

*Erie  
County  
Legal  
Journal*

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Wiley v. Times Publishing Company, d/b/a Erie Times-News

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# 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 Bar Association

## Calendar of Events and Seminars

### THURSDAY, APRIL 11, 2013

*The Sunshine Act, the Right-to-Know Law, and the New  
Borough Code*

ECBA Live Seminar  
Bayfront Convention Center  
8:30 - 11:45 a.m. (8:00 a.m. reg.)  
\$105 (ECBA members/non-attorney staff)  
\$158 (nonmembers) \$73 (Member Judges)  
3 hours substantive

### THURSDAY, APRIL 11, 2013

*A Workshop on Estates - Beyond the Basics*

ECBA Live Seminar  
Bayfront Convention Center  
8:30 - 11:45 a.m. (8:00 a.m. reg.)  
\$105 (ECBA members/non-attorney staff)  
\$158 (nonmembers) \$73 (Member Judges)  
3 hours substantive

### SATURDAY, APRIL 27, 2013

Law Day 5k Run/Walk  
Erie County Courthouse  
9:00 a.m.  
go to [www.eriebar.com](http://www.eriebar.com) to register



Erie County Bar  
Association



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To view PBI seminars visit the events calendar on the ECBA website  
<http://www.eriebar.com/public-calendar>

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# *In Memoriam*



*Robert J. Kilgore*

*May 12, 1925 - March 14, 2013*

*Robert J. Kilgore, passed away at his home in Pawleys Island, South Carolina on Thursday, March 14, 2013 at the age of 87. Bob, beloved husband, father, grandfather and friend, was born on May 12, 1925, in Erie, Pennsylvania, to the late Charles D. and Mary Jane Lee Kilgore.*

*He attended Erie East High School where he graduated in 1943, graduated from Grove City College in 1951 and the University of Michigan Law School in 1954. He served in the U.S. Navy as a naval aviator from 1943 through 1947 and was in the reserves until 1954.*

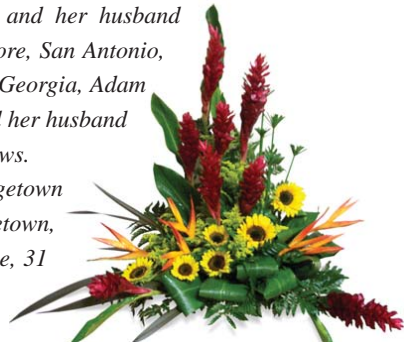
*Bob served as General Counsel and Senior Vice President for 24 years at Hammermill Paper Company and was also a partner with Marsh, Spaeder, Baur, Spaeder and Schaaf for ten years. He was a past president of the Erie County Bar Association and was recently honored as having been in the Pennsylvania Bar for over 50 years. Bob enjoyed his work and his many civic engagements over the years.*

*Bob served as president for various organizations including the Erie YMCA, the Erie Club, and the School Board of Iroquois School District. He was also active in the Presbyterian Church. Currently a member of the Georgetown Presbyterian Church, of Georgetown, South Carolina, Bob also served as an Elder at Eastminster Presbyterian Church, in Lawrence Park, Pennsylvania, in addition to having been Moderator for the Lake Erie Presbytery. He was also a Member and Master of Perry-Keystone Lodge No. 392 F. & A. M. Bob entered his retirement years, with his wife Betty, in the Georgetown, South Carolina area at DeBordieu, where they made new friends and provided wonderful experiences for their family.*

*Bob was preceded in death by two sisters, Jean Smock and Martha Barthel.*

*Survivors include his wife, Betty Baker Kilgore of Pawleys Island, South Carolina; three daughters: Deb Ford and her husband Jim, Evanston, Illinois; Nancy Patton and her husband, Doug, Georgetown, South Carolina; Susan Gadrix and her husband Vincent, LaGrange, Georgia; a brother, Charles Kilgore, San Antonio, Texas; three grandchildren: Lyndsey Patton, Atlanta, Georgia, Adam Patton, Superior, Colorado and Kara Bliley Cross and her husband Eric, Denver, Colorado; and several nieces and nephews.*

*In lieu of flowers, donations may be made to Georgetown Presbyterian Church, 558 Black River Road, Georgetown, South Carolina 29440 or to the YMCA of Greater Erie, 31 West 10th Street, Erie, Pennsylvania 16501.*



**Law Firm at 246 West Tenth Street has office space available.** Secretarial services can be included. Office also has receptionist, large conference room and convenient client parking. Please direct all inquiries to David Ridge, Esquire at 814.454.1010.



Mar. 22, 29 and Apr. 5, 12

**Notice – Position Available June 1, 2013**

The Erie County Court of Common Pleas is seeking interested individuals for the position of Juvenile Court Master. This position is under the general direction of the Administrative Judge of the Family Division. The Juvenile Court Master presides over juvenile delinquency and dependency matters as designated in the Juvenile Act and the Pennsylvania Rules of Juvenile Court Procedure. At the conclusion of hearings, the Master makes findings and issues a written summary and recommendation to the juvenile court judge. The Master must have the ability to communicate effectively both orally and in writing. Qualified candidates must also have thorough knowledge of Pennsylvania criminal law, the Juvenile Act, related statutes and case law, Court procedure and the Rules of Evidence. The Juvenile Master is an appointed judicial officer and as such a qualified candidate must have good judicial temperament consistent with the standards set forth within the Pennsylvania Code of Judicial Conduct. To be considered, a candidate must be a member in good standing of the Bar of the Commonwealth of Pennsylvania. The position is twenty (20) hours per week and will pay approximately \$30,000 to start (negotiable).

