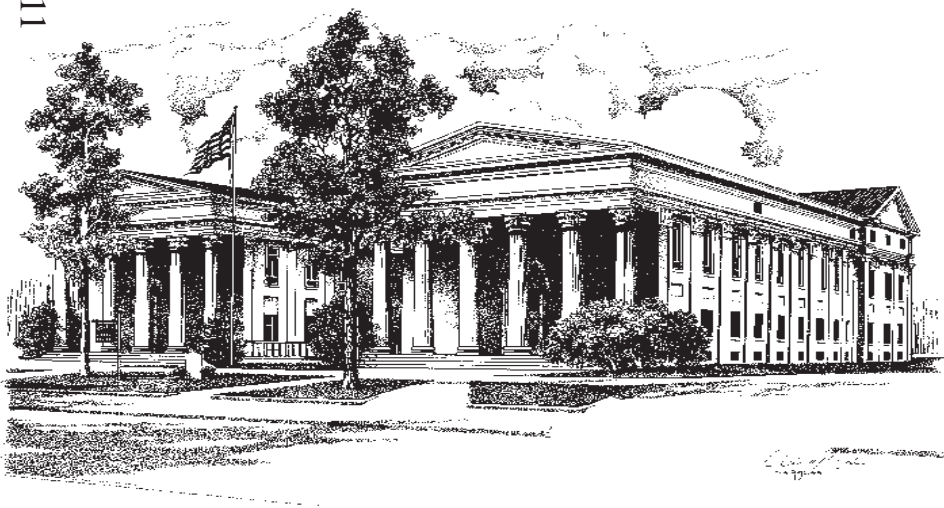


*Erie
County
Legal
Journal*

September 23, 2011

Vol. 94 No. 38

USPS 178-360



94 ERIE 88 - 90

Nadolny v. Hamot Medical Center

Erie County Legal Journal

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

Managing Editor: Heidi M. Weismiller
Administrator of Publications: Paula J. Gregory

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. The Erie County Bar Association will not 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.

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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 2011©) 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

TUESDAY, SEPTEMBER 27, 2011

Fundamentals of Estate Administration

PBI Groupcast Seminar

Erie County Bar Association

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

Lunch is Included

\$254 (member) \$234 (admitted after 1/1/07)

\$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 1/1/07) \$249 (nonmember)

6 hours substantive

FRIDAY, SEPTEMBER 30, 2011

Representation of Individuals, Corporations and Business Entities in both State and Federal Grand

Jury Investigations

ECBA Live Seminar

Bayfront Convention Center

1:00 p.m. - 4:00 p.m. (12:30 p.m. reg.)

Open bar/hors d'oeuvres to follow

\$96 (ECBA member/non-attorney staff)

\$145 (non-member) \$67 (Judge)

2 hours substantive

TUESDAY, OCTOBER 4, 2011

Succession Planning for Family and

Closely Held Businesses

PBI Video Seminar

Erie County Bar Association

9:00 a.m. – 5:00 p.m. (8:30 a.m. reg.)

\$149 (member) \$129 (admitted after 1/1/07)

\$169 (nonmember)

6 hours substantive

WEDNESDAY, OCTOBER 5, 2011

Collaborative Law: Resolving Disputes Respectfully

ECBA Live Lunch-n-Learn

The Erie Club

12:15 p.m. - 1:15 p.m. (11:45 a.m. lunch/reg.)

\$32 (ECBA members/ non-attorney staff)

\$48 (nonmembers) \$22 (Judges)

1 hour substantive

THURSDAY, OCTOBER 6, 2011

Intellectual Property Law Primer

PBI Groupcast Seminar

Erie County Bar Association

8:30 a.m. – 4:15 p.m. (8:00 a.m. reg.)

Lunch is Included

\$274 (member) \$254 (admitted after 1/1/07)

\$294 (nonmember)

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

\$249 (member) \$229 (admitted after 1/1/07) \$269 (nonmember)

5 hours substantive / 1 hour ethics

TUESDAY, OCTOBER 11, 2011

The Family Lawyer's Discovery Tool Kit

PBI Groupcast Seminar

Erie County Bar Association

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

\$254 (member) \$234 (admitted after 1/1/07)

\$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 1/1/07) \$249 (nonmember)

3 hours substantive / 1 hour ethics

THURSDAY, OCTOBER 13, 2011

Annual Criminal Law Update

ECBA Live Lunch-n-Learn

Bayfront Convention Center

12:15 p.m. - 1:45 p.m. (11:45 lunch/reg.)

