

Erie County Legal Journal

August 10, 2012

Vol. 95 No. 32

USPS 178-360



95 ERIE 30-50

DiPaolo v. Times Publishing Company, et al.

Erie County Legal Journal

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

Managing Editor: Heidi M. Weismiller

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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 2012©) 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.

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At the Cross Roads of Accounting & Chapter 11
ECBA Live Seminar
Bayfront Convention Center
9:00 a.m. - 12:15 p.m. (8:30 a.m. reg.)
\$96 (ECBA member/non-attorney staff)
\$145 (nonmember) \$67 (member Judge)
3 hour substantive

WEDNESDAY, AUGUST 22, 2012

Immigration Law for the Corporate/Commercial & Labor/Employment Attorney
ECBA Live Lunch-n-Learn Seminar
Bayfront Convention Center
12:15 - 2:15 p.m. (11:45 a.m. lunch/reg.)
\$64 (ECBA member/non-attorney staff)
\$96 (nonmember) \$45 (member Judge)
2 hours substantive

WEDNESDAY, AUGUST 29, 2012

Petitions to Settle Small Estates and Other Ways to Avoid Formal Estate Settlement
ECBA Video Replay Seminar
Erie County Bar Association
12:15 - 1:15 p.m. (11:45 a.m. lunch/reg.)
\$32 (ECBA member/non-attorney staff)
\$48 (nonmember) \$22 (member Judge)
1 hour substantive

FRIDAY, AUGUST 31, 2012

Fee Agreements
ECBA Video Replay Seminar
Erie County Bar Association
12:15 - 1:15 p.m. (11:45 a.m. lunch/reg.)
\$32 (ECBA member/non-attorney staff)
\$48 (nonmember) \$22 (member Judge)
1 hour substantive

TUESDAY, SEPTEMBER 11, 2012

Personal Contact
ECBA Live Seminar
Bayfront Convention Center
Seminar - 4:00 - 5:00 p.m. (3:45 p.m. reg.)
Happy Hour - 5:00 p.m. - 6:00 p.m.
\$32 (ECBA member/non-attorney staff)
\$48 (nonmember) \$22 (member Judge)
1 hour substantive

THURSDAY, SEPTEMBER 20, 2012

The Sunshine Act, the Right-to-Know Law, and the New Borough Code
ECBA Live Seminar
Bayfront Convention Center
8:30 a.m. - 11:45 p.m. (8:00 a.m. reg.)
\$96 (ECBA member/non-attorney staff)
\$145 (nonmember) \$67 (member Judge)
3 hour substantive

THURSDAY, SEPTEMBER 20, 2012

A Workshop on Estates - Beyond the Basics
ECBA Live Seminar
Bayfront Convention Center
8:30 a.m. - 11:45 p.m. (8:00 a.m. reg.)
\$96 (ECBA member/non-attorney staff)
\$145 (nonmember) \$67 (member Judge)
3 hour substantive

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Aug. 10, 17

ERIE COUNTY
SHERIFF SALE SCHEDULE FOR THE YEAR 2013

LAST DATE TO FILE

December 3, 2012
January 4, 2013
February 1, 2013
March 1, 2013
April 1, 2013
May 1, 2013
June, 3, 2013
July 1, 2013
August 1, 2013
September 4, 2013
November 1, 2013

DATE OF SALE

February 22, 2013
March 22, 2013
April 19, 2013
May 24, 2013
June 21, 2013
July 26, 2013
August 23, 2013
September 20, 2013
October, 18, 2013
November 22, 2013
January 17, 2014

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Aug. 10



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DOMINICK D. DiPAOLO, Plaintiff

v.

**TIMES PUBLISHING COMPANY, d/b/a Erie Times News,
CYBERINK, LP, d/b/a goerie.com, LISA THOMPSON, EDWARD
PALATTELLA, JR., and MICHAEL MACIAG, Defendants**

PLEADINGS / PRELIMINARY OBJECTIONS

The Pennsylvania Rules of Civil Procedure allow any party to file preliminary objections. All preliminary objections shall be raised at one time and shall state specifically the grounds relied upon and may be inconsistent. It is well established that in ruling on preliminary objections, the court must accept as true all well-pled facts which are relevant and material, as well as all inferences reasonably deducible therefrom. For the court to sustain the defendants' preliminary objections, their right to relief must be clear and free from doubt.

PLEADINGS / PRELIMINARY OBJECTIONS

With regard to a preliminary objection in the nature of a demurrer, the question is whether, on the facts averred, the law says with certainty that no recovery is possible and the only time a demurrer may be sustained is when the plaintiff has clearly failed to state a claim on which relief may be granted.

TORTS / DEFAMATION

The Uniform Single Publication Act, 42 Pa.C.S.A. §8343(a), sets forth the burden of proof on the plaintiff, who must prove the following: (1) the defamatory character of the communication; (2) its publication by the defendant; (3) its application to the plaintiff; (4) the understanding by the recipient of its defamatory meaning; (5) the understanding by the recipient of it as intended to be applied to the plaintiff; (6) special harm resulting to the plaintiff from its publication; and (7) abuse of a conditionally privileged occasion.

TORTS / DEFAMATION

A publication is defamatory if it tends to blacken a person's reputation or expose him to public hatred, contempt, or ridicule, or injure him in his business or profession. The court must consider whether the statement tends so to harm the reputation of another as to lower him in the estimation of the community or to deter third parties from associating or dealing with him.

TORTS / DEFAMATION

In cases concerning public officials, there are more stringent proof requirements. Specifically, the public official plaintiff has the burden of proving both that the statements were false and that they were made with actual malice. Actual malice requires a plaintiff to prove that the defendants published an untrue statement with knowledge that it was false or with reckless disregard of whether it was false or not.

TORTS / DEFAMATION

The burden of proving actual malice is a heavy one and requires more than a showing of negligence, carelessness or bad judgment in the publication of an allegedly defamatory article. The plaintiff must meet his burden by presenting to the jury clear and convincing evidence that the defendants realized their statement was false or that they actually entertained serious doubt as to the truth of the statement.

TORTS / DEFAMATION

While actual malice may be shown by circumstantial evidence of events surrounding the publication of the offending statement, such evidence must tend to establish fabrication, or at least the publisher had obvious reasons to doubt the veracity of the informant or the veracity of his reports.

TORTS / DEFAMATION

A statement is defamatory if it tends to harm the reputation of another so as to lower him in the estimation of the community or deter third persons from associating or dealing with him.

TORTS / DEFAMATION

It is the function of the court to determine whether the published statements can fairly and reasonably be construed to have the libelous meaning ascribed to it by the party. The statements must be viewed as a whole and in the context of the other words in the statement.

TORTS / DEFAMATION

The defamatory meaning of the publications may be found in the innuendo of published statements apart from the exact content of an individual statement. To establish defamation by innuendo, the innuendo must be warranted, justified and supported by the publication.

TORTS / DEFAMATION

The test to be applied in evaluating any statement is the effect the article is fairly calculated to produce, the impression it would naturally engender, in the minds of the average person among whom it is intended to circulate.

TORTS / DEFAMATION

The fair report privilege grants media defendants qualified immunity from defamation liability when they report on official governmental proceedings. No responsibility attaches so long as the account of the official action or proceedings is fair, accurate and complete, and is not published solely for the purpose of causing harm to the person defamed. However, this qualified immunity is forfeited if the publisher steps out of the scope of the privilege or abuses the occasion. This can be done by exaggerated additions, or embellishments to the account.

TORTS / DEFAMATION

The court determines whether the fair report privilege applies to a case, but the jury decides whether the fair report privilege has been abused.

PLEADINGS / PRELIMINARY OBJECTIONS

Generally, the fair report privilege is an affirmative defense which may not be decided on preliminary objections. However, the plaintiff's failure to file preliminary objections to the defendants' preliminary objections waives this procedural defect, thereby enabling the court to rule on whether the affirmative defense defeats the claim against which the defense has been invoked.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,
PENNSYLVANIA CIVIL DIVISION No. 14004-2011

Appearances: Peter H. Kurzweg, Esq., and Matthew L. Kurzweg,
Esq., Attorneys for Plaintiff
Craig A. Markham, Esq., Attorney for Defendants

OPINION

Bozza, J. July 23, 2012

The plaintiff, Dominick DiPaolo, a magisterial district judge, has filed a civil action setting forth three counts of libel regarding a series of print and online articles and blogs published on November 14 and 28, 2010, and April 16 and 17, 2011. The defendants include the Times Publishing Company and Cyberink, business entities that publish the Erie Times-News newspaper and GoErie.com, an online newspaper, and that are collectively referred to as the Times-News defendants. The individual defendants include three employees of the Times-News defendants: Edward Palattella, Lisa Thompson and Michael Maciag. Each defendant has filed preliminary objections in the nature of a demurrer to all counts as well as to the claim for punitive damages.¹

This case encompasses a factual setting that resulted from an action initiated by the Office of the Pennsylvania Attorney General (Attorney General). On October 28, 2010, the Attorney General filed suit against Unicredit America Incorporated (Unicredit), an Erie-based debt collection company, alleging Unicredit engaged in certain debt collection activities that violated Pennsylvania consumer protection laws as well as the Pennsylvania Rules of Civil Procedure. Am. Compl. ¶¶ 19-21. It was the Attorney General's position that Unicredit improperly filed numerous civil actions in Magisterial District Judge Dominick DiPaolo's office, thereafter obtaining judgments against most of the debtors in those actions. Then, in an effort to pressure the debtors to

¹ The defendants also objected to the plaintiff's inclusion of attorney's fees and costs of litigation as a measure of damages in paragraph 144(h) of the amended complaint. Prelim. Objections ¶¶ 12-13. However, the plaintiff has consented to striking paragraph 144(h) "with the caveat that Plaintiff is, upon a successful outcome of the litigation, entitled to record costs as requested in the three *ad damnum* clauses." Br. in Opp'n to Prelim. Objections 13.

satisfy the judgments, it was alleged Unicredit conducted phony post-judgment proceedings in a fake courtroom presided over by someone impersonating a judge. *Id.* at ¶ 22.

The action initiated by the Attorney General as well as subsequent court proceedings held before the Honorable Michael E. Dunlavey on November 2 and 10, 2010 resulted in significant press coverage, including articles published in the Erie Times News and online at GoErie.com, in which attention was paid to the role Judge DiPaolo and/or his office may have played in the unfolding case. It is out of these reports that the instant action in defamation emanates. Essentially, the plaintiffs amended complaint sets forth a number of allegations concerning the libelous character of the defendants' articles. Argument on the defendants' preliminary objections was held before the undersigned on May 15, 2012. This opinion follows.

Standard of review

The Pennsylvania Rules of Civil Procedure allow any party to file preliminary objections. Pa.R.C.P. No. 1028(a). "All preliminary objections shall be raised at one time. . . . [and] shall state specifically the grounds relied upon and may be inconsistent." Pa.R.C.P. No. 1028(b). It is well established that in ruling on preliminary objections, the court must accept as true all well-pled facts which are relevant and material, as well as all inferences reasonably deducible therefrom. For the court to sustain the defendants' preliminary objections, their right to relief must be clear and free from doubt. *Bower v. Bower*, 611 A.2d 181, 182 (Pa. 1992). In the present case, since the defendants' preliminary objections are in the nature of a demurrer, "[t]he question ... is whether, on the facts averred, the law says with certainty that no recovery is possible," and the only time a demurrer may be sustained is when "the plaintiff has clearly failed to state a claim on which relief may be granted." *Eckell v. Wilson*, 597 A.2d 696, 698 (Pa. Super. 1991). If there is any doubt as to the adequacy of a plaintiff's complaint, a demurrer should not be sustained. *Id.*

The Law of Defamation

The law of defamation is an amalgam of common law and constitutional principle, both of which have long been recognized and affirmed in our jurisprudence. Particular legal nuance incorporating First Amendment concerns arises in defamation actions involving public officials. *See N.Y. Times Co. v. Sullivan*, 376 U.S. 254 (1964). Moreover, Pennsylvania has adopted an explicit statutory scheme that sets forth with precision the elements of a cause of action in defamation. The Uniform Single Publication Act sets forth the burden of proof on the plaintiff, who must prove the following:

- (1) The defamatory character of the communication.
- (2) Its publication by the defendant.
- (3) Its application to the plaintiff.
- (4) The understanding by the recipient of its defamatory meaning.
- (5) The understanding by the recipient of it as intended to be applied to the plaintiff.
- (6) Special harm resulting to the plaintiff from its publication.
- (7) Abuse of a conditionally privileged occasion.