Please direct all letters of interest and/or resume to Thomas C. Aaron, District Court Administrator by April 15, 2013.

Mar. 22, 29

	Jamie is a principal with the Mead Law Firm
	Jamie is a 1980 graduate of Princeton University and a 1983 graduate of the University of Pittsburgh School of Law
	Jamie Mead has 30 years of diverse legal experience, including
	<ul style="list-style-type: none"><li>• Former Federal Prosecutor</li><li>• Criminal Defense (Currently Serves as County-Appointed Homicide Defense Counsel)</li><li>• Civil Law</li><li>• Municipal Law (Currently Serves as Assistant Erie Solicitor)</li></ul>
Paid for by the Committee to Elect Jamie Mead	

**ATTENTION ALL ATTORNEYS**

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

**— YOU ARE FAR FROM BEING ALONE! —**

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

# 10th Annual AKT Kid Konnection Program

## Be a Mentor!



AKT Kid Konnection provides you (and interested family members) with the opportunity to share your time with some great kids.

You can truly make a difference in the life of your mentee by exhibiting and reinforcing the importance of hard work in school, perseverance, positive behaviors, good manners and more.

Many of these young students crave someone to be interested in just them - their interests, hobbies, school, goals and dreams. You will boost their self-esteem and improve their future by simply giving them your undivided attention for a few hours over a few months.

Kid Konnection events are structured educational events with an element of fun. Your enthusiasm can have a life-long impact on them.

The mentees that AKT serves are associated with our local shelters. They have not had an easy life. What better way to give back to the community than to spend time with the future of our community - *the children!*



*Educational Events - Learning is Fun!*



*An Opportunity to be a Role Model!*



***AKT Supports the educational needs of students living in homeless situations.***

## 2013 Schedule of Events

Kick-off Event / Orientation Gannon Univ. Palumbo Ctr. -8th & Peach/3rd Fl.	Thursday, April 4	5:30 - 7:00 p.m.
Claytopia	Thursday, April 18	5:30 - 7:00 p.m.
TREC Nature Event (Tom Ridge Environmental Center)	Thursday, May 9	5:30 - 7:00 p.m.
Chuck E Cheese	Thursday, May 30	5:30 - 7:00 p.m.
Niagara Falls	Friday, June 14	8:00 a.m.-6:00 p.m.
Group Shopping Trip @ Millcreek Mall	Thursday, August 1	5:30 - 7:00 p.m.
Back to School Wrap-up Party SafeNet's "Big Back Yard" (W. 9th St., Erie)	Thursday, August 15	5:30 - 7:00 p.m.

*It is critical to the kids that you attend every event. If you anticipate being unable to attend all events, please form a mentoring "team".*

***To participate in Kid Konnection, please contact the ECBA office at [hmweismiller@eriebar.com](mailto:hmweismiller@eriebar.com) or 459-3111.***

**GARY N. WILEY, Plaintiff**

**v.**

**TIMES PUBLISHING COMPANY, d/b/a ERIE TIMES-NEWS, Defendant**

*CIVIL PROCEDURE / MOTION FOR SUMMARY JUDGMENT*

Any party may move for summary judgment in such time as not to unreasonably delay trial. Summary judgment is appropriate when there is no genuine issue of material fact as to a necessary element of the cause of action or defense. The non-moving party may not rest upon pleadings but must identify issues of fact or evidence establishing facts the motion cites as not having been produced. The Court must examine the record in the light most favorable to the non-moving party and all doubts as to the existence of an issue of material fact must be resolved against the moving party. It is not the function of the Court to decide issues of fact but solely to determine if there is an issue of fact.

*TORTS / DEFAMATION / FAIR REPORT PRIVILEGE*

The fair report privilege as delineated in the Restatement (Second) of Torts, § 611, is the controlling law in Pennsylvania. The fair report privilege is a conditional defense shielding the publisher of defamatory matter which is contained in a report of official action or proceeding of a meeting open to the public that deals with a matter of public concern and the report is accurate and complete or a fair abridgment of the occurrence.

*TORTS / DEFAMATION / BURDEN OF PROOF*

The fair report privilege is a conditional privilege which triggers a shifting burden of proof. The plaintiff initially bears the burden of establishing the defamatory nature of the publication. The burden then shifts to the defendant to establish the privilege. If the fair report privilege applies, the burden reverts to the plaintiff to prove abuse of the privilege. Applicability of the privilege is a question for determination by the Court.

*TORTS / DEFAMATION / FAIR REPORT PRIVILEGE*

The fair report privilege applies to an arrest or the charge of crime made and to the publication of mug shots. Restatement (Second) of Torts § 611, Comment h. The application of the fair report privilege to a mug shot is not defeated where the mug shot is issued by a prison rather than the arresting police agency. The prison qualifies as sufficiently official and/or an agency which sufficient authority to release the mug shot. Further, the fair report privilege applies where the information is released by a high ranking official with responsibility for handling media requests and the mug shot was released through the prison's established policy.