\$48 (ECBA member/non-attorney staff)

\$72 (non-member) \$34 (Judge)

1.5 hours substantive

TUESDAY, OCTOBER 18, 2011

A Day on Health Law

PBI Groupcast Seminar

Erie County Bar Association

8:30 a.m. – 3:40 p.m. (8:00 a.m. reg.)

Lunch is Included

\$324 (member) \$304 (admitted after 1/1/07)

\$344 (nonmember)

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

\$299 (member) \$279 (admitted after 1/1/07) \$319 (nonmember)

5 hours substantive / 1 hour ethics

2011 BOARD OF DIRECTORS

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The Walker School of Business at Mercyhurst College is seeking an attorney to teach a course titled Mergers and Acquisitions. The ideal candidate would have some practice background in corporate M&A work. The course runs from November 28, 2011 to February 22, 2012 (winter term) OR March 5, 2012 through May 16, 2012 (spring term). The candidate could select an available class meeting time that works best for his/her schedule. The instructor would be expected to present the course as a general overview of all aspects of corporate mergers and acquisitions beginning with a survey of the most common type of transactions in medium-sized corporations, including recast financial analysis, return on investment analysis, minority and liquidity discount applications and the psychological and negotiation tactics of the deal. The instructor would also be expected to cover mergers in the public corporation sector, including hostile takeovers. The deadline for applications is February 1, 2012 or until the position is filled. If you are interested in applying for this adjunct teaching position, please send your resume to:

Mercyhurst College

Attn: Dr. Amy Doolan, Associate Dean of the Walker School of Business
501 East 38th St., Erie, PA 16546

Sept. 23

ATTENTION ALL ATTORNEYS

Are you or an attorney you know dealing with personal issues related to drug or alcohol dependency, depression, anxiety, gambling, eating disorders, sexual addiction, other process addictions or other emotional and mental health issues?

— YOU ARE FAR FROM BEING ALONE! —

*You are invited and encouraged to join a small group of fellow attorneys who meet informally in Erie on a monthly basis. Please feel free to contact ECBA Executive Director Sandra Brydon Smith at 814/459-3111 for additional information. Your interest and involvement will be kept **strictly confidential**.*

JAMES A. NADOLNY, Plaintiff

v.

**HAMOT MEDICAL CENTER OF THE CITY OF ERIE,
PENNSYLVANIA, a corporation, Defendant**

*CIVIL PROCEDURE / DISCOVERY / SANCTIONS
DISCOVERY / SANCTIONS*

Discovery sanction of dismissal of action should be imposed only in most extreme circumstances and only after the court considers: 1) the nature and severity of the discovery violation; 2) the defaulting party's willfulness or bad faith; 3) prejudice to the opposing party; 4) the ability to cure the prejudice; and 5) the importance of precluded evidence in light of failure to comply.

*CIVIL PROCEDURE / DISCOVERY / SANCTIONS
DISCOVERY / SANCTIONS*

Dismissal of action is a proper sanction for violation of discovery order where Plaintiff's counsel's delay has been considerable and recurrent and where counsel's failure to respond in a timely manner, to appear at hearings and to comply with court orders are demonstrative of bad faith and willfulness.

*CIVIL PROCEDURE / DISCOVERY / SANCTIONS
DISCOVERY / SANCTIONS*

Dismissal of action is a proper sanction where the prejudice to opposing party arising from the failure to produce records as required by court order cannot be cured because the records requested are no longer available; although prejudice is somewhat speculative due to the fact that it is unknown what the lost records would have revealed, Plaintiff should not be rewarded for obstructive and uncooperative actions.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,
PENNSYLVANIA CIVIL DIVISION NO. 11357-2005

Appearances: Brendan Lupetin, Esq., Attorney for Plaintiff
 Peter W. Yoars, Jr., Esq., Attorney for Defendant

OPINION AND ORDER

Dunlavey, Michael E., J. September 9, 2011

Procedural History

This Court has presided over this case since the Honorable John A. Bozza retired in 2009. Plaintiff's alleged injury occurred in April 2003, more than eight (8) years ago. Plaintiff's Complaint was filed in July 2005, over six (6) years ago. A review of the docket also revealed a 21-month period of inactivity (October 2007 to July 2009) where only one Notice of Deposition was docketed on September 11, 2008. Defendant revived the matter in July 2009 by filing a Praecipe for a Status Conference, which was held on November 24, 2010. Plaintiff's counsel failed to appear for the conference.