42 Pa. Cons. Stat. § 8343(a).

Most significantly, in cases concerning public officials, there are more stringent proof requirements. Specifically, the public official plaintiff has the burden of proving both that the statements are false and that they were made with actual malice. *Weaver v. Lancaster Newspapers, Inc.*, 926 A.2d 899 (Pa. 2007); *Manning v. WPXI, Inc.*, 886 A.2d 1137 (Pa. Super. 2005). Actual malice requires a plaintiff to prove that the defendants published an untrue statement "with knowledge that it was false or with reckless disregard of whether it was false or not." *Am. Future Sys., Inc. v. Better Bus. Bureau*, 872 A.2d 1202, 1211 (Pa. Super. 2005) (quoting *N.Y. Times Co.*, 376 U.S. 254).

In this case, the specific question raised by the defendants in their preliminary objections is whether the allegations of fact set forth in the amended complaint are sufficient to carry the plaintiff's burden of proving the alleged statements relating to Magisterial District Judge DiPaolo are capable of a defamatory meaning. However, this issue is inextricably related to an assessment of the truth or falsity of the publications at issue.

The general rule is "[a] statement is defamatory if it tends to harm the reputation of another so as to lower him in the estimation of the community or deter third persons from associating or dealing with him." *Kurowski v. Burroughs*, 994 A.2d 611, 616 (Pa. Super. 2010) (quoting *Rutt v. Bethlehems' Globe Pub'g Co.*, 484 A.2d 72, 76 (Pa. Super. 1984)). It is the function of the court to determine whether the published statement "can fairly and reasonably be construed to have the libelous meaning ascribed to it by the party." *Id.* at 617. Moreover, the statements must be viewed as a whole and in the context of the other words in the statement. *Id.* And, importantly in this case, it has also been recognized that the defamatory meaning of the publications may be found in the "innuendo" of published statements apart from the exact content of an individual statement. *ToDay's Hous. v. Times Shamrock Commc'ns, Inc.*, 21 A.3d 1209, 1215 (Pa. Super. 2011). "To establish defamation by innuendo, the 'innuendo must be warranted, justified and supported by the publication.'" *Livingston v. Murray*, 612 A.2d 443, 449 (Pa. Super. 1992) (quoting *Thomas Merton Ctr. v. Rockwell Intl Corp.*, 442 A.2d 213, 217 (Pa. 1981)), *appeal denied*, 617 A.2d 1275 (1992). The question becomes whether the innuendo or implication of the statements could

be fairly and reasonably construed to imply the defamatory meaning alleged by the plaintiff.

A. Demurrer to All Counts: Failure to Prove Defamatory Innuendo

The defendants have demurred to each count on the basis that the innuendo the plaintiff attaches to various truthful statements is not "warranted, justified nor supported by the subject publications." Prelim. Objections ¶ 19. They also assert the plaintiff failed to allege the defendants intended to convey the false and defamatory meaning ascribed to the statements by the plaintiff. *Id.* at ¶ 21.

1. November 14 Article: "Probe of Erie debt collector widens"

Count I of the amended complaint alleges libel against the Times-News defendants and defendants Thompson and Palattella for a November 14, 2010 article that ran in both the print and online editions of the newspaper. Am. Compl. ¶¶ 137-44. This article was co-authored by Thompson and Palattella and was titled "Probe of Erie debt collector widens." *Id.* Ex. B. In relevant part, the article stated:

The [Unicredit] business may now be shuttered, but the scrutiny of its practices might only be starting.

Federal agents, Dunlavey and even one of Unicredit's former clients have taken notice of the information surfacing in the case, which, according to what Dunlavey said in court, could include a look at the practices in the office of Erie 6th Ward District Judge Dominick DiPaolo.

Feds interested?

FBI Special Agent Gerald Clark and Assistant U.S. Attorney Marshall Piccinini, who heads the U.S. Attorney's Office in Erie, attended the last hearing for Unicredit on Wednesday. They sat quietly in the back of the courtroom, left quickly at the conclusion of the hearing and declined to comment.

....

Judge cites rule violations

From the bench on Wednesday, Judge Dunlavey cited multiple rules and procedures he believes Unicredit's practices violated.

....

Dunlavey said his review showed Unicredit was filing legal judgments against debtors in the improper venues. Many were filed at District Judge DiPaolo's office . . . , which is in the same office complex as Unicredit . . . , and near the company's "debt resolution center" . . . , at which the state Attorney General's Office charges depositions were taken in a "mock courtroom."

....

Dunlavey said rules governing district judges required that

judgments be filed in the debtor's district court or where the debt was incurred.

He also said many cases were improperly captioned, with the original creditor not appearing on the notices being sent to the debtors.

In some cases, it appeared assignment of the debt from one party to Unicredit were not filed, he said.

The chief counsel of the state Supreme Court's Judicial Conduct Board, Joseph J. Massa Jr., declined to comment on whether violations cited by Dunlavy would be investigated.

According to the Judicial Conduct Board website, such concerns would be a matter within the board's jurisdiction.

DiPaolo has not responded to requests for comment.

Id.

a. Magisterial District Judge DiPaolo's Allegations

The amended complaint alleges that this November 14 article portrayed the plaintiff in an "inaccurate and harmful light" by "assert[ing] or impl[y]ing" that Judge Dunlavy suggested that Judge DiPaolo was a target of multiple investigations." Am. Compl. ¶ 60. It appears from the plaintiff's brief that his position centers on two primary concerns. First, the plaintiff argues the following statement from the article is false:

Federal agents, Dunlavy and even one of Unicredit's former clients have taken notice of the information surfacing in the case which, according to what Dunlavy said in court, could include a look at the practices in the office of Erie 6th Ward District Judge Dominick DiPaolo.

Br. in Opp'n to Prelim. Objections 14. The plaintiff maintains Judge Dunlavy never said anything about anyone taking "a look at the practices" in Magisterial District Judge DiPaolo's courtroom. *Id* at 14-15.

The second concern of the plaintiff, which is related to the first, as best as can be discerned from the brief, is that the article suggests Judge Dunlavy was seeking an investigation of the plaintiff by the Judicial Conduct Board and Dunlavy was blaming Judge DiPaolo for various procedural rules violations. *Id.* at 15-16. Specifically, Judge DiPaolo references the following portion of the article:

Dunlavy said rules governing district judges required that judgments be filed in the debtor's district court or where the debt was incurred.

He also said many cases were improperly captioned, with the original creditor not appearing on the notices being sent to the debtors.

In some cases, it appeared assignment of the debt from one

party to Unicredit were not filed, he said.

The chief counsel of the state Supreme Court's Judicial Conduct Board, Joseph J. Massa Jr., declined to comment on whether violations cited by Dunlavy would be investigated.

According to the Judicial Conduct Board website, such concerns would be a matter within the board's jurisdiction.

DiPaolo has not responded to requests for comment.

Id. at 16. According to the plaintiff, these statements, when coupled with the headline "Judge cites rules violations," lead to the inference that Judge Dunlavy was blaming Magisterial District Judge DiPaolo for the rules violations. *Id.*

Judge DiPaolo also averred that the article was published with actual malice because it was published with the knowledge that it was false or with reckless disregard as to whether it was false. In his amended complaint, he goes on to list a number of factual allegations in support of this position. See Am. Compl. ¶ 142.

b. Discussion

Accepting as true all of the plaintiff's well-pled facts, the court concludes he has stated a claim for libel with regard to the November 14 article. Although the amended complaint includes multiple recitations of fact with regard to the content of the article, Magisterial District Judge DiPaolo makes it clear in his brief that his position is not dependant on the existence of defamatory innuendo but rather arises from his assertion of a materially false statement. See Br. in Opp'n to Prelim. Objections 14. The statement at issue, with the allegedly false content highlighted, is set forth as follows:

Federal agents, Dunlavy and even one of Unicredit's former clients have taken notice of the information surfacing in the case which, **according to what Dunlavy said in court, could include a look at the practices in the office of Erie 6th Ward District Judge Dominick DiPaolo.**

Id. (emphasis added). According to the plaintiff's brief, "[t]his statement is literally false. There is no innuendo - it plainly states that a respect local jurist, Judge Dunlavy, said something that he did not say: that Judge DiPaolo's practices could be the subject of the ongoing Unicredit investigation." *Id.* The plaintiff then goes on to point to other aspects of the article that provide context for his conclusion.

A significant portion of the transcript of the November 10 hearing conducted by Judge Dunlavy is included in the amended complaint. See Am. Compl. ¶ 47. The transcript does not contain any direct statements by Judge Dunlavy to the effect that there could be further efforts to look at the practices of Judge DiPaolo's office. The question is whether the

alleged statement in the article is capable of defamatory meaning.

It is the role of the court to determine whether the words of the statements at issue are capable of a defamatory meaning. *Tucker v. Phila. Daily News*, 848 A.2d 113, 123-24 (Pa. 2004). As noted above, the trial court must decide whether it can reasonably be construed to have the libelous meaning ascribed to it by the plaintiff. *Zartman v. Lehigh County Humane Soc.*, 482 A.2d 266, 269 (Pa. Super. 1984). "A publication is defamatory if it tends to blacken a person's reputation or expose him to public hatred, contempt, or ridicule, or injure him in his business or profession." *Agriss v. Roadway Express, Inc.*, 483 A.2d 456, 461 (Pa. Super. 1984) (internal citations omitted). The court must "consider whether the statement tends so to harm the reputation of another as to lower him in the estimation of the community or to deter third parties from associating or dealing with him." *Tucker*, 848 A.2d at 124 (internal quotations omitted) (quoting *Birl v. Phila. Elec. Co.*, 167 A.2d 472, 475 (Pa. 1960)).

To the extent the plaintiff's claim is based on the existence of a material falsity, Magisterial District Judge DiPaolo has set forth a claim for defamation. When considered in the context of the entire article and given the limited standard of review applicable at the pleading stage of the case, it must be concluded the allegedly false statement is capable of a defamatory meaning. While the plaintiff has pled few facts concerning the impact of the statement on his reputation, given the early nature of the proceedings, the averments are minimally sufficient to allow the case to proceed. *See id.* at 126.

Although the plaintiff's brief seems to indicate otherwise, the allegations in the amended complaint concerning the November 14 article can be construed as attempting to set forth a claim based on defamation by innuendo. Specifically, the plaintiff alleges the article contains other statements implying the possibility of a further review of the practices of the plaintiff's office. Am. Compl. ¶¶ 62, 63, 137(b). In that regard, the plaintiff points out the authors noted an Assistant U.S. Attorney and an FBI agent were present and observed the hearing before Judge Dunlavey. *Id.* at ¶ 63. This assertion has not been challenged as untruthful. And the plain and reasonable inference of their attendance, in the circumstances presented, is that they are conducting or may be considering conducting an investigation into the Unicredit case, which would obviously include a review of the legal process that preceded Unicredit's deceptive collection practices. Therefore, Judge DiPaolo has not sufficiently pled an action in libel based on a defamatory innuendo arising out of the presence of federal law enforcement officials at the hearing.

In addition, the truthfulness of the following statements contained in the November 14 article has not been challenged by the plaintiff:

The chief counsel of the state Supreme Court's Judicial Conduct Board, Joseph J. Massa Jr., declined to comment on whether violations cited by Dunlavey would be investigated.

According to the Judicial Conduct Board website, such concerns would be a matter within the board's jurisdiction.

Id. at ¶ 65. It does appear the plaintiff suggests the mere mention of the Judicial Conduct Board in the manner chosen by the authors gives rise to an unfair inference that such an inquiry will occur. However, when viewed in the context of Judge Dunlavey's other observations at the November 10 hearing, it is apparent such a conclusion is not warranted.

Judge Dunlavey's statements give rise to his obvious concern that there were significant rule violations that facilitated Unicredit's efforts to deceive debtors. Moreover, his comments at the hearing concerning the court's responsibility to assure adherence to the rule of law in all judicial proceedings were also accurately referenced in the article at issue. When the statements concerning the Judicial Conduct Board's jurisdiction are seen in the context of the entire piece, it is apparent the inference that a Board inquiry is possible is fair and reasonable, although there is nothing in the article to imply it was likely. See *Kurowski*, 994 A.2d at 617 (noting that statements must be viewed as a whole and in the context of the other words in the publication). A cause of action in libel has not been sufficiently pled by the plaintiff on the basis that Judge DiPaolo was defamed by an innuendo resulting from the defendants' statements noting that the Judicial Conduct Board has authority over the matters raised by Judge Dunlavey.