The fair report privilege is not rendered inapplicable either because the official release was a matter of courtesy or because the request of the reporter was generic in nature.

*TORTS / DEFAMATION / ABUSE OF PRIVILEGE*

The fair report privilege is abused if the report is not accurate and complete or a fair abridgment. Exaggerated additions or embellishments abuse the privilege. The publisher must take steps to reasonably insure the report is accurate and a complete or fair abridgment of the official action.

*TORTS / DEFAMATION / ABUSE OF PRIVILEGE*

Where a newspaper reporter requested the mug shot of "Gary Wiley" without specifying the middle initial, and the prison provided the only mug shot it had in its computer records,

which was the mug shot of the plaintiff, the publication of the mug shot in conjunction with a story about the arrest of a different Gary Wiley may constitute abuse of the fair report privilege because of the failure of the defendant to verify the accuracy of its own report. A question of material fact as to the manner in which the reporter requested the mug shot must therefore be submitted to a jury.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
CIVIL DIVISION                      No. 11392-2011

Appearances:     Paul J. Susko, Esquire, Attorney for Plaintiff  
                            Craig A. Markham, Esquire, Attorney for Defendant

**OPINION**

Connelly, J.     October 30, 2012

This matter is before the Court pursuant to a Motion for Summary Judgment filed by Times Publishing Company, d/b/a Erie Times-News ("Defendant"). Gary N. Wiley ("Plaintiff") opposes.

**Statement of Facts**

On April 13, 2010, late in the evening, Gary C. Wiley was arrested for robbing a pharmacy earlier in the month. *Mot. for Summ. J.* ¶ 2. The morning of April 14, 2010, Tim Hahn, a reporter working for Defendant, learned of Wiley's<sup>1</sup> arrest and visited the Crawford County Prison, where Wiley was housed following his arraignment. *Id. at* ¶¶ 2-3. Hahn requested a mug shot of Wiley from Deputy Warden Kenneth Saulsbery, who was the warden's designee and the person in charge at the prison since the warden was on vacation. *Id. at* ¶ 4, *Ex. 3, Lewis Dep. 5:11-12, Mar. 22, 2012.*

At his deposition, Saulsbery testified that the written Crawford County Correctional Facility Policy and Procedure relating to News Media/Public Information in effect in April of 2010 mandated: "Any Crawford County staff member approached or contacted by news media agencies shall politely refer all questions to the warden or his designee." *Id. at Ex. 2, Saulsbery Dep. 19:5-20:20, Mar. 22, 2012* [hereinafter "Ex. 2"]. More specifically, when a request for a mug shot was referred to the warden or his designee, the practice or custom back in April of 2010 was for the warden or his designee to then make a case-by-case determination as to whether the photograph would be provided. *Id. at Ex. 2, 15:10-19, 17:20-22.* As long as the media outlet requesting the photograph was a "good media outlet that [the warden or his designee] knew of, then [the warden or his designee] would . . . give them that photo as a courtesy." *Id. at Ex. 2, 17:17-25.* However, the media did not have an "absolute right" to obtain the photograph, and the prison was under no obligation to provide it. *Id. at Ex. 2, 18:1-4, 20:24-21:3.*

Saulsbery also explained the photographing process utilized by the prison. Inmates brought to the prison are photographed, and these photographs are stored electronically and can then be accessed and searched from any of the prison's computers. *Id. at Ex. 2, 8:24-9:3, 14:4-13, 32:25-33:4.* However, this process is not instantaneous, as the photographs

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<sup>1</sup>The Court uses "Wiley" to refer to Gary C. Wiley, and "Plaintiff" to refer to Gary N. Wiley.



must first be downloaded to the electronic database before they can be accessed from the prison's computers. *Id. at Ex. 2, 39:13-16.*

Saulsbery testified that, on the morning of April 14, 2010, Hahn requested a photograph of Gary Wiley, not Gary C. Wiley, specifically, and did not request any other information except the mug shot. *Id. at Ex. 2, 26:12-15, 36:11-12.* Saulsbery used the computer in his office to search the photograph database for "Wiley." *Id. at Ex. 2, 23:14-18.* If more than one Gary Wiley had existed in the system, multiple search results would have popped up, but when Saulsbery conducted his search, only one Gary Wiley came up. *Id. at Ex. 2, 37:3-6, 11-16.* Unbeknownst to Hahn or Saulsbery, Wiley's mug shot had not yet been "downloaded" into the system when Saulsbery conducted his search, so the photograph returned by the search was not, in fact, a photograph of Wiley but instead one of Plaintiff. *Id. at Ex. 2, 39:9-18; Br. in Opp'n 2.* It was this photograph Saulsbery emailed to Hahn. *Mot. for Summ. J. Ex. 2, 37: 17-21.*