On November 24, 2010, the Court ordered Plaintiff's counsel to

"immediately send copies of all requests for Medicare records including liens, Blue Cross Blue Shield records, and Social Security and/or disability records to the Court and defense counsel" within seven (7) days, and produce the records within sixty (60) days or face sanctions. On December 9, 2010, upon receipt of a letter from Plaintiff's counsel, the Court granted Plaintiff an additional seven (7) days to comply with the November 24th Order.

Plaintiff failed to comply. Subsequently, Defendant filed a Motion for Sanctions, which the Court scheduled for March 10, 2011. Plaintiff's counsel failed to appear at the hearing. The Court granted Defendant's Motion for Sanctions and dismissed the action. Judgment was entered for the Defendant on March 31, 2011.

However, the Court's March 10, 2011 Order also granted Plaintiff's counsel ten (10) days to provide an explanation for his continuing absence. Plaintiff filed a Motion For Reconsideration on March 18, 2011. A Rule to Show Cause hearing was scheduled and held on April 4, 2011. On June 1, 2011, the Court granted Plaintiff's Motion for Reconsideration, specifically stating in part:

The Court recognizes the severity of dismissal as a discovery sanction and shall afford Plaintiff's counsel one further opportunity to correct his willful disregard of multiple orders... *Plaintiff is cautioned that failure to produce these records shall result in the dismissal of this action with all defense costs incurred... to be borne by Plaintiff or Plaintiff's counsel.* [Emphasis added.]

On June 21, 2011, the Court awarded attorney fees in the amount of \$2,545.00 to Defendant as sanctions for Plaintiff's noncompliance. Judgment for Defendant was entered on June 28, 2011.

Defendant filed a Motion to Dismiss Plaintiff's Amended Complaint on July 18, 2011, again arguing that Plaintiff's counsel had failed to comply with the Court's June 1, 2011 Order. Oral argument was held on August 15, 2011.

Conclusions of Law

Pursuant to Pa.R.C.P. 4019, the trial court may enter a default judgment against a noncompliant party. *See Luszczynski v. Bradley*, 1999 Pa. Super. 85, 729 A.2d 83. The entry of discovery sanctions that terminate litigation receives stringent appellate review. *Cove Centre v. Westhafer Construction*, 965 A.2d 259 (Pa.Super. 2009). Dismissal should be imposed only in most extreme circumstances and only after the trial court considers: 1) the nature and severity of the discovery violation; 2) the defaulting party's willfulness or bad faith; 3) prejudice to the opposing party; 4) the ability to cure the prejudice; and 5) the importance of precluded evidence in light of failure to comply.

Here, Plaintiff's counsel's delay in this matter has been considerable

and recurrent. The repeated delays and noncompliance with the Court's directives and discovery requests from opposing counsel were not one-time occurrences, as reflected by the record, but multiple instances. Plaintiff's counsel's failure to respond in a timely manner, appear at hearings, and comply with court orders are demonstrative of bad faith and willfulness.

Further, the prejudice to Defendant cannot be cured because the records are gone and Plaintiff essentially squandered every opportunity to obtain those records. The prejudice to the Defendant, while somewhat speculative because it is unknown what the lost records would have revealed, the Court notes that the prejudice was entirely preventable by Plaintiff's counsel. The importance of the precluded evidence is unknown solely because of Plaintiff's counsel's failure to act as directed. *See Sahutsky v. Mychak*, 902 A.2d 866 (Pa. Super. 2006) (showing of actual prejudice not required for non-pros).

The docket reflects that since July 2009, Defendant, *not Plaintiff*, has been the primary moving party in this matter. Defendant's counsel requested the status conference, issued subpoenas, filed a pre-trial narrative, filed the Motion for Sanctions, and continued to pursue the records requested from Plaintiff. The burden of prosecution of a civil action typically rests on Plaintiff, yet it has been the Defendant who attempted to move this case towards resolution.