Because the plaintiff is a public figure, he must demonstrate the article was published with actual malice. *Weaver*, 926 A.2d at 903. The burden of proving actual malice is a heavy one and requires more than a showing of negligence, carelessness or bad judgment in the publication of an allegedly defamatory article. *Dunlap v. Phila. Newspapers, Inc.*, 448 A.2d 6, 16 (Pa. Super. 1982). Ultimately, the plaintiff must meet his burden by presenting to the jury clear and convincing evidence that the defendants realized their statements were false or that they actually entertained serious doubt as to the truth of the statements. *Oweida v. Tribune-Review Publ'g Co.*, 599 A.2d 230, 242 (Pa. Super. 1991) (quoting *Bose Corp. v. Consumers Union of U.S., Inc.*, 466 U.S. 485, 511 n.30 (1984)). Thus, while actual malice may be shown by circumstantial evidence of events surrounding the publication of the offending statement, such evidence must tend to establish fabrication, or at least that the publisher had obvious reasons to doubt the veracity of the informant or the veracity of his reports. *Lewis v. Phila. Newspapers, Inc.*, 833 A.2d 185, 192 (Pa. Super. 2003) (internal citations and quotations omitted).

Notwithstanding the stringent standards for proving actual malice, the court finds the allegations of fact when accepted as true are sufficient to

meet the minimum threshold pleading requirements. The facts recited in the amended complaint, although circumstantial in nature, would, if believed by the jury, be sufficient to conclude the defendants knew Judge Dunlavy did not say the practices of Magisterial District Judge DiPaolo may be looked at. See, e.g., Am. Compl. ¶ 142.

2. November 28 article: "Legal ruling questioned"; "Unicredit lawyer: Debt collector, judge not involved with kickback"

Count II of the amended complaint alleges libel against the Times-News defendants² and defendants Thompson and Palattella³ for a November 28, 2010 article which ran in both the print and online editions of the newspaper. Am. Compl. ¶ 147. The article was written after Krista Ott, Unicredit's attorney, filed a motion for reconsideration and for post trial relief asking Judge Dunlavy to reconsider the injunction imposed in the November 10 hearing that forced Unicredit to immediately cease all collection practices. *Id.* ¶ 76. The motion contained attorney Ott's statement that, "[b]ased upon the record, . . . it appears that the court believes that there is a kickback scheme involving Unicredit and Magisterial District Justice DiPaolo's office." Defs.' App. in Supp of Prelim. Objections Ex. 4, ¶ 8. The November 28 article was titled "Legal ruling questioned," and had a subtitle "Unicredit lawyer: Debt collector, judge not involved with kickback." Am. Compl. Ex. C. Excerpted in relevant part, the article reads as follows:

Dunlavy said it appeared Unicredit established a "ghost system of justice" by first obtaining judgments against debtors in the wrong venue - mainly Erie 6th Ward District Judge Dominick DiPaolo's office - and then using those judgments and sham court proceedings in Unicredit's offices to extracts payments from debtors.

....

But in a newly filed response, Unicredit's lawyer, Krista Ott, charges that Dunlavy, without supporting evidence, appears to believe "there is a kickback scheme involving Unicredit and

² Though the ad damnum clause of this count does not request damages against Cyberink, L.P., the court notes that count II's heading includes Cyberink, L.P. as a defendant for this count. Thus, because the heading gives notice that the plaintiff is including Cyberink, L.P. as a defendant in this count, the plaintiff's failure to include Cyberink, L.P. in the ad damnum clause is not fatal to this count as against Cyberink, L.P. To hold otherwise would be to elevate form over substance, and the court notes that the Rules of Civil Procedure require the rules "be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties." Pa.R.C.P. No. 126.

³ The court notes that paragraph 81 of the amended complaint alleges Thompson wrote this article. In paragraph 147, however, the amended complaint alleges both Thompson and Palattella wrote the article. The attached exhibit shows only Thompson as the author of the November 28 print article.

Magisterial District Justice DiPaolo's office."

Ott said there is no evidence to support that allegation and that the "basis apparently stems from the Court's personal belief and predetermined opinions about this case."

....

He said it appeared that Unicredit had "abused the legal process with the creation of a ghost system of justice."

*Id.*⁴

a. Magisterial District Judge DiPaolo's allegations

Judge DiPaolo alleges this article, as well as subsequent republications of statements it contained, was defamatory because it harmed the reputation of Judge DiPaolo by stating or suggesting:

- a. Judge Dunlavy had issued a legal ruling finding that Judge DiPaolo was involved in a kickback scheme with Unicredit;
- b. Judge Dunlavy had said or suggested th[at] Judge DiPaolo was involved in Unicredit's "ghost system of justice;" and
- c. Judge DiPaolo actually was involved in a kickback scheme with Unicredit.

Am. Compl. ¶ 148.

Specifically, Judge DiPaolo alleges the combination of the headline of the article and the republication of attorney Ott's statement that "there is a kickback scheme involving Unicredit and Magisterial District Judge DiPaolo's office" was defamatory. *Id.* ¶ 90. Judge DiPaolo also maintains it was defamatory to suggest Judge Dunlavy stated the "ghost system of justice" began with the obtaining of judgments against debtors in the wrong venue, i.e., Magisterial District Judge DiPaolo's office. *Id.* ¶ 88.

Judge DiPaolo also averred the article was published with actual malice in that the article was published with knowledge that it was false or with reckless disregard as to whether it was false. In his amended complaint, he goes on to list a number of factual allegations in support of this position. *See id.* ¶ 151.

b. Discussion

It appears from the plaintiff's brief that he agrees most of the statements at issue are in fact true. Br. in Opp'n to Prelim. Objections 17-18. In particular, he notes that attorney Ott filed a pleading in which she stated it appears Judge Dunlavy believes her client and Magisterial District Judge DiPaolo were involved in a kickback scheme. *Id.* at 17. The plaintiff also acknowledges that, in court, attorney Ott denied such

⁴ Additionally, the amended complaint alleges "the 'ghost system of justice' quote was subsequently republished in articles dated December 12, 2010, December 21, 2010, December 22, 2010 and February 9, 2011 in articles written by both Thompson and Palattella, and was defamatory in each of those subsequent articles." Am. Compl. ¶ 147.

a scheme existed and therefore her statement as reported as the article's subtitle was true. *Id.*

The plaintiff does take issue with the accuracy of the following statement:

Dunlavey said it appeared Unicredit established a "ghost system of justice" by first obtaining judgments against debtors in the wrong venue - mainly Erie 6th Ward District Judge Dominick DiPaolo's office - and then using those judgments and sham court proceedings in Unicredit's offices to extracts payments from debtors.

Id. at 18. Judge DiPaolo asserts in his amended complaint that the statement represents an inaccurate paraphrase of what Judge Dunlavey said at the hearing. *Id.* at 19. It is his position Judge Dunlavey never said the "ghost system of justice" he referenced began with the obtaining of judgments in the wrong venue of Magisterial District Judge DiPaolo's office. *Id.* Specifically, Judge DiPaolo maintains the statements at issue lead to the inference that Judge Dunlavey ruled "Unicredit and DiPaolo were involved in a kickback that was part of what Judge Dunlavey termed a 'ghost system of justice.'" *Id.*

To the extent it is the plaintiff's position that Judge Dunlavey never said the "ghost system of justice" began with the filing of judgments in the wrong venue, he has stated a cause of action in libel. The suggested inference that Judge DiPaolo was, together with Unicredit, a part of an abuse of the legal process that facilitated the deception of debtors is reasonable and capable of defamatory meaning.

On the other hand, besides the accurate republication of attorney Ott's statement, there is nothing in the article to suggest Judge Dunlavey "ruled" Judge DiPaolo was part of a kickback scheme. Such a conclusion is strained and therefore not a reasonable conclusion and as a matter of law not actionable. The only other reference to a "kickback" was in comments Judge Dunlavey made at a November 10 hearing about Common Pleas judges in another county, which were accurately reported by the defendants, and the article made no effort to relate that report to the plaintiff.

It is noteworthy that, once again, the plaintiff has pled very little concerning the impact of the statements and their inferences on his reputation. Nonetheless, at this early stage of the proceedings, the full effects of the statements are not known, and the case should be allowed to proceed as set forth above. *See Tucker*, 848 A.2d at 126.

With regard to the defendants' demurrer on the basis of insufficient facts supporting a finding of actual malice, the court finds, for similar reasons to those set forth above regarding the November 14 article, the plaintiff has pled sufficient facts to allow his claim to go forward. *See Am. Compl.* ¶151.

3. April 16 and 17 Articles and Blogs⁵

Count III of the amended complaint alleges libel against the Times-News defendants and defendants Thompson, Palattella, and Maciag for a series of articles and blogs published April 16 and 17, 2011. Maciag wrote the blog which appeared in GoErie.com on April 16, 2011, and Thompson and Palattella wrote the April 17, 2011 "Times In-Depth" article which ran in both the print and online editions.⁶ See Am. Compl. Exs. D, E, G.

a. April 16 blog: "Dockets filed by Judge DiPaolo missing original creditor"

In the online blog, titled "Dockets filed by Judge DiPaolo missing original creditor," Maciag wrote:

We reviewed hundreds of cases for Sunday's [April 17] story on Unicredit and Erie 6th Ward District Judge Dominick DiPaolo.

While looking at the court dockets, we noticed that DiPaolo did not list the name and address of original creditors on nearly all of 394 judgments he issued.

This makes it unclear whether the creditor lived within DiPaolo's ward.

Here's a further explanation from reporter Ed Palattella:

Each of Erie County's 15 district judges handled judgments involving Erie debt collector Unicredit America Inc., according to records filed in Erie County Court. Those records show Erie 6th Ward District Judge Dominick DiPaolo handled the most cases, and that the records filed in his office rarely listed the original creditors.

The records filed with the county's other district judges routinely listed the names of the original creditors. The records were filed at the Erie County Courthouse between April 1, 2009 and Oct. 28, or the general time frame covered in a suit the state Attorney General's Office filed against Unicredit on Oct. 28.

Below is an example of two dockets on file at the Erie County Courthouse. The first docket, issued by DiPaolo, lists Unicredit as the plaintiff.

On the next page, you'll see that District Judge Brenda

⁵ The plaintiff contends these next articles and blogs were written as a series, and the court will therefore consider them as such.

⁶ The court notes that Thompson and Palattella were billed as co-authors of the article in the print edition, but only Thompson was listed as the author of the article in the online edition. See Am. Compl. Exs. D, E.

Nichols, of Corry, lists a creditor as the plaintiff, though Unicredit brought the case before her on the creditor's behalf. Nichols and Erie County's other district judges routinely listed the creditor this way, while DiPaolo did not for most cases.

Am. Compl. Ex. G. The blog contained hyperlinks to PDF images of the two judgments referenced in the blog.

It is DiPaolo's position the blog piece, when viewed in the context of the other April publications, defamed him by creating a false inference that he improperly carried out his duties with regard to Unicredit's cases due to a familial relationship with a Unicredit principle. Br. in Opp'n to Prelim. Objections 21. Specifically, he maintains the assertions that he handled these cases differently in various ways from other district judges are false. Am. Compl. ¶ 157(d). Further, Judge DiPaolo alleges when read together with the April 17 article concerning his handling of cases of relatives, the defamatory meaning is "more insidious." Br. in Opp'n to Prelim. Objections 21.

b. April 17 "Times In-Depth" article: "Judge's cases from outside district"

The April 17 piece was a long and involved article setting forth the results of what apparently was an investigation of certain procedural practices of Magisterial District Judge DiPaolo's office as they were, applied to the handling of Unicredit's debt collection cases. *See* Am. Compl. Exs. D, E. Thompson and Palattella included examples of particular cases that involved Unicredit and were filed and adjudicated in some manner in the plaintiff's office. *Id.* at Exs. D, E. They also explained, how the debt collection system works, compared the practices of DiPaolo's office with those of a number of magisterial district judges throughout Erie County, and provided a statistical breakdown of Unicredit's cases. *Id.* at Exs. D, E. The authors also presented very specific information about the nature of the familial relationship between the plaintiff and the principles of Unicredit and provided a graphic to help explain it. *Id.* at Ex. E. Further information was presented with regard to the Pennsylvania rules for magisterial district judges as they applied to the handling of cases involving relatives. *Id.* at Exs. D, E.

The following excerpts are from the April 17 "Times In-Depth" article:

In many of the Unicredit cases DiPaolo handled, both the debtors and creditors were not located in the ward of DiPaolo, who is related to Unicredit's president and his family.

DiPaolo's handling of Unicredit cases, in which the debtor, or debtor and creditor, were outside his ward, runs counter to the practices of several of the county's other 14 district judges, according to court records and interviews.

....

