late of Greene Township, Erie County, Pennsylvania  
*Co-Executors:* Kathleen M. Testi, and James E. Kennerknecht, and Raymond J. Kennerknecht, c/o Robert C. Brabender, Esquire, 2741 West 8th Street, Suite No. 16, Erie, PA 16505  
*Attorney:* Robert C. Brabender, Esquire, 2741 West 8th Street, Suite No. 16, Erie, PA 16505

**LANGER, RICHARD E.,  
deceased**

Late of the Township of Harborcreek  
*Co-Executrices:* Carol A. Daly and Marybeth Dale, c/o James S. Bryan, Esq., 11 Park Street, North East, PA 16428  
*Attorney:* James S. Bryan, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

**MOORE, CARLOS W., a/k/a  
CARLOS MOORE, a/k/a  
CARLOS WILLARD MOORE,  
deceased**

Late of the Township of Girard, County of Erie, State of Pennsylvania  
*Administratrix:* Melissa Grettler, 8974 Ivaree Road, Cranesville, Pennsylvania 16410  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**REGENOR, JON A.,  
deceased**

Late of the Township of Millcreek, Erie County, Pennsylvania  
*Executor:* Kenneth R. Regenor, 507 Pittsburgh Avenue, Erie, PA 16505  
*Attorney:* Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**ROSE, WILLIAM MURRAY,  
a/k/a WILLIAM M. ROSE, a/k/a  
WILLIAM ROSE,  
deceased**

Late of the Township of Conneaut, County of Erie, State of Pennsylvania  
*Executrix:* Ann M. Gere, 11708 Middle Road, East Springfield, Pennsylvania, 16411  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417



**SCHUELER, EDNA M.,  
deceased**

Late of the City of Erie, County of Erie

*Executor:* Ruth Ann Fabrizio, 410 West 29th Street, Erie, Pennsylvania 16508

*Attorney:* None

**SIEGEL, MARTIN H.,  
deceased**

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

*Executor:* Stuart P. Siegel, 2907 Berkeley Road, Erie, PA 16506

*Attorney:* None

**SIMKOVITCH, BRIAN P.,  
deceased**

Late of the Borough of Girard, County of Erie, State of Pennsylvania

*Executrix:* Eileen K. Simkovitch, 1103 Lake Street, Girard, Pennsylvania 16417

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

**SNIDER, HENRIETTA H.,  
deceased**

Late of the City of Erie

*Executor:* James C. Snider, c/o 731 French Street, Erie, PA 16501

*Attorney:* Jeffrey J. Jewell, Esquire, Arduini, Jewell and Karn, 731 French Street, Erie, PA 16501

**WENZEL, FLORENCE M.,  
deceased**

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

*Executor:* John M. Wenzel, c/o 150 West Fifth St., Erie, PA 16507

*Attorney:* Colleen C. McCarthy, Esq., McCarthy, Martone & Peasley, 150 West Fifth Street, Erie, PA 16507

**WOJNAROWSKI, MICHAEL  
J., SR.,  
deceased**

Late of the City of Erie

*Executor:* Michael Wojnarowski, Jr., 2239 Foxboro Ct., Erie, PA 16510

*Attorney:* None

**SECOND PUBLICATION****BIEL, MARY ANN,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania

*Executor:* Kevin Michael Biel, c/o 3209 East Avenue, Erie, PA 16504

*Attorney:* Cathy M. Lojewski, Esq., 3209 East Avenue, Erie, PA 16504

**DeMARCO, MILDRED L.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania

*Executor:* Linda Lee Montgomery, 2840 Greeley Avenue, Erie, PA 16506

*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**DOUGAN, MARTHA G.  
deceased**

Late of the Township of Harborcreek

*Executor:* H. Patrick Dougan, c/o Malcolm L. Pollard, 4845 W. Lake Rd., Erie, PA 16505

*Attorney:* Malcolm L. Pollard, 4845 W. Lake Rd., Erie, PA 16505

**MORRIS, JOHN H.,  
deceased**

Late of the Township of Harborcreek

*Executor:* Ronald J. Morris, c/o James S. Bryan, Esq., 11 Park Street, North East, PA 16428

*Attorney:* James S. Bryan, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

**MOWERY, BETTY L., a/k/a  
BETTY MOWERY,  
deceased**

Late of the Borough of Girard, County of Erie, State of Pennsylvania

*Executrix:* Karen S. Ellis, 905 Michigan Blvd., Erie, Pennsylvania 16505

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

**SCEIFORD, GEORGE W.,  
deceased**

Late of North East

*Executor:* Susan E. Sceiford, 611 Dewey Road, North East, PA 16428

*Attorney:* James M. Rayback, James M. Rayback, Inc., 102 E. College Avenue, State College, PA 16801