Apparently, Plaintiff's counsel expects this Court to overlook its dilatory actions and allow the case to proceed to trial despite the fact Defendant lacks information that may be vital to its defense. At the August 15, 2011 hearing, Plaintiff's counsel argued that Defendant "has all the records" it needs. The Court finds this statement to be untrue since multiple records have been destroyed due to the passage of time. Defendant will never know if evidence key to its defense existed in the destroyed records that Plaintiff failed to provide. It is the opinion of this Court that Plaintiff should not be rewarded for obstructive and uncooperative actions and proceed with a civil trial against Defendant, whose ability to defend has been compromised by the delays of Plaintiff's counsel. To do so would not be in the interests of justice and fair civil practice.

ORDER

Upon hearing the arguments of counsel and review of the record in this matter, it is hereby **ORDERED, ADJUDGED, and DECREED** that Defendant's Motion to Dismiss is **GRANTED**. Based upon Plaintiff's failure to comply with court orders, Plaintiff's action is hereby **DISMISSED WITH PREJUDICE**. Defendant is hereby granted a default judgment against the Plaintiff.

BY THE COURT:

/s/ **MICHAEL E. DUNLAVEY, JUDGE**

BANKRUPTCY NOTICE

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

IN RE: RODNEY I. MANNING,
ELAINE M. MANNING, Debtor
JOHN C. MELARAGNO,
ESQUIRE Movant

vs.

Erie County Tax Claim Bureau,
Respondent

Bankruptcy Case No. 10-10998-TPA
NOTICE OF SALE

Notice is hereby given that the Trustee
in the above-captioned proceeding,
John C. Melaragno, Esq., intends
to sell the following property of the
Debtor as set forth below:

PRICE: \$25,000.00

HEARING AND LOCATION:
October 7, 2011 at 11:30 a.m. before
Chief Judge Thomas P. Agresti, U.S.
Courthouse, Bankruptcy Court, 17
South Park Row, Erie, PA 16501.

OBJECTION DEADLINE:
September 29, 2011, or thereafter
as the Court permits, with a copy to
Trustee's undersigned counsel.

TERMS & CONDITIONS:

- (a) "as-is, where is and with all faults";
- (b) cash or certified check on date of closing
- (c) real estate to close within thirty (30) days of court approval.
- (d) Additional bidders may appear at the sale hearing and bid substantially more than the terms set forth above, whereupon the Court may refuse this Motion for Sale and conduct a public auction at which the property will be sold to the highest bidder, free and divested of liens.

PROPERTY TO BE SOLD: The Real Property commonly known as 9610 Mark Road, Erie, PA 16509.

FOR INFORMATION: Contact Trustee's undersigned counsel at

(814) 459-5557.
Melaragno & Placidi
John C. Melaragno, Esq.
P.A. I.D. No. 80207
502 West Seventh Street
Erie, PA 16502
Phone: (814) 459-5557
Attorney Pro Se for Trustee,
John C. Melaragno, Esq.

Sept. 23

SHRED

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2952 W. 22nd Street
Erie, PA 16506

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 or Fictitious Name." Said Certificate contains the following information:

FICTITIOUS NAME NOTICE

Notice is hereby given of the filing with the Corporation Bureau Department of State of the Commonwealth of Pennsylvania of an Application for Registration of a Fictitious Name pursuant to the Fictitious Name Act for the purpose of carrying on or conducting a business in the Commonwealth under an assumed or fictitious name, style or designation. The Fictitious Name is Bonnell's Auto Glass. The address and principal place of business is 4230 Franklin Road, Fairview, Pennsylvania 16415. The real name of the entity registering this name is Scott Bonnell, 2570 West 26th Street, Erie, Pennsylvania 16506. Said Application for Registration of the Fictitious Name was filed on or about August 25, 2011. James F. Geronimo, Esquire
283 Walnut Street
Meadville, PA 16335

Sept. 23

FICTITIOUS NAME NOTICE

Notice is hereby given of the filing with the Corporation Bureau Department of State of the Commonwealth of Pennsylvania of an Application for Registration of a Fictitious Name pursuant to the Fictitious Name Act for the purpose of carrying on or conducting a business in the Commonwealth under an assumed or fictitious name, style or designation. The Fictitious Name is Bonnell's Auto Sales. The address and principal place of business is 2650 West 26th Street, Erie, Pennsylvania 16506. The real name of the entity registering this name is Scott Bonnell, 2570 West

26th Street, Erie, Pennsylvania 16506. Said Application for Registration of the Fictitious Name was filed on or about August 25, 2011.