The records show Unicredit sought 394 judgments - or 68 percent of the total number - in DiPaolo's court. In 355 of those 394 cases, debtors lived outside DiPaolo's ward, which covers the southwestern section of the city of Erie and includes Unicredit's offices. In the other 39 of the 394 cases, the debtors lived inside DiPaolo's ward.

....

Family connections

DiPaolo shares family ties with Unicredit and rents office space with a family affiliated with Unicredit, according to court records and other public information.

DiPaolo is the first cousin once removed of Michael J. Covatto, 49, the president of Unicredit, who routinely signed documents Unicredit initially filed at DiPaolo's office.

The rules dictate a district judge must disqualify him- or herself from any proceeding "in which their impartiality might reasonably be questioned."

....

Comparing the numbers

How Unicredit obtained the judgments from DiPaolo varied from typical practices as described by other local district judges. Of the total of 578 Unicredit cases filed countywide, DiPaolo handled 394 and the other district judges handled the rest, or 184. The county has 15 district judges, six of whom are in the city.

In all but a handful of the 184 cases that originated in courts other than DiPaolo's, the debtors or creditors lived in the district judge's district, according to court records.

....

What other magistrates do

Erie 5th Ward District Judge Joseph Lefaiver, at 460 E. 26th St., said he gets frequent calls from lawyers in Pittsburgh or Philadelphia who represent debt-collection companies in those areas. They want to sue someone in Erie for an unpaid debt, Lefaiver said, and they want to know whether the debtor's address is in Lefaiver's ward or elsewhere in the city.

"They file where the debtor lives," he said.

....

Mack, the 1st Ward district judge, described a similar approach in her court at 824 E. Sixth St. If a person comes in to file a civil complaint, the staff shows a card that outlines the criteria for filing a complaint in a district court: The individual the person wants to sue must live or work in Mack's district or the incident in question must have occurred in the district.

....

Greene Township District Judge Sue Strohmeyer said her staff also starts by asking those who wish to file a civil complaint a question. "Did it happen in the district or does the defendant live here?"

....

Millcreek Township District Judge Paul Manzi said his staff also questions potential plaintiffs to see if their cases belong in his court.

Id. at Exs. D, E. Though the body of the article was the same in both print and online editions, the online edition had a different headline than the print edition, and the print edition additionally had different headlines on each page. *Id.* at ¶ 96. The headline of the article on GoErie.com was "In Unicredit debt-collection cases, one Erie magistrate was busiest." *Id.* at Ex. D. The main headline of the article in the Erie Times News was "Judge's cases from outside the district;" the article continued on page 6A, which had the headline "Unicredit: DiPaolo handled most cases;" and, finally, page 7A's headline was "Judge: DiPaolo [sic] takes relative's cases." *Id.* at Ex. E.

c. Magisterial District Judge DiPaolo's allegations

The amended complaint alleges that this series of publications harmed Judge DiPaolo's reputation by making false assertions to the effect that he allowed or followed improper practices and gave special treatment to Unicredit cases because of his kinship relationship with one of the officers of the corporation.⁷ *Id.* at ¶157(a)-(c), (g). He maintains these articles were published with actual malice in that the defendants published the article with knowledge that it was false or with reckless disregard of whether it was false and recites a number of factual statements to support this claim. *Id.* at ¶159.

⁷ The amended complaint alleges the following "untruths":

- a. That Judge DiPaolo had intentionally captioned those Unicredit cases that he heard to conceal that the creditors and/or debtors in those cases were out of his jurisdiction;
- b. That Judge DiPaolo improperly heard cases in which his relatives were a party;
- c. That Judge DiPaolo had extended judicial favors to Unicredit based on an attenuated familiar relationship;
- d. That Judge DiPaolo applied practices in his office that differed from other Magisterial District Judges in an improper effort to help Unicredit;
- e. That a Judge had stated that "DiPaolo takes relatives [sic] cases;"
- f. That a Judge or the Attorney General had called Judge DiPaolo's practices "unconscionable;" and
- g. That Judge DiPaolo had knowledge of a jurisdictional deficit in the Unicredit related cases filed in his office, that he had a duty to raise that jurisdictional deficit, and that he did not do so because he was related to one of Unicredit's principals.

Am. Compl. ¶ 157.

d. Discussion

It is the plaintiff's position that the April publications convey a defamatory meaning by giving rise to several false inferences. Br. in Opp'n to Prelim. Objections 20-21. He does not claim any of the verbatim statements contained in the article or blogs were materially false. Instead, the plaintiff is maintaining that although Unicredit's practices attendant to the filing of debt collection cases in his jurisdiction may have been improper, the suggestion he personally did anything wrong is false. *Id.* Furthermore, the fact that he had some family connection to an officer of Unicredit does not mean he treated Unicredit cases improperly. *Id.* Finally, it is the plaintiff's position that his actions were not in violation of the rules of procedure and did not differ from those of other magisterial district judges in Erie County. Am. Compl. at ¶ 157.

The issue is whether the publications, although containing true statements, led to inferences which are false and capable of defamatory meaning. "The test to be applied in evaluating any statement is the effect the article is fairly calculated to produce, the impression it would naturally engender, in the minds of the average persons among whom it is intended to circulate." *Baker v. Lafayette Coll.*, 532 A.2d 399, 402 (Pa. 1987) (internal quotations omitted) (quoting *Corabi v. Curtis Pub'g Co.*, 273 A.2d 899, 907 (Pa. 1971)). Accepting as true the plaintiff's factual assertions, it is apparent his overall position is the defendants intended to convey the impression that, because of a family connection, Magisterial District Judge DiPaolo intentionally allowed Unicredit to improperly file and process debt collection cases in his office. There can be little doubt such an impression is a reasonable conclusion which could be drawn by the defendants' readers, who likely represent a cross-section of general public in northwest Pennsylvania. Such an allegation would certainly be more than an embarrassment to the plaintiff and would likely diminish the community's view of his integrity and judgment. *See Tucker*, 848 A.2d at 124.

Similarly, the court concludes, for similar reasons as those set forth above, the plaintiff's allegations of fact with regard to the assertion of actual malice are sufficient to support his claim of defamation. *See Am. Compl.* ¶ 159.

B. Demurrer to All Counts: Fair Report Privilege

The defendants' second preliminary objection argues these publications are protected by the fair report privilege. Prelim. Objections ¶ 22. The fair report privilege grants "media defendants . . . qualified immunity from defamation liability when they report on official governmental proceedings." *Weber v. Lancaster Newspapers, Inc.*, 878 A.2d 63, 72 (Pa. Super. 2005).

No responsibility attaches so long as the account of the official action or proceeding is fair, accurate and complete, and is not published solely for the purpose of causing harm to the person defamed. However, this qualified immunity is forfeited if the publisher steps out of the scope of the privilege or abuses the occasion. This can be done by exaggerated additions, or embellishments to the account.

DeMary v. Latrobe Printing & Publ'g Co., 762 A.2d 758, 762 (Pa. Super. 2000) (internal citations and quotations omitted). The court determines whether the fair report privilege applies to a case, but the jury decides whether the fair report privilege has been abused. *First Lehigh Bank v. Cowen*, 700 A.2d 498, 503 (Pa. Super. 1997).

Generally, the fair report privilege "is an affirmative defense which may not be decided on preliminary objections." *DeMary*, 762 A.2d at 761 (quoting *Gordon v. Lancaster Osteopathic Hosp. Ass'n Inc.*, 489 A.2d 1364, 1376 (Pa. Super. 1985)). However, the plaintiff's failure to file preliminary objections to the defendants' preliminary objections waives this procedural defect, thereby enabling the court to rule "on whether the affirmative defense defeats the claim against which the defense has been invoked." *Id.* at 762. The court is still bound, however, by the standard of review applicable to preliminary objections, i.e., the court is "compelled to review the averments in the [plaintiff's] complaint solely for legal sufficiency of the claims asserted, accepting as true all well pled averments of fact." *Id.*

Initially, the court finds the fair report privilege would apply to those aspects of the publications which are reports of the court proceedings or official government actions at issue in this case. The defendants were reporting generally on the Attorney General's case against Unicredit, the November 10, 2010 hearing in front of Judge Dunlavey, and Unicredit's motion for reconsideration. These situations clearly fall within the "official action or proceeding" contemplated by the fair report privilege.

Having determined the fair report privilege applies to the publications of the defendants, the court is mindful of the fact that it may not itself decide whether the privilege has been abused. The court may only consider whether the facts pled by the plaintiff, if true, would be sufficient to allow a jury to conclude the fair report privilege had been abused.

The plaintiff alleges the defendants abused the fair report privilege in the November 14 article by "attribut[ing] a statement to Judge Dunlavey (that the investigation could include a look into the practices of Judge PiPaolo) that Judge Dunlavey never said" and by "providing additional sting" when it mentioned the Judicial Conduct Board, which Judge Dunlavey never referenced "in any context." Br. in Opp'n to Prelim. Objections 23; Am. Compl. ¶¶ 73, 141. With regard to the

November 28 article, the plaintiff alleges the fair report privilege was abused "by misquoting or mischaracterizing both the November 10, 2010 Order and the Motion for Reconsideration and adding additional sting to the report of the judicial proceedings" because the article suggested "that the existence of a 'kickback scheme' was not Ott's own frivolous legal argument, but instead that it was the 'legal ruling' or belief of Judge Dunlavey." Am. Compl. ¶¶ 90, 150. As for the April series of publications, the plaintiff alleges the fair report privilege was abused because the defendants "misquot[ed] or mischaraceriz[ed] the pleadings and public records" in order to "suggest that public records support a finding that DiPaolo was responsible for improperly captioning cases so that he could improperly enter judgment in favor of Unicredit." Br. in Opp'n to Prelim. Objections 24; Am. Compl. ¶ 158. The court finds that these allegations, if true, would allow a jury to determine the defendants had put an inaccurate, exaggerated spin on the plaintiff's involvement in the Unicredit case such that the fair report privilege had been abused.

C. Demurrer to All Counts: Punitive Damages

The defendants' third preliminary objection argues the plaintiff cannot recover punitive damages because he cannot demonstrate common law malice. Prelim. Objections ¶ 28. In order for a public figure to recover punitive damages, both actual malice and common law malice⁸ must be shown. *DeMary v. Latrobe Printing & Publ'g Co.*, 762 A.2d 758, 765 (Pa. Super. 2000). "Actual malice focuses on the defendant's attitude towards the truth, whereas common law malice focuses on a defendant's attitude towards the plaintiff." *Id.* at 764. Common law malice "involves conduct that is outrageous (because of the defendant's evil motive or his reckless indifference to the rights of others), and is malicious, wanton, reckless, willful, or oppressive." *Sprague v. Walter*, 656 A.2d 890, 922 (Pa. Super. 1995). The court's focus in this inquiry must be "on the defendant's disposition toward the plaintiff at the time of the wrongful act." *Id.*

In addition to alleging specific facts relating to Palattella's evil motive towards Judge DiPaolo, the plaintiff also alleges the defendants knew the defamatory statements they were publishing about him were untrue. *See* Am. Compl. ¶¶ 122-35, 142(g), 151(g), 159(i). Further, the plaintiff argues the April series, which contained "mostly old news," was "published within a month before the primary elections[] in which Judge DiPaolo was running for reelection," leading to the inference the defendants were attempting to keep Judge DiPaolo from being reelected. Br. in Opp'n to Prelim. Objections 24-25; Am. Compl. ¶ 95. If proven,

⁸ It is worth noting that the existence of common law malice also defeats the fair report privilege. *DeMary v. Latrobe Printing & Publ'g Co.*, 762 A.2d 758, 764-65 (Pa. Super. 2000).

the facts alleged in the amended complaint attributable to defamation claims are adequate to support a finding of common malice.

An appropriate Order shall follow.

ORDER

AND NOW, TO-WIT, this 23rd day of July, 2012, for the reasons set forth in the foregoing **OPINION**, it is hereby **ORDERED, ADJUDGED, and DECREED** that Defendants' Preliminary Objections to Amended Complaint are **OVERRULED**.

/s/ **John Bozza, Judge**

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

IN RE: NANCY R. ADAMS,
Debtor

NANCY R. ADAMS, Movant

vs.