Thereafter, on April 15, 2010, Defendant published an article reporting that Wiley had been arrested "on charges of robbery, theft by unlawful taking and terroristic threats." *Pl.'s App. In Supp. of Br. in Opp'n to Mot. for Summ. J. Ex. 1.* The article also reported the police believed there might be a link between the robbery and a double homicide that had been committed on April 11, 2010. *Id.; Mot. for Summ. J. ¶ 2.* Accompanying the article was the incorrect photograph of Plaintiff that Hahn had obtained from Saulsbery, and the caption read: "Gary C. Wiley: Charged with robbery." *Br. in Opp'n 2.* Defendant published the article on both the front page of its print newspaper and its online version of the newspaper. *Id.*

Plaintiff filed a complaint alleging defamation for the publication of his photograph in connection with the article. Defendant's Motion for Summary Judgment asserts that the publication is protected by the fair report privilege. *Mot. for Summ. J. ¶ 1.* Plaintiff argues the fair report privilege does not apply to the instant case. *Br. in Opp'n 7.*

### **Findings of Law**

Per the Pennsylvania Rules of Civil Procedure, "[a]fter the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law . . ." *Pa. R.C.P. No. 1035.2.* Summary judgment is appropriate "whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report." *Id. at 1035.2(1).* Once a motion for judgment is properly made, the nonmoving party "may not rest upon the mere allegations or denials of its pleadings" but must identify "(1) one or more issues of fact arising from evidence in the record . . . or (2) evidence in the record establishing facts essential to the cause of action or defense which the motion cites as not having been produced." *Id. at 1035.3(a).*

When considering a motion for summary judgment, the "court must examine the entire record in the light most favorable to the nonmoving party and resolve all doubts against the moving party." *Donegal Mut. Ins. Co. v. Fackler*, 835 A.2d 712, 715 (Pa. Super. 2003) (quoting *Sebelin v. Yamaha Motor Corp.*, 705 A.2d 904, 905 (Pa. Super. 1998)). "It is not part of the court's function to decide issues of fact but solely to determine whether there is an issue of fact to be tried." *Samarin v. GAF Corp.*, 571 A.2d 398, 402 (Pa. Super. 1989)

(quoting *Wash. Fed. Say. and Loan Ass'n v. Stein*, 515 A.2d 980, 981 (Pa. Super. 1986)). "All doubts as to the existence of a genuine issue of material fact must be resolved against the moving party." *Manzetti v. Mercy Hosp. of Pittsburgh*, 776 A.2d 938, 945 (Pa. 2001).

Defendant offers the conditional fair report privilege as a defense in support its Motion for Summary Judgment, arguing this privilege "protects the media from defamation claims when they republish defamatory statements or information originating with or released by public officials." *Mot. for Summ. J.* ¶ 10. Defendant argues the fair report privilege shields it from liability for publishing Plaintiff's photograph in the instant case because Defendant

received the mugshot from the Crawford County Prison, the facility where Gary C. Wiley had been incarcerated following his arraignment. The prison was a known source of reliable information concerning inmates, including mugshots of inmates. [Hahn] submitted his request to a veteran and high ranking official at the prison, Deputy Warden Saulsbery. The reporter had no reason to suspect that Deputy Warden Saulsbery had released the incorrect mugshot. . . . [Hahn] was entitled to rely upon the accuracy of the information released by the prison.

*Br. in Supp.* 17.

Plaintiff, on the other hand, argues the fair report privilege does not apply because: 1) "[t]he photograph was provided as a courtesy, not as an official action by the correctional facility," 2) the photograph was provided "by the correctional facility, which was not a designated source of official information for the Pennsylvania State Police who arrested and filed charges against Gary C. Wiley," and 3) Hahn made a "generic request for a photograph of a Gary Wiley" instead of specifically asking for one of Gary C. Wiley. *Br. in Opp'n* 7, 9.

### **The Fair Report Privilege**

The fair report privilege is a conditional defense to a defamation claim. *See Medico v. Time, Inc.*, 643 F.2d 134, 137-38 (3d Cir. 1981) (explaining the origins of the privilege as an "exception to the common law rule that the republisher of a defamation was subject to liability similar to that risked by the original defamer"). Though the fair report privilege has never been codified in Pennsylvania, the Pennsylvania Supreme Court in *Sciandra v. Lynett*, 187 A.2d 586, 588-89 (Pa. 1963), adopted the definition of the fair report privilege as set forth in section 611 of the first Restatement of Torts:

The publication of a report of judicial proceedings, or proceedings of a legislative or administrative body or an executive officer of the United States, a State or Territory thereof, or a municipal corporation or of a body empowered by law to perform a public duty is privileged, although it contains matter which is false and defamatory, if it is

- (a) accurate and complete or a fair abridgment of such proceedings, and
- (b) not made solely for the purpose of causing harm to the person defamed.

*Restatement (First) of Torts* § 611.