James F. Geronimo, Esquire
283 Walnut Street
Meadville, PA 16335

Sept. 23

FICTITIOUS NAME NOTICE

Notice is hereby given of the filing with the Corporation Bureau Department of State of the Commonwealth of Pennsylvania of an Application for Registration of a Fictitious Name pursuant to the Fictitious Name Act for the purpose of carrying on or conducting a business in the Commonwealth under an assumed or fictitious name, style or designation. The Fictitious Name is Bonnell's Collision. The address and principal place of business is 2570 West 26th Street, Erie, Pennsylvania 16506. The real name of the entity registering this name is Scott Bonnell, 2570 West 26th Street, Erie, Pennsylvania 16506. Said Application for Registration of the Fictitious Name was filed on or about August 25, 2011.

James F. Geronimo, Esquire
283 Walnut Street
Meadville, PA 16335

Sept. 23

FICTITIOUS NAME NOTICE

Notice is hereby given of the filing with the Corporation Bureau Department of State of the Commonwealth of Pennsylvania of an Application for Registration of a Fictitious Name pursuant to the Fictitious Name Act for the purpose of carrying on or conducting a business in the Commonwealth under an assumed or fictitious name, style or designation. The Fictitious Name is Bonnell's Rod Shop. The address and principal place of business is 8000 A. Middle Road, Fairview, Pennsylvania 16415. The real name of the entity registering this name is Scott Bonnell, 2570 West 26th Street,

Erie, Pennsylvania 16506. Said Application for Registration of the Fictitious Name was filed on or about August 25, 2011.

James F. Geronimo, Esquire
283 Walnut Street
Meadville, PA 16335

Sept. 23

FICTITIOUS NAME NOTICE

1. Fictitious Name: Paps Pizzeria and Beer House
2. Address of principal place of business, including street and number: 1022 State Street, Erie, PA 16501
3. The real names and addresses, including street and number, of the persons who are parties to the registration: Joseph Kodba, 3703 Woodhaven Drive, Erie, PA 16506
4. An application for registration of a fictitious name under the Fictitious Names Act was filed on August 5, 2011.

Susmarski Hain & Jiuliant
Ronald J. Susmarski, Esq.
4030-36 West Lake Road
Erie, PA 16505

Sept. 23

INCORPORATION NOTICE

Notice is hereby given that The House of Glory has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

Sept. 23

INCORPORATION NOTICE

Notice is hereby given that Articles of Incorporation for The Independent Order of Odd Fellows Edinboro Lodge #510, Inc. were filed with the Department of State, Commonwealth of Pennsylvania on January 5, 2000. The Corporation is a 501(c)(3) Non-profit Corporation and is organized under the Non-profit Corporation Law of 1988. The purpose of the Corporation is to further the Odd Fellow's Mission: "I believe in the Fatherhood of God, and the Brotherhood of man: I believe in Friendship, Love and Truth as basic guides to the ultimate

destiny of all mankind: I believe my home, my church or temple, my lodge, and my community deserve my best work, my modest pride, my earnest faith, and my deepest loyalty, as I perform my duty 'to visit the sick, relieve the distressed, bury the dead, and educate the orphan' and as I work with others to build a better world because, in spirit and in truth, I am, and must always be, grateful to my Creator, faithful to my Country and fraternal to my fellow man:"

David R. Devine, Esq.
201 Erie Street
Edinboro, PA 16412

Sept. 23

LEGAL NOTICE

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY PENNSYLVANIA CIVIL DIVISION

PNC BANK, N.A., Plaintiff
v.