CITIMORTGAGE, INC., Assignee,
MILLCREEK TOWNSHIP TAX
COLLECTOR, and RONDA
J. WINNECOUR, Chapter 13

Trustee, Respondents

CASE NO. 10-11891

CHAPTER 13

NOTICE OF HEARING ON
MOTION TO SELL PROPERTY
FREE AND DIVESTED OF
LIENS ON EXPEDITED BASIS
TO: THE RESPONDENTS
AND ALL CREDITORS AND
PARTIES IN INTEREST
OF THE ABOVE NAMED
DEBTOR:
NOTICE IS HEREBY GIVEN
THAT, NANCY R. ADAMS has

filed a MOTION FOR PRIVATE
SALE OF REAL ESTATE FREE
AND DIVESTED OF LIENS, for
the following property:

All that certain piece or parcel
of land situate in the Township
of Millcreek, County of Erie and
Commonwealth of Pennsylvania,
bounded and described as follows,
to-wit: BEING Lot No. 82 of
VALLEYWOOD ESTATES
SUBDIVISION, Section No.
7, as described in a plan of said
Subdivision recorded in Erie
County Map Book 36, at page 144
on July 13, 1990 and to which
further reference is herein made for
a more detailed description thereof.
Being known as 2220 Gatesmill
Road, Erie, PA 16510.

TO: MATTHEW C. FUHRMAN
and ANNA M. FUHRMAN, for
the sum of \$139,900.00 according
to terms set forth in the Motion for
Sale.

ON OR BEFORE AUGUST 23,
2012, any Objections shall be

filed with the U.S. Bankruptcy
Court, Bankruptcy Courtroom, US
Courthouse, 17 South Park Row,
Erie, PA 16501, with a copy served
on all interested parties.

A hearing is scheduled for **AUGUST
30, 2012, at 2:30 P.M.**, before
**Judge Thomas P. Agresti, Chief
Judge, United States Bankruptcy
Court, Bankruptcy Courtroom,
U. S. 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.

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

Stephen H. Hutzelman, Esq.
Attorney for Debtor
305 West Sixth Street
Erie, PA 16507
(814) 452-6800
shutzelman@shapiralaw.com

Aug. 10

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**CERTIFICATE OF
AUTHORITY**

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on or about June 22, 2012, for a foreign corporation with a registered address in the state of Pennsylvania as follows:

SBA Telecommunications, Inc.
c/o Corporation Creations
Network Inc.

This corporation is incorporated under the laws of Florida. The address of its principal office under the laws of its jurisdiction in which it is incorporated is 5900 Broken Sound Pkwy., NW, Boca Raton, FL 33487. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

Aug. 10

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania
Docket No. 12645-12

In Re: William H. Hennick

Notice is hereby given that a Petition was filed in the above named court requesting an order to change the name of William H. Hennick to William H. Heynemann.

The Court has fixed the 25th day of September, 2012 at 9:00 a.m. in Courtroom B of the Erie County Courthouse, 140 W. 6th St., Erie, PA 16501 as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Aug. 10

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

1. The names and addresses of the persons owning or interested in said business are: William F. Schwartz, 1542 Glen Haven Lane, Erie, PA 16509; James F. Schwartz, 721 Saco Court, St. Augustine, FL 32086; and David A. Schwartz, 6614 Clarion Drive, Corpus Christi, TX 78412

2. The name under which said business is being or will be carried on is: My Three Sons Rentals

3. The character of the business so carried on is: Own and rent real estate.

4. The place where said business is to be carried on is: 1542 Glen Haven Lane, Erie, PA 16509

5. The said Certificate was filed on July 13, 2012.

David J. Rhodes, Esquire
Elderkin Law Firm
150 East 8th Street
Erie, PA 16501

Aug. 10

INCORPORATION NOTICE

NOTICE is hereby given that Erie SportsReach, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988.

Craig A. Zonna, Esq.
Elderkin Law Firm
150 E. 8th St.
Erie, PA 16501

Aug. 10

LEGAL NOTICE

MARSHAL'S SALE: By virtue of a Writ of Execution issued out of the U. S. Court for the W. D. of PA at suit of the USA at Civil No. 1:12-cv-00060, I shall expose to public sale the real property of Brandy A. Dyne known as 8724 Oriole Drive, Erie, PA 16509, being fully described in the Deed dated February 2, 2009 and recorded February 3, 2009 in the Recorder's Office of Erie County, Pennsylvania, in Deed Book Volume 1541, Page 1994.

TIME AND LOCATION OF SALE: Wednesday, September 12, 2012 at 10:00 A.M. at the Erie County Courthouse, 140 West Sixth Street, Erie, PA 16501.

TERMS OF SALE: Successful bidder will pay ten percent (10%)

by cashier's check, certified check or bank money order at the time of the sale and the remainder of the bid within thirty (30) days from the date of the sale and in the event bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Ms. Sheila Blessing, Room 241, U.S. Post Office & Courthouse, Pittsburgh, PA 15219. Notice is hereby given that a Schedule of Distribution will be filed by the Marshal's Office on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. The successful bidder takes the real estate subject to, and shall pay all taxes, water rents, sewer charges, municipal claims, and other charges and liens not divested by the sale. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Purchaser shall furnish Marshal with Grantee information at the time of the sale. Marshal's costs, fees and commissions are to be borne by seller. Steve Frank, United States Marshal. For additional information visit www.resales.usda.gov or contact Ms. Cathy Diederich at 314-457-5514.

Aug. 10, 17, 24, 31

SHERIFF SALES

Notice is hereby given that by virtue of sundry Writs of Execution, issued out of the Courts of Common Pleas of Erie County, Pennsylvania, and to me directed, the following described property will be sold at the Erie County Courthouse, Erie, Pennsylvania on

**AUGUST 17, 2012
at 10:00 AM**

All parties in interest and claimants are further notified that a schedule of distribution will be on file in the Sheriff's Office no later than 30 days after the date of sale of any property sold hereunder, and distribution of the proceeds made 10 days after said filing, unless exceptions are filed with the Sheriff's Office prior thereto.

All bidders are notified prior to bidding that they **MUST** possess a cashier's or certified check in the amount of their highest bid or have a letter from their lending institution guaranteeing that funds in the amount of the bid are immediately available. If the money is not paid immediately after the property is struck off, it will be put up again and sold, and the purchaser held responsible for any loss, and in no case will a deed be delivered until money is paid.

Bob Merski

Sheriff of Erie County

Jul. 27 and Aug. 3, 10

SALE NO. 1

Ex. #32908 of 2009

**THE HUNTINGTON
NATIONAL BANK, Plaintiff
v.**

**PASCAL J. ARTISE and
TRACY A. ARTISE, Defendants
SHORT DESCRIPTION**

Unit #2 and Unit #3 of premises known as 4646 Buffalo Road, Harborcreek Township, Erie County, Pennsylvania, as established by a Declaration of Condominium dated February 1, 2011 and recorded February 25, 2011 as Erie County Recorder of Deeds Instrument No. 2011-004745 and bearing Erie County Tax Index Numbers (27) 13-105-651 and (27) 13-105-652, formerly comprising a portion

of Erie County Tax Index Number (27) 13-105-6.02. HAVING ERECTED THEREON a commercial building consisting of a skating rink and a sports bar.

Susan Fuhrer Reiter, Esq.

Pa. Supreme Court ID No. 43581

MacDonald, Illig, Jones

& Britton LLP

100 State Street, Suite 700

Erie, Pennsylvania 16507-1459

(814) 870-7760

Attorneys for Plaintiff

Jul. 27 and Aug. 3, 10

SALE NO. 2

Ex. #10431 of 2012

**Bank of America, N.A., successor
by merger to BAC Home Loans
Servicing, LP f/k/a Countrywide
Home Loans Servicing, LP,
Plaintiff**

v.

**MARK J. ANTHONY, II,
Defendant(s)**

**SHORT DESCRIPTION FOR
ADVERTISING**

ALL THAT CERTAIN LOT OF LAND SITUATE IN FIFTH WARD OF THE CITY OF ERIE, ERIE COUNTY, PENNSYLVANIA:

BEING KNOWN AS 327 East 27th Street, Erie, PA 16504

PARCEL NUMBER: 18-5078-113

IMPROVEMENTS: Residential Property

Udren Law Offices, P.C.

Elizabeth L. Wassall, Esq.

PA ID 77788

Attorney for Plaintiff

111 Woodcrest Road, Suite 200

Cherry Hill, NJ 08003-3620

856-669-5400

Jul. 27 and Aug. 3, 10

SALE NO. 3

Ex. #14972 of 2010

**HSBC Bank USA, National
Association, as Trustee for ACE
Securities Corp. Home Equity
Loan Trust, Series, 2006-OP1,
Asset Backed Pass-Through
Certificates, Plaintiff**

v.

**Steven K. Bauer, United States of
America, Defendant(s)**

LEGAL DESCRIPTION

THE FOLLOWING described premises situated in the City

and County of Erie, State of Pennsylvania, to wit:

ALL THAT CERTAIN piece or parcel of land situate in the Township of Millcreek, now Fourth Ward of the City of Erie, County of Erie, and State of Pennsylvania, in what is known as Kahkwa Park Subdivision of Tract No. 33, and the west one-half of Tract No. 32 of the third section of the Town of Erie, made by the Kahkwa Park Realty Company as shown upon map of said subdivision recorded in the office of the Recorder of Deeds of Erie County, Pennsylvania, aforesaid, in Map Book No. 2, pages 146 and 147, bounded and described as follows:

BEGINNING at a point of intersection of the north line of South Shore Drive with the west line of said Kahkwa Park Subdivision; thence by said west line, north twenty-six (26) degrees, fifty-two (52) minutes west four hundred fifty and five-tenths (450.5) feet to a point in the west line of the Yacht Club property; thence by the south line of said Yacht Club property south seventy-one (71) degrees fifty-two (52) minutes east one hundred forty-one and forty-two hundredths (141.42) feet to a point; thence by a line parallel to the west line of Kahkwa Park, south twenty-six (26) degrees fifty-two (52) minutes east, three hundred fifty and five-tenths (350.5) feet to the north line of South Shore Drive; thence by the north line of said South Shore Drive, south sixty-three (63) degrees eight (8) minutes west, one hundred (100) feet to the place of beginning, and having erected thereon a dwelling house known as 1850 South Shore Drive, Erie, Pennsylvania.

ALSO, ALL that certain tract or lot of seated land, situate in the Fourth Ward, City of Erie, County of Erie, and State of Pennsylvania and described as follows, to wit:

N.S. South Shore Dr., foot of Kahkwa Blvd. Lot 10 X 250 feet, index 4127-106 situated in the Fourth Ward, City of Erie, County of Erie, and Commonwealth of Pennsylvania

BEING KNOWN AS: 1850 South Shore Drive, Erie, PA 16505
PROPERTY ID NO.:
 170410220102200
TITLE TO SAID PREMISES IS VESTED IN Steven K. Bauer by deed from David M. Zurn and Barbara S. Zurn, his wife dated 01/27/2006 recorded 02/06/2006 in Deed Book 1304 Page 1311.
 Udren Law Offices, P.C.
 Paige M. Bellino, Esquire
 PA ID 309091
 Attorney for Plaintiff
 111 Woodcrest Road, Suite 200
 Cherry Hill, NJ 08003-3620
 856-669-5400

Jul. 27 and Aug. 3, 10

SALE NO. 5

Ex. #12339 of 2010

**The Bank of New York Mellon,
 as Indenture Trustee for the
 registered holders of ABFS
 Mortgage Loan Trust 2002-3,
 Mortgage Pass-Through
 Certificates, Series 2002-3,
 Plaintiff**

v.

**Joseph A. Thayer (Mortgagor)
 Renee M. Di Franco-Thayer
 Defendant(s)**

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in the Township of Washington, County of Erie and State of Pennsylvania, being more particularly described as follows, to-wit: BEING Lot No. 90 of Conneauttee Heights Subdivision, Section No. V, as recorded May 23, 1990, in Erie County Map Book 36, Page 105, and re-recorded June 6, 1990, in Erie County Map Book 36, Page 120, and as shown on replot of said subdivision recorded October 5, 1990, in Erie County Map Book 37, Page 39.

ALSO, ALL that certain piece or parcel of land situate in the Township of Washington, County of Erie and State of Pennsylvania, being more particularly described as follows, to-wit: BEING parcel A of Conneauttee Heights Subdivision, Section No. VI, as recorded June 15, 1992, at Erie County Map No. 1992-16.

SAID premises have erected

thereon a dwelling commonly known as 12793 Forrest Drive, Edinboro, Pennsylvania and are further identified by Erie County Assessment Index No. (45) 21-45-6.15.

BEING the same premises conveyed to the Mortgagor(s) by Deed which is intended to be recorded forthwith. BORROWER has no knowledge of the existence of hazardous material on the premises and will indemnify and save harmless lender from all claims.

BEING KNOWN AS: 12793 Forrest Drive, Edinboro, PA 16412
PROPERTY ID NO.: 45-21-45-6.15
TITLE TO SAID PREMISES IS VESTED IN Renee M. DiFranco-Thayer by Deed from Joseph A. Thayer and Renee M. DeFranco-Thayer dated 06-15-05 recorded 12/11/07 in Deed Book 1465 Page 1184.