Since *Sciandra*, however, the second Restatement has broadened section 611's definition of the fair report privilege. The second Restatement provides: "[t]he publication of defamatory matter concerning another in a report of an official action or proceeding or

of a meeting open to the public that deals with a matter of public concern is privileged if the report is accurate and complete or a fair abridgement of the occurrence reported.” *Restatement (Second) of Torts § 611*. Thus, under the second Restatement, the fair report privilege now protects reports on any "official action[s] or proceeding[s]" and "meeting[s] open to the public that deal[ ] with a matter of public concern."<sup>2</sup>

Plaintiff correctly notes that Pennsylvania has not expressly adopted the second Restatement's formulation of the fair report privilege. However, the prevailing opinion seems to be that section 611 of the second Restatement is controlling in Pennsylvania, despite the lack of an explicit pronouncement.<sup>3</sup> The Court will therefore apply the fair report privilege as defined in section 611 of the second Restatement.<sup>4</sup>

Because the fair report privilege is a conditional one, claiming this defense triggers a shifting burden of proof. Though the plaintiff initially bears the burden of establishing the defamatory nature of the publication, the burden then shifts to the defendant to establish that "the occasion upon which the defendant published the defamatory matter gives rise to a privilege." *Oweida v. Tribune-Review Pub'g Co.*, 599 A.2d 230, 235 (Pa. Super. 1991) (quoting *Restatement (Second) of Torts § 619(1)*); see also 42 Pa. C.S. § 8343(a)-(b) (setting forth the respective burdens on plaintiff and defendant in a defamation case). If the defendant can establish that the fair report privilege applies, the burden reverts back to the plaintiff to prove the privilege was abused. *Oweida*, 599 A.2d at 235.

In the instant case, Defendant does not challenge Plaintiff's contention that Defendant's publication defamed him. The relevant inquiry, then, is whether the fair report privilege applies to the publication, and Defendant bears the burden on this point. Whether the privilege applies is a question for the Court to determine. *Id.*

### **Application of the Fair Report Privilege**

When determining what constitutes an "official action or proceeding," comment d to section 611 of the Restatement explains:

The privilege covered in this Section extends to the report of any official proceeding, or any action taken by any officer or agency of the government of the United States, or of any State or of any of its subdivisions. . . . The filing of a report by an officer or agency of the government is an action bringing a reporting of the governmental report within the scope of the privilege.

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<sup>2</sup> It has also been noted that the second Restatement "eliminated the requirement that the publication not be made solely for the purpose of causing harm." *Norton v. Glenn*, 860 A.2d 48, 62 (Pa. 2004) (Castille, J., concurring). However, it seems that this type of common law malice is still relevant in Pennsylvania to a question of whether the fair report privilege has been abused. See note 13, *infra*.

<sup>3</sup> See, e.g., *Curran v. Phila. Newspapers, Inc.*, 439 A.2d 652, 661 (Pa. 1981) (concluding section 611 of the second Restatement *would have* applied if the newspaper had fairly and accurately reported on comments made at a press conference); *First Lehigh Bank v. Cowen*, 700 A.2d 498 (Pa. Super. 1997) (adopting trial court's analysis, which relied on section 611 of the second Restatement); *Grund v. Bethlehem Globe Pub'g Co.*, 23 Pa. D. & C. 3d 371, 378-79 (C.P. Northumberland 1982) (applying section 611 of the second Restatement because "our Supreme Court 'has not hesitated to adopt' sections of the [second] Restatement" (quoting *Gilbert v. Korvette's, Inc.*, 327 A.2d 94, 100 n. 25 (Pa. 1974))); see also *Williams v. WCAU-TV*, 555 F. Supp. 198, 201 (E.D. Pa. 1983) (concluding it was "apparent" the Supreme Court would adopt section 611 of the second Restatement because "Pennsylvania courts follow the [second] Restatement on most matters, and have endorsed the substantially similar formulation of the privilege set forth in the first *Restatement*").

<sup>4</sup> Thus, any reference to "the Restatement" means the second Restatement.

*Restatement (Second) of Torts § 611 cmt. d.* Additionally, comment h to the Restatement provides the further clarification that "[a]n arrest by an officer is an official action, and a report of the fact of the arrest or of the charge of crime made by the officer in making or returning the arrest is therefore within the conditional privilege covered by this Section." *Id.* § 611 cmt. h.

Many jurisdictions therefore apply section 611 in a broad fashion.<sup>5</sup> Even courts applying the more restrictive first Restatement<sup>6</sup> or utilizing a definition of the fair report privilege which is similar, though not identical, to the one in the Restatement<sup>7</sup> have applied it in a flexible manner. In addition, the fair report privilege has been specifically applied to the publication of mug shots.<sup>8</sup>

The Court therefore finds the fair report privilege applies to Defendant's publication of Plaintiff's mug shot. In addition to the numerous cases cited above which support a broad application of privilege, the Court also finds the privilege applies to the instant case because a mug shot is part of an individual's arrest record.<sup>9</sup> Since the Restatement

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<sup>5</sup> See, e.g., *Hudak v. Times Publ'g Co., Inc.*, 534 F. Supp. 2d 546 (W.D. Pa. 2008) (applying Pennsylvania law) (statements made by District Attorney in one-on-one interview with reporter privileged); *Howell v. Enter. Publ'g Co.*, 920 N.E.2d 1 (Mass. 2010) (anonymous sources' summary of sewer commission's closed-door executive sessions privileged); *Lami v. Pulitzer Publ'g Co.*, 723 S.W.2d 458 (Mo. App. 1986) (print-out from Missouri Department of Revenue containing information on license suspensions, which was based on incorrect information received from clerk of court, privileged); *Thomas v. Telegraph Publ'g Co.*, 929 A.2d 991 (N.H. 2007) (presence investigation report privileged); *First Lehigh Bank v. Cowen*, 700 A.2d 498 (Pa. Super. 1997) (initial pleading, even in the absence of any judicial action on the pleading, privileged). See also *Myers v. Telegraph*, 773 N.E.2d 192, 198 (Ill. App. 3d 2002) ("Although the literal language of the Restatement limits the privilege to reports of 'proceedings,' it has been extended to the statement of law enforcement officials in their official capacities.").