PAUL FOSTER, D/B/A ERIE GENERAL CONTRACTING
Defendant

Case Number: 11295-11

NOTICE TO DEFEND

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

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

If you cannot afford to hire a lawyer, this office may be able

to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

Lawyer Referral Service
P.O. Box 1792
Erie, PA 16507
814-459-4411
Mon - Fri 8:30 a.m. - 3:00 p.m.
Sept. 23

LEGAL NOTICE

ATTENTION: DIANE ALANIZ
INVOLUNTARY TERMINATION
OF PARENTAL RIGHTS

IN THE MATTER OF THE
ADOPTION OF MINOR MALE
CHILD (B.M.A.) DOB: 05/06/2011
MINOR FEMALE CHILD
(M.N.A.) DOB: 08/10/2004

68 IN ADOPTION 2011
68A IN ADOPTION 2011

If you could be the parent of the above mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Brabender, Court Room No. F, City of Erie on November 22, 2011, at 9:30 a.m. and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

Your presence is required at the Hearing. If you do not appear at this Hearing, the Court may decide that you are not interested in retaining your rights to your children and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled Hearing, the Hearing will go on without you and your rights to your child may be ended by the Court without your being present.

You have a right to be represented at the Hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer, or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Family/Orphan's
Court Administrator
Room 204 - 205
Erie County Court House
Erie, Pennsylvania 16501
(814) 451-6251

NOTICE REQUIRED BY ACT 101 OF 2010: 23 Pa. C.S. §§2731-2742.

This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact or communication following an adoption between an adoptive parent, a child, a birth parent and/or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the court. The agreement must be signed and approved by the court to be legally binding. If you are interested in learning more about this option for a voluntary agreement, contact the Office of Children and Youth at (814) 451-7726, or contact your adoption attorney, if you have one.

Sept. 23

LEGAL NOTICE

THE SCHOOL DISTRICT
CITY OF ERIE, PA
Dr. James E. Barker
Leadership Center

148 West 21st Street, Erie, PA 16502
NOTICE TO BIDDERS

The School District of the City of Erie, 148 West 21st Street, Erie, PA 16502 will receive SEALED BIDS up to Thursday, October 6, 2011, at 12:00 p.m., prevailing time, for (1) Denford Router 6600 CNC Router ... and will be opened in the Board Room on Thursday, October 6, 2011, at 1:30 p.m., prevailing time, in accordance with the bid forms and specifications to be obtained from the Purchasing Department.
Robin Smith
Secretary

Sept. 23, 30

Representation of Individuals, Corporations & Business Entities in both State and Federal Grand Jury Investigations

Friday, September 30, 2011

Bayfront Convention Center

Time: 1:00 p.m. – 4:00 p.m. (reg. 12:45 p.m.)
4:00 p.m. – Open Bar courtesy of
Ambrose Law Firm

Cost: \$96 (ECBA member/non-attorney staff)
\$145 (non-member)
\$67 (member Judges)

ECBA

ERIE COUNTY BAR ASSOCIATION

LIVE SEMINAR

*presented in cooperation with
its Criminal Section*



Speakers:

J. Alan Johnson, Esquire

Leonard G. Ambrose, III, Esquire

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CLE Board for 3 hours substantive law credit.**

Reservations due to the ECBA office no later than Monday, September 26.

LIVE LUNCH-N-LEARN SEMINAR **ECBA**
ERIE COUNTY BAR ASSOCIATION
presented in cooperation with its Family Law Section

Collaborative Law: Resolving Disputes Respectfully

Wednesday, October 5, 2011

The Erie Club

Time: Lunch - 11:45 a.m.
Seminar - 12:15 - 1:15 p.m.

Cost: \$32 (ECBA member/non-attorney staff)
\$48 (non-member)
\$22 (Judge)

*This seminar has been approved
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Christine A. Wilhelm, CPA, CFE, CDFA, Malin, Bergquist & Company

Melissa Sulkowski, R.N., M.A., Licensed Professional Counselor

Reservations due to the ECBA office no later than Friday, September 30.



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- Life Insurance
- Short-Term Disability
- Long Term Disability



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www.usiaffinity.com



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

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

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **Monday, September 26, 2011** and confirmed Nisi.

October 20, 2011 is the last day on which Objections may be filed to any of these accounts.

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

2011 ESTATE

ACCOUNTANT

ATTORNEY

- 236. Robert L. Fessler Charles D. MacLeod, Esq. and
Mary Ellen Valliant, Co-Executors Charles D. MacLeod, Esq.
- 237. William C.F. Smith, II
A/K/A William C.F. Smith .. Karen L. Zorn, Administratrix Thomas J. Minarcik, Esq.
- 238. Clarence E. Garver A/K/A
Clarence Earle Garver Debra D. DeWalt, Administratrix John J. Shimek III, Esq.
- 239. Mary V. Robins Sharon E. Martin, Executrix Michael P. Thomas, Esq.