Udren Law Offices, P.C.

Amy Glass, Esquire

PA Bar #308367

NJ Bar #13862010

Attorney for Plaintiff

111 Woodcrest Road, Suite 200

Cherry Hill, NJ 08003-3620

856-669-5400

Jul. 27 and Aug. 3, 10

SALE NO. 8

Ex. #10518 of 2012

**NORTHWEST SAVINGS
 BANK, Plaintiff,**

v.

**MARK C. TERRILL and
 JENNY TERRILL, Defendants
SHERIFF'S SALE**

By virtue of a Writ of Execution filed at No. 2012-10518, Northwest Savings Bank vs. Mark C. Terrill and Jenny Terrill, owners of property situate in the Township of Washington, Erie County, Pennsylvania being: 13718 Edinboro Plank Road, Cambridge Springs, Pennsylvania.

Approx. 1.838 acres

Assessment Map Number:
 (45) 25-62-6.02

Assessed Value Figure: \$74,200.00

Improvement Thereon: Residence

Kurt L. Sundberg, Esq.

Marsh Spaeder Baur Spaeder

& Schaaf, LLP

Suite 300, 300 State Street
 Erie, Pennsylvania 16507
 (814) 456-5301

Jul. 27 and Aug. 3, 10

SALE NO. 9

Ex. #13903 of 2011

**HSBC BANK USA,
 NATIONAL ASSOCIATION,
 AS TRUSTEE FOR NAAC
 MORTGAGE PASS-THROUGH
 CERTIFICATES, SERIES
 2007-1, Plaintiff**

v.

**KELLY BEEMAN, Defendant(s)
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 13903-11

HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR NAAC MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-1 vs. KELLY BEEMAN

Amount Due: \$58,009.67

KELLY BEEMAN, owner(s) of property situated in the CITY OF ERIE, Erie County, Pennsylvania being 1906 GLENDALE AVENUE, ERIE, PA 16510-1222

Dimensions: 71.6 X 125

Acreage: 0.2055

Assessment Map number:
 18051028032300

Assessed Value: \$51,260.00

Improvement thereon: Residential
 Phelan Hallinan & Schmieg, LLP
 One Penn Center at Suburban
 Station, Suite 1400

1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814

(215) 563-7000

Jul. 27 and Aug. 3, 10

SALE NO. 10

Ex. #12279-09

**US BANK NATIONAL
 ASSOCIATION, AS TRUSTEE
 FOR CERTIFICATEHOLDERS
 OF BEAR STEARNS ASSET
 BACKED SECURITIES
 I LLC, ASSET BACKED
 CERTIFICATES, SERIES
 2004-AC7, Plaintiff**

v.

**JOSEPH FENDONE,
 Defendant(s)
SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12279-09

US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I LLC, ASSET BACKED CERTIFICATES, SERIES 2004-AC7 vs. JOSEPH FENDONE
Amount Due: \$113,273.25
JOSEPH FENDONE, owner(s) of property situated in BOROUGH OF EDINBORO, Erie County, Pennsylvania being 206 HIGH STREET, EDINBORO, PA 16412-2553
Dimensions: 80 X 260
Acreage: 0.4775
Assessment Map number: 11010044000400
Assessed Value: \$83,920.00
Improvement thereon: Residential Phelan Hallinan & Schmieg, LLP One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000

Jul. 27 and Aug. 3, 10

SALE NO. 11
Ex. #10873 of 2012
GMAC MORTGAGE, LLC,
Plaintiff

v.

MICHAEL D. FOLEY,
Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10873-12
GMAC MORTGAGE, LLC vs. MICHAEL D. FOLEY
Amount Due: \$64,246.99
MICHAEL D. FOLEY, owner(s) of property situated in the CITY OF ERIE, Erie County, Pennsylvania being 807 EAST 10TH STREET, ERIE, PA 16503-1415
Dimensions: 30.2 X 65
Acreage: .0451
Assessment Map number: 15020039020900
Assessed Value: \$28,730
Improvement thereon: Residential Phelan Hallinan & Schmieg, LLP One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000

Jul. 27 and Aug. 3, 10

SALE NO. 12
Ex. #10013 of 2012
SUNTRUST MORTGAGE, INC.,
Plaintiff

v.

CHRISTOPHER A.
HAMMOND, Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10013-12
SUNTRUST MORTGAGE, INC. vs. CHRISTOPHER A. HAMMOND
Amount Due: \$80,638.78
CHRISTOPHER A. HAMMOND, owner(s) of property situated in the TOWNSHIP OF FRANKLIN, Erie County, Pennsylvania being 9701 EUREKA ROAD, EDINBORO, PA 16412-5903
Acreage: 2.78
Assessment Map number: 22002013001900
Assessed Value: \$73,520.00
Improvement thereon: Residential Phelan Hallinan & Schmieg, LLP One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000

Jul. 27 and Aug. 3, 10

SALE NO. 13
Ex. #11701 of 2010
JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION,
S/B/M TO CHASE HOME
FINANCE, LLC, Plaintiff

v.

RODNEY G. HOLTON
CHRISTINE M. HOLTON,
Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 11701-10
JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, S/B/M TO CHASE HOME FINANCE, LLC vs. RODNEY G. HOLTON and CHRISTINE M. HOLTON
Amount Due: \$198,455.16
RODNEY G. HOLTON and CHRISTINE M. HOLTON, defendants and owner(s) of property situated in the TOWNSHIP OF HARBORCREEK, Erie County, Pennsylvania being 3263 DEPOT

ROAD, HARBORCREEK, PA 16421
Dimensions: 114 x 343.7
Acreage: 0.8120
Assessment Map number: 27062206005400
Assessed Value: \$163,890.00
Improvement thereon: Residential Phelan Hallinan & Schmieg, LLP One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000

Jul. 27 and Aug. 3, 10

SALE NO. 14
Ex. #10738 of 2012
GOVERNMENT LOAN
SECURITIZATION TRUST
2011-FV1 (THE ISSUER) BY
WELLS FARGO BANK N.A.
(THE SERVICER), SOLELY IN
ITS CAPACITY AS SERVICER,
WITH DELEGATED
AUTHORITY UNDER THE
TRANSACTION DOCUMENTS,
Plaintiff

v.

LISA MARIE LENOX
Defendant(s)
SHERIFF'S SALE

By virtue of a Writ of Execution filed to No. 10738-12
GOVERNMENT LOAN SECURITIZATION TRUST 2011-FV1 (THE ISSUER) BY WELLS FARGO BANK N.A. (THE SERVICER), SOLELY IN ITS CAPACITY AS SERVICER, WITH DELEGATED AUTHORITY UNDER THE TRANSACTION DOCUMENTS vs. LISA MARIE LENOX
Amount Due: \$165,457.08
LISA MARIE LENOX, owner(s) of property situated in the TOWNSHIP OF MILLCREEK, Erie County, Pennsylvania being 3552 BREEZEWAY DRIVE, ERIE, PA 16506-1937
Dimensions: 105.57 X 165
Acreage: .3605
Assessment Map number: 33063370001300
Assessed Value: \$120,080
Improvement thereon: Residential Phelan Hallinan & Schmieg, LLP One Penn Center at Suburban

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Email: ealthof@LSinsure.com

Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jul. 27 and Aug. 3, 10

SALE NO. 15

Ex. #10562 of 2012

**JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION
S/B/M TO CHASE HOME
FINANCE, LLC S/B/M TO
CHASE MANHATTAN
MORTGAGE CORPORATION
S/B/M TO CHASE MORTGAGE
COMPANY, Plaintiff**

v.

**BRIAN E. LOCK, II
ELIZABETH E. LOCK,
Defendant(s)**

SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 10562-12

JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION
S/B/M TO CHASE HOME
FINANCE, LLC S/B/M TO
CHASE MANHATTAN
MORTGAGE CORPORATION
S/B/M TO CHASE MORTGAGE
COMPANY vs. BRIAN E. LOCK,
II and ELIZABETH E. LOCK

Amount Due: \$59,865.37

BRIAN E. LOCK, II and
ELIZABETH E. LOCK, owner(s)
of property situated in the CITY OF
ERIE, Erie County, Pennsylvania
being 838 EAST 26TH STREET,
ERIE, PA 16504-2825

Dimensions: 30 X 150

Acreage: .1033

Assessment Map number:
180500351013200

Assessed Value: \$27,250

Improvement thereon: Residential
Phelan Hallinan & Schmieg, LLP
One Penn Center at Suburban
Station, Suite 1400

1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jul. 27 and Aug. 3, 10

SALE NO. 16

Ex. #13275 of 2010

**BANK OF AMERICA, N.A. AS
SUCCESSOR BY MERGER
TO BAC HOME LOANS
SERVICING, LP, Plaintiff**

v.

**ANDREW R. O'HARA,
Defendant(s)
SHERIFF'S SALE**

By virtue of a Writ of Execution
filed to No. 13275-10

BANK OF AMERICA, N.A. AS
SUCCESSOR BY MERGER TO
BAC HOME LOANS SERVICING,
LP vs. ANDREW R. O'HARA

Amount Due: \$72,622.39

ANDREW R. O'HARA, owner(s)
of property situated in the CITY OF
ERIE, Erie County, Pennsylvania
being 2801 REED STREET, ERIE,
PA 16504-1240

Dimensions: 33.75 x 120

Acreage: 0.0930

Assessment Map number:
18050061021900

Assessed Value: \$51,260.00

Improvement thereon: Residential
Phelan Hallinan & Schmieg, LLP
One Penn Center at Suburban
Station, Suite 1400

1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jul. 27 and Aug. 3, 10

SALE NO. 17

Ex. #10133 of 2012

**WELLS FARGO BANK, N.A.,
S/B/M WELLS FARGO HOME
MORTGAGE, INC., Plaintiff**

v.

**JAMES PRUVEADENTI,
IN HIS CAPACITY AS
EXECUTOR AND DEVISEE
OF THE ESTATE OF
FRANK D. PRUVEADENTI,
JR., NICOLE PRUVEADENTI,
IN HER CAPACITY AS
DEVISEE OF THE ESTATE OF
FRANK D. PRUVEADENTI,
JR., Defendant(s)
SHERIFF'S SALE**

By virtue of a Writ of Execution
filed to No. 10133-12

WELLS FARGO BANK, N.A.,
S/B/M WELLS FARGO HOME
MORTGAGE, INC. vs. JAMES
PRUVEADENTI, IN HIS
CAPACITY AS EXECUTOR AND
DEVISEE OF THE ESTATE OF
FRANK D. PRUVEADENTI, JR.
and NICOLE PRUVEADENTI, IN
HER CAPACITY AS DEVISEE
OF THE ESTATE OF FRANK D.

PRUVEADENTI, JR.

Amount Due: \$96,425.27

JAMES PRUVEADENTI, IN HIS
CAPACITY AS EXECUTOR AND
DEVISEE OF THE ESTATE OF
FRANK D. PRUVEADENTI, JR.
and NICOLE PRUVEADENTI, IN
HER CAPACITY AS DEVISEE
OF THE ESTATE OF FRANK D.
PRUVEADENTI, JR., owner(s) of
property situated in the TOWNSHIP
OF MILLCREEK, Erie County,
Pennsylvania being 2557 SOUTH
TRACY DRIVE, ERIE, PA 16505-
4413

Dimensions: 70 x 100

Acreage: 0.1805

Assessment Map number:
33015046003300

Assessed Value: \$111,780.00

Improvement thereon: Residential
Phelan Hallinan & Schmieg, LLP
One Penn Center at Suburban
Station, Suite 1400

1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jul. 27 and Aug. 3, 10

SALE NO. 18

Ex. #10576 of 2012

**SUNTRUST MORTGAGE, INC.,
Plaintiff**

v.

**DEBBIE A. STRANGE
Defendant(s)**

SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 10576-12

SUNTRUST MORTGAGE, INC.
vs. DEBBIE A. STRANGE

Amount Due: \$60,375.35

DEBBIE A. STRANGE, owner(s)
of property situated in the CITY OF
ERIE, Erie County, Pennsylvania
being 608 BROWN AVENUE,
ERIE, PA 16502-2529

Dimensions: 35 X 97.25

Acreage .0781

Assessment Map number:
19060016012100

Assessed Value: \$54,470

Improvement thereon: Residential
Phelan Hallinan & Schmieg, LLP
One Penn Center at Suburban
Station, Suite 1400

1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jul. 27 and Aug. 3, 10

SALE NO. 19
Ex. #11291 of 2011

CITIMORTGAGE, INC.,
Plaintiff

v.