<sup>6</sup> See, e.g., *Fairbanks Publ'g Co. v. Francisco*, 390 P.2d 784 (Alaska 1964) (fire chief's letter to city manager privileged); *Doss v. Field Enterprises, Inc.*, 332 N.E.2d 497 (Ill. App.3d 1975) (statements made by Executive Director of the Illinois Crime Investigating Commission acting in his official capacity in interview with reporter privileged); *Binder v. Triangle Publ'ns, Inc.*, 275 A.2d 53 (Pa. 1971) (summary of court proceeding supplied to reporter via telephone conversation with prosecutor privileged).

<sup>7</sup> See, e.g., *McCracken v. Evening News Ass'n*, 141 N.W.2d 694 (Mich. App. 1966) (informal statements made prior to the issuance of a warrant and made by assistant prosecutor not involved with the prosecution privileged); *Molnar v. Star-Ledger*, 471 A.2d 1209 (N.J. Super. 1984) (statements made by deputy fire chief privileged); *Komarov v. Advance Magazine Publishers, Inc.*, 691 N.Y.S.2d 298 (1999) (FBI wiretap application affidavit and confidential FBI report privileged).

<sup>8</sup> See *McDonald v. Raycom TV Broad., Inc.*, 665 F. Supp. 2d 688, 691 (S.D. Miss. 2009); *Mathis v. Phila. Newspapers, Inc.*, 455 F. Supp. 406, 416 (E.D. Pa. 1978); *Martinez v. WTVG*, 2008 Ohio 1789 (Ohio App. 6d Apr. 11, 2008); *Freedom Commc'ns, Inc. v. Sotelo*, 2006 Tex. App. LEXIS 5132 (Tex. App. June 15, 2006).

<sup>9</sup> Per Pennsylvania statute, "[i]t shall be the duty of every criminal justice agency within the commonwealth to maintain complete and accurate criminal history record information . . ." 18 Pa.C.S. § 9111. The Crawford County Prison is a criminal justice agency subject to this mandate. See *id.* § 9102 (including "local detention facilities [and] county, regional and State correctional facilities" in the definition of "criminal justice agency"). "Criminal history record information" consists of "[i]nformation collected by criminal justice agencies concerning individuals, and arising from the initiation of a criminal proceeding, consisting of identifiable descriptions dates and notations of arrests, indictments, informations or other formal criminal charges and any dispositions arising therefrom." *Id.* When ordering an individual's criminal history record information expunged, photographs are explicitly identified as part of this information. See, e.g., *Commonwealth v. J.H.*, 759 A.2d 1269, 1270 (Pa. 2000) (reviewing lower court's grant of petition to expunge petitioner's criminal record per the Criminal History Record Information Act and reinstating lower court's order, which provided: "The Lower Merion Township Police Department, Pennsylvania State Police, County of Montgomery, District Court 38-1-07 and any other agency with records regarding the said arrest are hereby directed to remove, destroy and purge any and all records, fingerprint cards, photographs, incident reports, docket entries and computer entries in any way related to or concerning the aforementioned arrest, hearing and disposition of [petitioner]"); *Sammons v. Pa. State Police*, 931 A.2d 784, 789 (Pa. Commw. 2007) (ordering expunged petitioner's criminal history record information, which included "all criminal records, fingerprints, photographic plates and photographs pertaining to [petitioner's] arrest"). See also *Commonwealth v. Armstrong*, 434 A.2d 1205, 1206 n.3 (Pa. 1981) (noting that an appellant seeking to "expunge her arrest record . . . thus sought to remove her name, photograph, fingerprints, and fact of her arrest from the records").

specifically applies the privilege to reports of arrests, the publication of a mug shot is no less privileged than publishing the details of a person's arrest. *See Restatement (Second) of Torts § 611 cmt. h.*

The Court would note that Plaintiff does not contest the application of the fair report privilege to a mug shot in general; his argument relates specifically to the inapplicability of the privilege based on the manner in which the mug shot was acquired. *Br. in Opp'n at 8-9.* However, the Court is not convinced by Plaintiff's argument that the privilege does not apply because the prison and not the Pennsylvania State Police provided the photograph.<sup>10</sup> The Restatement does not dictate from which source information about an official action, like an arrest, must be received; so long as the source from which the information was received was sufficiently official or had sufficient authority to release it, it does not matter whether the information could or should have been received from a different source.<sup>11</sup>