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

Sept. 23, 30

ESTATE NOTICES

Notice is hereby given that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same and all persons indebted to said estates are requested to make payment without delay to the executors or their attorneys named below.

FIRST PUBLICATION

**AKUS, ROSE M., a/k/a
ROSE AKUS,
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania
Executrix: Nancy Skopow, 8680 Rohl Road, North East, PA 16428
Attorney: Edwin W. Smith, Esq., Shapira, Hutzelman, Berlin, Ely, Smith & Walsh, 305 West Sixth Street, Erie, PA 16507

**BAGLEY, NELLIE R.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: Richard G. Smith, 3722 Hereford Road, Erie, Pennsylvania 16510
Attorney: Peter W. Bailey, Esquire, 336 East Sixth Street, Erie, Pennsylvania 16507

**DOBRAWSKY, WILLIAM M., JR.,
a/k/a WILLIAM M. DOBRAWSKY,
deceased**

Late of Fairview, PA
Executrix: Mary Alfieri Richmond, Esquire
Attorney: Mary Alfieri Richmond, Esq., 900 State Street, Suite 215, Erie, PA 16501

**ENGLERT, OTYLIA F., a/k/a
OTYLIA FRANCES ENGLERT,
deceased**

Late of the Township of Summit, County of Erie and Commonwealth of Pennsylvania
Executor: Jerome R. Englert, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**ENTLEY, ELMERDEEN E.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Janice Moskel, 5200 Henderson Road, Erie, PA 16509
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**GORNEY, CECILIA M.,
a/k/a CECILIA M. GORNEY,
a/k/a CECILIA MAE GORNEY,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Kathleen Crotty, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**HEIDLER, RUTH ANN, a/k/a
RUTH A. HEIDLER, a/k/a
RUTH HEIDLER,
deceased**

Late of the Township of Fairview, County of Erie, State of Pennsylvania
Executrix: Kimberley F. Heidler, 4586 Fiscal Road, Glen Rock, Pennsylvania 17327
Attorney: Grant M. Yochim, Esq., Steadman Law Office, 24 Main St. E., Girard, Pennsylvania 16417

**LEWIS, TANIS B., a/k/a
TANIS E. LEWIS,
deceased**

Late of North East Township
Executor: Jeffrey W. Lewis, P.O. Box 469, 11412 East Main Road, North East, PA 16428
Attorney: Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**LUSCHINI, DOLORES L.,
a/k/a DOLORES LUSCHINI,
deceased**

Late of the Township of Millcreek
Executor: Thomas D. Luschini
Attorney: Michael G. Nelson, Esquire, Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, Pennsylvania 16507

**MYERS, EDWARD L., a/k/a
EDWARD MYERS,
deceased**

Late of Borough of Girard, County of Erie, State of Pennsylvania
Executor: Timothy E. Myers, 3408 Conhocton Road, Painted Post, New York 14870
Attorney: James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**SIEGEL, FRANCES F.,
deceased**

Late of the City of Erie
Executor: James C. Siegel, c/o 332 East 6th Street, Erie, PA 16507-1610
Attorney: Evan E. Adair, Esq., Williams and Adair, 332 East 6th Street, Erie, PA 16507-1610

**SLUBOWSKI, MARGARET,
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania
Executor: Kenneth Slubowski, c/o Thomas E. Kuhn, Esquire, 300 State Street, Suite 300, Erie, PA 16507
Attorney: Thomas E. Kuhn, Esquire, Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**SMITH, MARILYN J.,
deceased**

Late of Lawrence Park Township, Erie County, Pennsylvania
Co-Executrices: Donna L. Parker and Wendy L. Fiorenzo, c/o 120 West Tenth Street, Erie, PA 16501
Attorney: Christine Hall McClure, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**SULT, CLARENCE, JR.,
deceased**

Late of the City of Erie, Erie County, Pennsylvania
Executor: Joseph P. Martone, Esquire, McCarthy, Martone & Peasley, 150 West Fifth Street, Erie, PA 16507
Attorney: Joseph P. Martone, Esquire, McCarthy, Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507

**SZYMECKI, RAYMOND,
deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania
Executor: Theresa Piechocki, 1848 Fairmont Parkway, Erie, PA 16510
Attorney: Thomas S. Kubinski, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