JAMES B. TAYLOR, SR,
Defendant(s)

SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 11291-11

CITIMORTGAGE, INC. vs.
JAMES B. TAYLOR, SR

Amount Due: \$115,971.04

JAMES B. TAYLOR, SR,
owner(s) of property situated in the
TOWNSHIP OF CONCORD, Erie
County, Pennsylvania being 21584
SPARTANSBURG HIGHWAY,
CORRY, PA 16407-9646

Acreage 2.0000

Assessment Map number:
03-020-037.0-014.00

Assessed Value: \$46,550

Improvement thereon: Residential
Phelan Hallinan & Schmieg, LLP
One Penn Center at Suburban
Station, Suite 1400

1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jul. 27 and Aug. 3, 10

SALE NO. 20

Ex. #14252 of 2011

AURORA BANK FSB, Plaintiff

v.

CATHERINE H. TURNER,
Defendant(s)

SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 14252-11

AURORA BANK FSB vs.
CATHERINE H. TURNER

Amount Due: \$25,734.66

CATHERINE H. TURNER
owner(s) of property situated in
CITY OF ERIE, Erie County,
Pennsylvania being 2505
CHESTNUT STREET, ERIE, PA
16502-2660

Dimensions: 40 ¾ X 80

Acreage: 0.0748

Assessment Map number:
19060012011800

Assessed Value: \$52,300

Improvement thereon: residential
Phelan Hallinan & Schmieg, LLP
One Penn Center at Suburban
Station, Suite 1400

1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jul. 27 and Aug. 3, 10

SALE NO. 21

Ex. #14274 of 2009

BANK OF AMERICA, N.A.
SUCCESSOR BY MERGER
TO BAC HOME LOANS
SERVICING, LP, Plaintiff

v.

JEREMY J.H. WEINBERG,
Defendant(s)

SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 14274-09

BANK OF AMERICA, N.A.
SUCCESSOR BY MERGER TO
BAC HOME LOANS SERVICING,
LP vs. JEREMY J.H. WEINBERG
Amount Due: \$68,073.00

JEREMY J.H. WEINBERG,
owner(s) of property situated in
CITY OF ERIE, Erie County,
Pennsylvania being 2943 POPLAR
STREET, ERIE, PA 16508-1679

Dimensions: 38x125.67

Acreage: 0.1096

Assessment Map number:
19-060-044.0-339.00

Assessed Value: \$56,830

Improvement thereon: residential
Phelan Hallinan & Schmieg, LLP
One Penn Center at Suburban
Station, Suite 1400

1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Jul. 27 and Aug. 3, 10

SALE NO. 23

Ex. #10940 of 2012

U.S. BANK NATIONAL
ASSOCIATION TRUSTEE
FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
Plaintiff

v.

JASON E. RADEL, Defendants
SHERIFF'S SALE

By virtue of a Writ of Execution No.
10940-12

U.S. BANK NATIONAL
ASSOCIATION TRUSTEE FOR
THE PENNSYLVANIA HOUSING
FINANCE AGENCY, Plaintiff

v.

JASON E. RADEL, Defendants

Real Estate: 1206 ASH STREET,
LAKE CITY, PA 16423

Municipality: Borough of Lake
City, Erie County, Pennsylvania
Plan: Resubdivision of Park Shores
Subdivision Lot No. 51, Map No.
1992, Page 252

See Deed Book 1230, Page 155

Tax I.D. (28) 5-6-4-7

Assessment: \$15,800. (Land)
\$55,170. (Bldg)

Improvement thereon: a residential
dwelling house as identified above
Leon P. Haller, Esquire
Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17104
(717) 234-4178

Jul. 27 and Aug. 3, 10

SALE NO. 25

Ex. #12154 of 2010

PNC MORTGAGE, A DIVISION
OF PNC BANK, NATIONAL
ASSOCIATION SUCCESSOR
BY MERGER TO NATIONAL
CITY REAL ESTATE
SERVICES LLC SUCCESSOR
BY MERGER TO NATIONAL
CITY MORTGAGE, INC FKA
NATIONAL CITY MORTGAGE
CO, Plaintiff,

v.

KENNETH L. FISHER, JR.,
Defendant

SHERIFF'S SALE

By virtue of a Writ of Execution
filed to No. 12151-10, PNC
Mortgage, et al, vs. Kenneth L.
Fisher, Jr., owner(s) of property
situated in City of Erie, Erie County,
Pennsylvania being 1512 West 24th
Street, Erie, PA 16502.

Dimensions: 0.1364

Assessment Map Number:
(19) 6247-131

Assess Value figure: \$70,900.00

Improvement thereon: Dwelling

Louis P. Vitti, Esquire
Attorney for Plaintiff
215 4th Avenue
Pittsburgh, PA 15222
(412) 281-1725

Jul. 27 and Aug. 3, 10

SALE NO. 26

Ex. #11283 of 2012

U.S. BANK NATIONAL
ASSOCIATION (TRUSTEE

**FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY,
PURSUANT TO A TRUST
INDENTURE DATED AS OF
APRIL 1, 1982), Plaintiff,**

v.

**BRENDA R. HOTCHKISS,
Defendant**

SHERIFFS SALE

By virtue of a Writ of Execution filed to No. 11283-2012, U.S. Bank, et al vs. Brenda R. Hotchkiss, owner(s) of property situated in North East, Erie County, Pennsylvania being 10805 (115) Clinton Street, North East, PA 16428.

Dimensions: 1288 Sq. Ft. / 0.2792 acres

Assessment Map Number: (37) 19.71-11.01

Assess Value figure: \$78,810.00

Improvement thereon: Dwelling

Louis P. Vitti, Esquire

Attorney for Plaintiff

215 4th Avenue

Pittsburgh, PA 15222

(412) 281-1725

Jul. 27 and Aug. 3, 10

SALE NO. 27

Ex. #10941 of 2012

**THE BANK OF NEW
YORK MELLON FKA THE
BANK OF NEW YORK,
AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF
CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES**

2007-4, Plaintiff

v.

**BOBBIELYN DIBBLE,
Defendant(s)**

DESCRIPTION

All that certain piece or parcel of land situate in the City of Erie, Erie County, Pennsylvania, bounded and described as follows, to-wit:

Beginning at a point in the West line of Sigsbee Street, Four Hundred and Ninety (490') feet and Three (3") inches South of the intersection of the West line of Sigsbee Street with the South line of West Twenty-Sixth Street; thence Westwardly parallel with West Twenty-Sixth Street, One Hundred Fifty (150') feet; thence Southwardly parallel with Sigsbee Street, Thirty-Two (32') feet and Nine (9') inches; thence eastwardly

parallel with West Twenty-Sixth Street, One Hundred Fifty (150') feet to the West line of Sigsbee Street; thence Northwardly along the West line of Sigsbee Street, Thirty-Two (32') feet and Nine (9") inches to the place of beginning, and being part of Lot No. 15 and part of Lot No. 16 in Block 1 of the Glenwood Park Land Company's Plot as recorded in the Office of the Recorder of Deeds for Erie County, in Map Book No. I, Page 329, together with all improvements thereon.

PARCEL# (19) 60459-109

PROPERTY ADDRESS: 2650

Sigsbee Street, Erie, PA 16508

KML Law Group, P.C.

Attorney for Plaintiff

Suite 5000 - BNY Independence

Center, 701 Market Street

Philadelphia, PA 19106

(215) 627-1322

Jul. 27 and Aug. 3, 10

SALE NO. 28

Ex. #12031 of 2009

**WELLS FARGO BANK, N.A.
AS TRUSTEE FOR OPTION
ONE MORTGAGE LOAN
TRUST 2006-1 ASSET-BACKED
CERTIFICATES, SERIES
2006-1, Plaintiff**

v.

**DEBBIE FENDONE
JOSEPH FENDONE,
Defendant(s)**

DESCRIPTION

ALL THAT CERTAIN place or parcel of land situate in the Township of Washington, County of Erie, and State of Pennsylvania, and known as Lot Number Twenty (20) of Angling Acres Subdivision, Section No. 1 being parts of Tracts 446 and 447, a plait of which is recorded in Erie County, Pennsylvania, in Map Book 7 at page 114, to which reference is made for a further description thereof.

PROPERTY ADDRESS: 12230

Skyview Drive, Edinboro, PA 16412

KML Law Group, P.C.

Attorney for Plaintiff

Suite 5000 - BNY Independence

Center, 701 Market Street

Philadelphia, PA 19106

(215) 627-1322

Jul. 27 and Aug. 3, 10

SALE NO. 29

Ex. #11085 of 2012

**GREEN TREE CONSUMER
DISCOUNT COMPANY,
Plaintiff**

v.

**KATHLEEN J. JURY,
Defendant(s)**

DESCRIPTION

ALL that certain piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania being Lot Number 21, Block L, in Evans Estates, Subdivision Number 3, of part of Reserve Tracts Numbers 17 and 18, as the same is shown on a map of said Subdivision, recorded in the office of the Recorder of Deeds in and for said County of Erie, Pennsylvania in Map Book Number 5, pages 287 and 288 to which reference is made for a further description of said property.

PROPERTY ADDRESS: 3209 West 22nd Street, Erie, PA 16506

KML Law Group, P.C.

Attorney for Plaintiff

Suite 5000 - BNY Independence

Center, 701 Market Street

Philadelphia, PA 19106

(215) 627-1322

Jul. 27 and Aug. 3, 10

SALE NO. 31

Ex. #14480 of 2011

**Wells Fargo Bank, N.A.,
successor by merger to Wells
Fargo Home Mortgage, Inc.**

v.

**TODD J. BARNETT
SHERIFF'S SALE**

By virtue of a Writ of Execution file to No. 14480-11 Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc., vs. TODD J. BARNETT; owner(s) of property situated in the Township of Venango, County of Erie, Pennsylvania being 9641 Haskell Hill Road a/k/a 9641 Haskell Hill Road, Wattsburg, PA 16442

1.7500 acre

Assessment Map Number: 44021034000200

Assessed Value figure: \$85,450.00

Improvement thereon: Single Family Dwelling

Scott A. Dietterick, Esquire
 Kimberly A. Bonner, Esquire
 Joel Ackerman, Esquire
 Ashleigh L. Marin, Esquire
 Ralph M. Salvia, Esquire
 Jaime R. Ackerman, Esquire
 Zucker, Goldberg & Ackerman, LLC
 200 Sheffield Street, Suite 101
 Mountainside, NJ 07092
 (908) 233-8500

Jul. 27 and Aug. 3, 10

SALE NO. 32

Ex. #14369 of 2011

HSBC Bank USA, National Association, as Trustee for Wells Fargo Asset Securities Corporation Home Equity Asset-Backed Certificates, Series 2006-1

v.

**ALICE A. HUFF
SHERIFF'S SALE**

By virtue of a Writ of Execution file to No. 14369-11 HSBC Bank USA, National Association, as Trustee for Wells Fargo Asset Securities Corporation Home Equity Asset-Backed Certificates, Series 2006-1, vs. ALICE A. HUFF; owner(s) of property situated in the City of Erie, County of Erie, Pennsylvania being 1020 East 24th Street, Erie, PA 16503
 43.34 X 135 0.1333 acre
 Assessment Map Number: 18050041012100
 Assessed Value figure: 39,960.00
 Improvement thereon: Single Family Dwelling
 Scott A. Dietterick, Esquire
 Kimberly A. Bonner, Esquire
 Joel Ackerman, Esquire
 Ashleigh L. Marin, Esquire
 Ralph M. Salvia, Esquire
 Jaime R. Ackerman, Esquire
 Zucker, Goldberg & Ackerman, LLC
 200 Sheffield Street, Suite 101
 Mountainside, NJ 07092
 (908) 233-8500

Jul. 27 and Aug. 3, 10

SALE NO. 33

Ex. #12943 of 2011

Wells Fargo Bank, N.A.

v.

**Mary Lou Richards;
 Thomas E. Richards (Deceased)
SHERIFF'S SALE**

By virtue of a Writ of Execution file to No. 2011-12943 Wells Fargo Bank, N.A. vs. Mary Lou Richards; Thomas E. Richards (Deceased); owner(s) of property situated in the Township of Conneaut, County of Erie, Pennsylvania being 10813 Whittaker Road, Albion, PA 16401;
 10-19.99 Acres
 Assessment Map Number: 04-029-060.0-001.11
 Assessed Value figure: 69,330.00
 Improvement thereon: Single Family Dwelling
 Scott A. Dietterick, Esquire
 Kimberly A. Bonner, Esquire
 Joel Ackerman, Esquire
 Ashleigh L. Marin, Esquire
 Ralph M. Salvia, Esquire
 Jaime R. Ackerman, Esquire
 Zucker, Goldberg & Ackerman, LLC
 200 Sheffield Street, Suite 101
 Mountainside, NJ 07092
 (908) 233-8500

Jul. 27 and Aug. 3, 10

SALE NO. 34

Ex. #14559 of 2011

Wells Fargo Bank, N.A. successor by merger to Wells Fargo Home Mortgage, Inc.

v.