Furthermore, this is not a situation in which Defendant received Plaintiff's mug shot from an anonymous source or lower-level official not authorized to release it.<sup>12</sup> Saulsbery was the Deputy Warden, a high-ranking official within the Crawford County Prison, as well as the warden's designee, responsible for handling media requests like the one Defendant made for Wiley's photograph. As such, Saulsbery was specifically authorized to provide Wiley's photograph to Defendant.<sup>13</sup>

Hahn also requested the photograph through the prison's established channel, i.e. from the warden or the warden's designee, as required by the written Crawford County Correctional Facility Policy and Procedure relating to News Media/Public Information in effect in April of 2010. Thus, by requesting Wiley's mug shot from Saulsbery, Hahn was

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<sup>10</sup> The Court notes that Plaintiff provides no legal support for this argument. Furthermore, though the police detained Wiley, the prison from which Hahn received the mug shot housed Wiley. The prison knows who is confined within its walls and for what reason the inmates are there. *See Mot. for Summ. J. Ex. 2, 9:19-25* (explaining the prison's booking system, which gathers "any[ information] that relates to that commitment or that person coming in, bond information, whatever it might be"). Thus, the Court is not convinced by the implication that only the police who arrested Wiley were qualified to release information about his arrest.

<sup>11</sup> *See, e.g., Binder v. Triangle Publ'ns, Inc.*, 275 A.2d 53 (Pa. 1971) (summary of court proceeding supplied to reporter via telephone conversation with prosecutor privileged). *See also Mathis v. Phila. Newspapers, Inc.*, 455 F. Supp. 406, 416 (E.D. Pa. 1978) (denying summary judgment as to a media defendant not because the defendant obtained photographs from the FBI instead of the police but because there was a question as to whether the FBI did, in fact, supply the photographs); *Thomas v. Telegraph Pub'g Co.*, 929 A.2d 991, 1010 (N.H. 2007) (denying application of the fair report privilege because there was "no evidence that the officers were given the official imprimatur of their departments to function as spokesmen or even to speak with [the reporter]").

<sup>12</sup> *See, e.g., Bufalino v. Associated Press*, 692 F.2d 266, 272 (2d Cir. 1982) (applying Pa. law) ("Only reports of official statements or records made or released by a public agency are protected by the § 611 privilege. Statements made by lower-level employees that do not reflect official agency action cannot support the privilege.") (emphasis in original); *Lewis v. Newschannel 5 Network*, 238 S.W.3d 270 (Tenn. App. 2007) ("[The fair report privilege] should be applied only to reports of official actions or proceedings involving responsible, authoritative decision-makers who assume legal and political responsibility for their actions. Unofficial, off-the-record statements, especially when the source remains confidential, lack the dignity and authoritative weight of official actions and proceedings . . . .")

<sup>13</sup> *See Hudak v. Times Publ'g Co., Inc.*, 534 F. Supp. 2d 546, 572 (W.D. Pa. 2008) (district attorney's statements made in interview privileged because the district attorney was "the chief law enforcement officer of the county and [was] the official voice with respect to matters pending before his office") (emphasis in original); *Molnar v. Star-Ledger*, 471 A.2d 1209 (N.J. Super. 1984) (deputy fire chief's statement privileged because he had a duty to investigate fires and "[a]lthough the communication of information to the news media may not be specifically designated as a duty of public officials, it is increasingly recognized that if this communication pertains to matters which are within the scope of an official's responsibilities, such statements should be regarded as being within the outer perimeter of the officials' line of duty") (internal quotations and citations omitted).

following the rules the prison itself had set. *See Steer v. Lexleon, Inc.*, 472 A.2d 1021, 1024 (Md. App.1984) ("[W]e are not dealing with some unofficial version of events furnished by a policeman at a crime scene, with some unattributed 'leak' or offhand prediction, with some characterization of interpretation of events by a prosecutor in a courtroom corridor, but rather with the authorized release of important information through an established and official channel.").

Likewise, the Court does not find persuasive Plaintiff's argument that the fair report privilege is inapplicable because the prison released the photograph as a courtesy.<sup>14</sup> Arguably, many of the reports to which the fair report privilege applies are the result of "courtesies." For example, individuals are not required to participate in interviews, but obtaining information from such interviews does not automatically prevent the application of the fair report privilege.<sup>15</sup> Thus, the Court is not convinced that the courteousness of the prison's actions renders the fair report privilege inapplicable.

Finally, Plaintiff argues that Hahn's generic request for a photograph of Gary Wiley and not Gary C. Wiley, specifically, renders the fair report privilege inapplicable. In *Martinez v. WTVG*, 2008 Ohio 1789 (Ohio App. 6d Apr. 11, 2008), the Court of Appeals of Ohio dealt with a similar issue. In that case, a TV station reported the grand jury indictments of three people for the rape of a young girl. *Id.* at P2. In addition to reporting the indictments, the TV broadcast displayed mug shots of the indicted individuals. *Id.* The mug shot purporting to be of the Ricardo Martinez indicted for rape, however, was actually a mug shot of the plaintiff, also named Ricardo Martinez, who was not connected with the crime. *Id.*

In determining whether the fair report privilege applied, the court noted that the privilege separately covered the reports of the grand jury indictments and the publication of the mug shots, but not "the publication of the mug shot *in connection with* the grand jury indictments." *Id.* at PP21-22 (emphasis in original). It determined the arrest record and indictments were

completely separate official records . . . , [and the TV station's] broadcast of the records together was not a 'substantially accurate report' of either of these official records because by including 'extra-record information' it misled viewers into believing that [the plaintiff] was recently indicted by a grand jury for rape.