**WASSON, GERALD A., a/k/a
GERALD ARTHUR WASSON,
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Barbara J. Majewski, c/o Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507
Attorney: Gary H. Nash, Esq., Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

**WRIGHT, SARAH M., a/k/a
SARAH WRIGHT,
deceased**

Late of the Township of Millcreek, County of Erie and State of Pennsylvania
Executrix: Sally L. Mong, 4808 Clinton Drive, Erie, PA 16509
Attorney: Ronald J. Susmarski, Esq., 4030-36 West Lake Road, Erie, PA 16505

SECOND PUBLICATION

**BLAKESLEE, JEROME H.,
deceased**

Late of the City of Erie
Executors: Mary S. Blakeslee and George P. Blakeslee, 415 Glenwood Boulevard, Erie, PA 16509
Attorney: Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**BRACKEN, CHARLES H.,
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Executrix: PNC Bank, National Association, Bessie Nolf, Estate Settlement Manager, 868 Park Avenue, Meadville, PA 16335
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**DANISZEWSKI, JOHN D.,
deceased**

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

**KASCHAK, KATHRYN S., a/k/a
KATHRYN NEHREBECKI
KASCHAK,
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania
Executor: Michael S. Nehrebecki
Attorney: David J. Rhodes, Esquire, Elderkin, Martin, Kelly & Messina, 150 East 8th Street, Erie, PA 16501

**LUTSCH, FRANK J.,
deceased**

Late of Lake City Borough, Erie County, Pennsylvania
Executrix: Amy M. Jeska, c/o 120 West Tenth Street, Erie PA 16501
Attorney: Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**WEINHEIMER, CHARLOTTE H.,
deceased**

Late of the Borough of North East
Co-Executors: Jerry G. Weinheimer and James R. Weinheimer
Attorney: Joseph M. Walsh, III, Esq., Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

THIRD PUBLICATION

**GAERTTNER, DIANE,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: Randall R. Hodges, c/o 504 State, Suite 200, Erie, PA 16501
Attorney: Richard A. Filippi, Esquire, 504 State Street, Suite 200, Erie, PA 16501

**GLEICHSNER, ELEANOR,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Co-Executors: Frederick J. Gleichsner and Paul Charles Gleichsner, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**KISIEL, ANNA J., a/k/a
ANN J. KISIEL,
deceased**

Late of the Township of Fairview, County of Erie and Commonwealth of Pennsylvania
Executrix: Grace A. Horton, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**KNORR, LOREN M., a/k/a
LOREN KNORR,
deceased**

Late of the Borough of Girard, County of Erie, State of Pennsylvania
Executrix: Kathleen E. Wickham, 136 Honeybrook Court, Girard, Pennsylvania 16417
Attorney: James R. Steadman, Esq., 24 Main St. E., Girard, Pennsylvania 16417

**MAKAY, MARY MARGARET,
a/k/a MARY M. MAKAY,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Administratrix: Sandra Sue Makay, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**McLEOD, PHYLLIS A.,
deceased**

Late of the Township of Greenfield, County of Erie, Commonwealth of Pennsylvania
Executrix: Janet A. Schlabach, 2323 West 36th Street, Erie, Pennsylvania 16506
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**MILLER, PATRICIA S.,
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania
Administratrix: D. Kristine Malee, 5418 Gardner Drive, Erie, PA 16509
Attorney: Edwin W. Smith, Esq., Shapira, Hutzelman, Berlin, Ely, Smith & Walsh, 305 West Sixth Street, Erie, PA 16507

**PITZER, ALLAN D.,
a/k/a ALLAN PITZER, JR.,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Jennifer Morrow, c/o 504 State Street, Suite 300, Erie, PA 16501
Attorney: Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**REIGLE, RONALD E.,
deceased**

Late of the Township of Harborcreek, Erie County, Pennsylvania
Executrix: Helen L. Reigle, c/o Raymond A. Pagliari, Esq., 558 West Sixth Street, Erie, Pennsylvania 16507-1129
Attorney: Raymond A. Pagliari, Esq., 558 West Sixth Street, Erie, Pennsylvania 16507-1129

**SCHRIEFER, GRACE A.,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executor: Timothy J. Miller, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**STAPP, TARA LYNN, a/k/a
TARA STAPP, a/k/a
TARA L. STAPP,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Administrator: Ralph Eagle, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

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