**Sean M. Richardson a/k/a
 Sean Michael Richardson;
 Lori F. Richardson
SHERIFF'S SALE**

By virtue of a Writ of Execution file to No. 2011-14559 Wells Fargo Bank, N.A. successor by merger to Wells Fargo Home Mortgage, Inc. vs. Sean M. Richardson a/k/a Sean Michael Richardson; Lori F. Richardson; owner(s) of property situated in the City of Erie, County of Erie, Pennsylvania being 206 Barker Street, Girard, PA 16417-1202
 0.6078 ACRE
 Assessment Map Number: 23004039000200
 Assessed Value figure: \$88,080.00
 Improvement thereon: Single Family Dwelling
 Scott A. Dietterick, Esquire
 Kimberly A. Bonner, Esquire
 Joel Ackerman, Esquire
 Ashleigh L. Marin, Esquire
 Ralph M. Salvia, Esquire
 Jaime R. Ackerman, Esquire

Zucker, Goldberg & Ackerman, LLC
 200 Sheffield Street, Suite 101
 Mountainside, NJ 07092
 (908) 233-8500

Jul. 27 and Aug. 3, 10

SALE NO. 36

Ex. #15408 of 2010

Beneficial Consumer Discount Company D/B/A Beneficial Mortgage Co of Pennsylvania, Plaintiff

v.

**George P. Ross and
 Roxana M. Ross, Defendant
SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 15408-10 Beneficial Consumer Discount Company D/B/A Beneficial Mortgage Co of Pennsylvania v. George P. Ross and Roxana M. Ross, owners of property situated in the City of Corry, Erie County, Pennsylvania being 35 Elk Street, Corry, Pennsylvania 16407.
 Tax I.D. No. 07-014-036.0-029.00
 Assessment: \$95,922.66
 McCabe, Weisberg and Conway, P.C.
 123 South Broad Street, Suite 2080
 Philadelphia, PA 19109

Jul. 27 and Aug. 3, 10

SALE NO. 37

Ex. #10907 of 2012

Bank of America, N.A., Plaintiff

v.

**Richard W. Winslow, Defendant
SHORT DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2012-10907 Bank of America, N.A. v. Richard W. Winslow, owners of property situated in the Township of Millcreek, Erie County, Pennsylvania being 5098 Shechinah Drive, Edinboro, Pennsylvania 16412.
 Tax I.D. No. 11-014-0411.0-021.04
 Assessment: \$309,395.76
 McCabe, Weisberg and Conway, P.C.
 123 South Broad Street, Suite 2080
 Philadelphia, PA 19109

Jul. 27 and Aug. 3, 10



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Robert G. Stout, MAI



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 Robert Stout, Jr., MAI rstout@sas-rea.com

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Gerald Nichols
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Benjamin Suchocki
 30 Years - FBI/IRS

Jennifer Mazur
 Investigator

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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

DeNARDO, DONALD R., deceased

Late of Millcreek Township, County of Erie, and Commonwealth of Pennsylvania
Executor: Patricia Ann Bielinski, 3834 Cochran Street, Erie, PA 16508
Attorney: Gary K. Schonthal, Esquire, The Gideon Ball House, 135 East 6th Street, Erie, PA 16501

JAGTA, ROSE V., deceased

Late of the Township of Greene, County of Erie, and State of Pennsylvania
Co-Executrices: Mary Ventresca, 917 West 33rd St., Erie, PA 16508 and Kathy Frawley, 2544 West 34th St., Erie, PA 16506
Attorney: Richard T. Ruth, Esq., 1026 West 26th St., Erie, PA 16508

KALIVODA, EUGENE S., deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Administrator: John P. Eppinger, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

KONETSKY, JOHN S., deceased

Late of the Township of Millcreek
Executors: Catherine A. Brandon and Pamela A. Zech
Attorney: Michael G. Nelson, Esquire, Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, Pennsylvania 16507

MATHER, EDWARD M., deceased

Late of the Borough of Wesleyville, County of Erie, State of Pennsylvania
Executor: Randall Long, c/o 78 East Main Street, North East, PA 16428
Attorney: John C. Brydon, Esq., Brydon Law Office, 78 East Main Street, North East, PA 16428

SCHWARZFELD, BENJAMIN K., deceased

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

SEDLER, MART T., a/k/a MARK SEDLER, a/k/a MARK TODD SEDLER, deceased

Late of the Township of Springfield, County of Erie, State of Pennsylvania
Executrix: Janice K. Sedler, 5317 Nash Road, West Springfield, Pennsylvania 16443
Attorney: James R. Steadman, Esq., 24 Main St. E., P.O. Box 87, Girard, Pennsylvania 16417

SNYDER, MARGARET SCOTT, a/k/a MARGARET S. SNYDER, a/k/a MARGARET SNYDER, deceased

Late of the Township of Millcreek, County of Erie, State of Pennsylvania
Executrix: Lisa McNamara, 4651 White Pine Drive, Erie, Pennsylvania 16506
Attorney: James R. Steadman, Esq., 24 Main St., E., Girard, Pennsylvania 16417

ZUZOLO, MATTHEW A., deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: Edward Max Weiss, 911 Diamond Park, Meadville, Pennsylvania 16335
Attorney: William J. Kelly, Jr., Esquire, 100 State Street, Suite 440, Erie, Pennsylvania 16507

SECOND PUBLICATION

ANDREWS, EMOGENE R., a/k/a EMOGENE K. ANDREWS, a/k/a EMOGENE ANDREWS, deceased

Late of the Borough of Girard, County of Erie, State of Pennsylvania
Executrix: Sheryl Buchner, 535 Richardson Drive, Lake City, Pennsylvania 16423
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, Pennsylvania 16417

CONNOLLY, SHIRLEY MAE, a/k/a SHIRLEY P. CONNOLLY, a/k/a SHIRLEY MAE PIERCE CONNOLLY, deceased

Late of the City of Erie, County of Erie, Pennsylvania
Executor: Matt A. Connolly, c/o 6350 Meadowrue Lane, Erie, PA 16505
Attorney: Scott E. Miller, Esquire, 6350 Meadowrue Lane, Erie, PA 16505

**COSA, JOSEPH C.,
deceased**

Late of the City of Erie, County of Erie, Pennsylvania
Executor: Christopher G. Cosa, c/o 900 State Street, Suite 215, Erie, PA 16501
Attorney: Gregory L. Heidt, Esquire, 900 State Street, Suite 215, Erie, PA 16501

**DUNDON, ALVIN S.,
deceased**

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

**GREGOR, GEORGE A.,
deceased**

Late of Amity Township, County of Erie, Commonwealth of Pennsylvania
Executrix: Patricia J. Yost, 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

**LEWIS, CHARLOTTE,
deceased**

Late of Green Township, Erie County, Pennsylvania
Executor: Charlotte Tylman, c/o McCarthy, Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507
Attorney: Joseph P. Martone, Esquire, McCarthy, Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507

**LIJEWSKI, PHYLLIS J.,
deceased**

Late of Millcreek Township
Executors: David A. Buerk and Grant R. Weber, 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

**NYBERG, ARTHUR D., a/k/a
ARTHUR NYBERG,
deceased**

Late of the Township of Millcreek, County of Erie and State of Pennsylvania
Executor: Theodore N. Nyberg, 829 Linden Avenue, Erie, PA 16505
Attorney: Ronald J. Susmarski, Esq., 4030-4036 West Lake Road, Erie, PA 16505

**ROSS, HOWARD F.,
deceased**

Late of the City of Corry, County of Erie, Commonwealth of Pennsylvania
Executrix: Flora Ann Bensink, 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

**RUMBERGER, SAMUEL J.,
deceased**

Late of North East Borough
Co-Administrators: Lisa M. Rumberger, 544 Cohasset Drive, Hermitage, PA 16148 and Steven J. Rumberger, 48 Eagle Street, North East, PA 16428
Attorney: Leigh Ann Orton, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

**SMITH, JAY SOL,
deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania
Executrix: Linda Jo Kingsmore, c/o Yochim, Skiba & Nash, 345 West 6th Street, Erie, PA 16507
Attorney: Gary V. Skiba, Esq., Yochim, Skiba & Nash, 345 West 6th Street, Erie, PA 16507

**WOLF, KENNETH H.,
deceased**

Late of the Township of Harborecreek, Commonwealth of Pennsylvania
Executor: Richard J. Wolf, 1011 West 30th Street, Erie, Pennsylvania 16508
Attorney: Richard A. Vendetti, Esq., Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**WOZNAK, CHARLES C., a/k/a
CASIMIR WOZNAK,
deceased**

Late of the City of Erie, Pennsylvania
Co-Executors: Judith C. Rainsberger, 4574 N. Colonial Parkway, Erie, PA 16509 and Camille M. Thompson, 631 Sommerheim Drive, Erie, PA 16505
Attorney: None

**WROBEL, NORMAN E.,
deceased**

Late of the City of Erie
Executor: Leonard J. Wrobel, 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

**YOVICH, MARY LEONA,
deceased**

Late of LeBoeuf Township, Erie County, Commonwealth of Pennsylvania
Executor: Doris Yovich, 12009 Rt. 98, Edinboro, PA 16412
Attorney: None

THIRD PUBLICATION

**ARCHER, EDITH K. PIERCE,
a/k/a EDITH P. ARCHER, a/k/a
EDITH K. PIERCE,
deceased**

Late of North East, PA
Executor: James L. Beers, 29605 U.S. Highway 19 North, Clearwater, FL 33761
Attorney: R. Michael Daniel, Cohen & Grigsby, P.C., 625 Liberty Avenue, Pittsburgh, PA 15222-3152

**BUSECK, DONALD C.,
deceased**

Late of the Township of Fairview, County of Erie, Commonwealth of Pennsylvania
Co-Executors: Frances Q. Buseck, Kurt F. Buseck & Mark S. Buseck, MD, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: I. John Dunn, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**EAST, ROBERT T., JR.,
deceased**

Late of the Township of Lawrence Park, County of Erie and Commonwealth of Pennsylvania
Executor: Judith A. Reiter, c/o 227 West 5th Street, Erie, PA 16507
Attorney: Mark O. Prenatt, Esquire, 227 West 5th Street, Erie, Pennsylvania 16507

**EVANS, SUSAN M.,
deceased**

Late of the Township of Fairview
Executor: Charles E. Evans, 599 Hardscrabble Boulevard, Erie, PA 16505
Attorney: Michael A. Fetzner, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**JONES, ELEANOR S., a/k/a
ELEANOR JONES, a/k/a
ELEANOR SCHUETZ JONES,
deceased**

Late of the Township of Millcreek, County of Erie, State of Pennsylvania
Executrix: Vera L. Bowen, 5735 California Road, McKean, Pennsylvania 16426
Attorney: James R. Steadman, Esq., 24 Main St. E., P.O. Box 87, Girard, Pennsylvania 16417

**KUHN, RAYMOND WILLIAM,
a/k/a RAYMOND W. KUHN,
deceased**

Late of Millcreek Township
Executor: Kenny R. Kuhn, 1622 Wilkins Rd., Erie, PA 16505
Attorney: None

**KURTY, TERESA MAE,
deceased**

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

**MOHNKERN, BETTY M.,
deceased**

Late of Lawrence Park Township, County of Erie and Commonwealth of Pennsylvania
Co-Executrices: Barbara Jean Medwid and Carol Ann Billig
Attorney: Thomas J. Minarcik, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**PEPICELLO, ESSIE J.,
deceased**

Late of the Township of Harborcreek, Erie County, Pennsylvania
Executor: Dean S. Pepicello, c/o Robert C. Ward, Esquire, 307 French Street, Erie, PA 16507
Attorney: Robert C. Ward, Esquire, 307 French Street, Erie, PA 16507

**RZODKIEWICZ, DOROTHY M.,
deceased**

Late of Lawrence Park Township
Executrix: Ann M. Badach, 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

**SANFORD, CHARLES T.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Administratrix c.t.a.: Aimee Murphy, c/o William J. Schaaf, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Attorneys-at-Law, Suite 300, 300 State Street, Erie, PA 16507

**SEABERG, RUTH M.,
deceased**


Late of Millcreek Township
Administrators: Anna T. Seaberg and Richard Seaberg, 1735 West 25th Street, Erie, PA 16502
Attorney: Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

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