**YAPLE, IDA F., a/k/a  
IDA YAPLE,  
deceased**

Late of the City of Waterford, Green Township, County of Erie and State of Pennsylvania

*Executor:* Wellie W. Yaple, II, c/o Denis W. Krill, P.C., 309 French Street, Erie, Pennsylvania 16507

*Attorney:* Denis W. Krill, Esquire, 309 French Street, Erie, Pennsylvania 16507

**YARBENET, MICHAEL R.,  
deceased**

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

*Co-Executors:* Carole A. Collins and Douglas M. Yarbenet  
*Attorney:* Thomas J. Minarcik, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**THIRD PUBLICATION****BLYSTONE, BETTY J.,  
deceased**

Late of the Township of Union, County of Erie, Commonwealth of Pennsylvania

*Executrix:* Jean M. Sumner, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

*Attorney:* Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407



**ECKERT, HARRY EDWARD,  
deceased**

Late of the City of Erie  
*Executrix:* Ruth Ann Cacchione,  
 2244 Oak Ave., Northbrook, IL  
 60062  
*Attorney:* None

**FISHLOW, KATE V., a/k/a  
KATE VIKTORA FISHLOW,  
deceased**

Late of the Township of  
 Millcreek, County of Erie  
*Executrix:* Sandra L. Morris  
*Attorney:* Michael G. Nelson,  
 Esquire, Marsh, Spaeder, Baur,  
 Spaeder & Schaaf, LLP, 300  
 State Street, Suite 300, Erie,  
 Pennsylvania 16507

**GRAVES, BARBARA L.,  
deceased**

Late of the Township of Millcreek  
*Executor:* Christopher M. Graves,  
 2765 Alexandra Drive, Erie, PA  
 16506  
*Attorney:* Michael A. Fetzner,  
 Esq., Knox McLaughlin Gornall  
 & Sennett, P.C., 120 West Tenth  
 Street, Erie, PA 16501

**GUZAK, GEORGE,  
deceased**

Late of City of Erie, County of  
 Erie, and Commonwealth of  
 Pennsylvania  
*Executrix:* Vicki L. Natalo, 1404  
 East 35th Street, Erie, PA 16504  
*Attorney:* Thomas S. Kubinski,  
 Esquire, The Gideon Ball House,  
 135 East 6th Street, Erie, PA 16501

**MALLON, BETTY STEWART,  
a/k/a BETTY MALLON a/k/a  
BETTY J. STEWART,  
deceased**

Late of the Township of Millcreek  
*Co-Executors:* Christine  
 Blackman and Rosemary Buzzard  
*Attorney:* Michael G. Nelson,  
 Esquire, Marsh, Spaeder, Baur,  
 Spaeder & Schaaf, LLP, 300  
 State Street, Suite 300, Erie,  
 Pennsylvania 16507

**MILLER, PATRICIA D., a/k/a  
PATRICIA K. MILLER,  
deceased**

Late of the City of Corry, County  
 of Erie, Commonwealth of  
 Pennsylvania  
*Executrix:* Michelle Osinski,  
 c/o Paul J. Carney, Jr., Esq., 224  
 Maple Avenue, Corry, PA 16407  
*Attorney:* Paul J. Carney, Jr.,  
 Esq., 224 Maple Avenue, Corry,  
 PA 16407

**PARADISE, SUSAN A.,  
deceased**

Late of the Township of  
 Summit, County of Erie, State of  
 Pennsylvania  
*Executrix:* Susan Paradise Baxter,  
 c/o 24 Main St. E., Girard,  
 Pennsylvania 16417  
*Attorney:* James R. Steadman,  
 Esq., 24 Main St. E., Girard,  
 Pennsylvania 16417

**ROBINSON, CLARENCE N.,  
a/k/a C. NORBERT ROBINSON,  
deceased**

Late of the City of Erie  
*Administratrix:* Deborah Lemmon,  
 c/o Attorney Terrence P.  
 Cavanaugh, 3336 Buffalo Road,  
 Wesleyville, PA 16510  
*Attorney:* Terrence P. Cavanaugh,  
 Esq., 3336 Buffalo Road,  
 Wesleyville, PA 16510

**WISHNOK, STELLA A.,  
deceased**

Late of Erie, Erie County, PA  
*Administratrix:* Patricia A.  
 Wishnok, 138 Alexander Ave.,  
 Strabane, PA 15363  
*Attorney:* None

**CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS**

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Erie, PA 16505 ----- *cdoyle30@gmail.com*

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Pittsburgh, PA 15237 ----- *lrmilleresq1@gmail.com*

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Titusville, PA 16354 ----- *tammyrothschild@excite.com*

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OR [ADMIN@ERIEBAR.COM](mailto:ADMIN@ERIEBAR.COM). THANK YOU.

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