Therefore, in order to fall under the privilege . . . [the TV station's] report must be based on some other official record.

*Id.* at P22. The court ultimately determined that the report was privileged because, "[b]y providing [the TV station] with [the plaintiff's] mug shot in response to a specific request for the mug shots of those recently indicted by the grand jury for rape, the officer was making a representation that [the plaintiff's] arrest record reflected that the grand jury had indicted him for rape." *Id.* at P23.

The court in *Martinez*, however, applied Ohio's version of the fair report privilege and not

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<sup>14</sup> Plaintiff, again, provides no legal support for this contention.

<sup>15</sup> *See, e.g., Yohe v. Nugent*, 321 F.3d 35 (1st Cir. 2003) (interview with police chief privileged); *Hudak v. Times Publ'g Co., Inc.*, 534 F. Supp. 2d 546 (W.D. Pa. 2008) (interview with district attorney privileged); *Doss v. Field Enterprises, Inc.*, 332 N.E.2d 497 (Ill. App.3d 1975) (interview with Executive Director of the Illinois Crime Investigating Commission privileged); *Koren v. Capital-Gazette Newspapers*, 325 A.2d 140 (Md. App. 1974) (interview with FBI agents and crime victim privileged).

the Restatement. The Restatement specifically provides that "[a]buse of the privilege takes place . . . when the publisher does not give a fair and accurate report of the proceeding." *Restatement (Second) of Torts § 611 cmt. a.* Further, the privilege does not permit a reporter "to make additions of his own that would convey a defamatory impression." *Id. § 611 cmt. f.* Thus, when one privileged report is embellished with another privileged report and, together, they are inaccurate and defamatory, as in the instant case, the Court finds the question presented is more appropriately one of whether including such extra-record information or embellishment abused the privilege and not whether the privilege is applicable.

### **Abuse of the Fair Report Privilege**

In Pennsylvania, the fair report privilege is abused, and therefore lost, if the report is not "accurate and complete or a fair abridgement of the occurrence reported."<sup>16</sup> *See Oweida v. Tribune-Review Pub'g Co.*, 599 A.2d 230, 234 (Pa. Super. 1991) (quoting *Restatement (Second) of Torts § 611*). It is an abuse of the privilege to include "exaggerated additions, or embellishments" to the report. *Sciandra v. Lynett*, 187 A.2d 586, 589 (Pa. 1963); *see also Restatement (Second) of Torts § 611 cmt. f.*

Defendant argues that, regardless of how Hahn requested the mug shot, Hahn also requested Wiley's booking information, which "would have made it clear that he was asking about the Gary Wiley who had just been arrested."<sup>17</sup> *Reply Br. in Supp.* 6. If Defendant is correct, the prison essentially would have been issuing its own report about Wiley's arrest by representing that the mug shot released was of the recently-arrested Gary Wiley in whom Hahn was specifically interested.<sup>18</sup> In that case, Defendant's publication of the photograph would have been an accurate report of the prison's own report on Wiley's arrest and no abuse would have occurred.<sup>19</sup>

Plaintiff, however, contends that a question of material fact exists on this issue and points to Saulsbery's deposition testimony, which is that "Hahn was not trying to get any other information. All he asked for is a photo of Gary Wiley." *Mot. for Summ. J. Ex. 2, 36:11-12.* If Hahn did, in fact, only ask for a photograph of Gary Wiley without providing any other

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<sup>16</sup> It also appears that an abuse of the fair report privilege might be established by demonstrating that the publication was made with common law malice, i.e. with "ill will towards a plaintiff." *See DeMary v. Latrobe Printing and Publ'g Co.*, 762 A.2d 758, 763, 765 (Pa. Super. 2000) (concluding the requirement that a plaintiff demonstrate common law malice in order to defeat the fair report privilege "is an additional layer of protection provided to the press by the common law of our Commonwealth" and requiring the plaintiff to "show that the defendant was motivated by ill will towards the plaintiff" in order to defeat the privilege). *But see Weber v. Lancaster Newspapers, Inc.*, 878 A.2d 63 (Pa. Super. 2005) (quoting portions of *DeMary* in its analysis of whether the fair report privilege had been abused and making no mention of common law malice). However, because Plaintiff does not contend Defendant published his photograph with common law malice, the Court need not address this issue.

<sup>17</sup> Defendant also argues that "Saulsbery testified that it would not have made a difference if Hahn had asked for a mugshot of Gary C. Wiley, instead of a mugshot of Gary Wiley," since only one Gary Wiley existed in the system at the time Saulsbery conducted his search. *Reply Br. in Supp.* 7-8 (emphasis omitted). However, Saulsbery's specific testimony was that "if [Hahn] would have asked me for Gary C. Wiley, that same photograph would have come [sic] up. However, what would have sparked my attention would have been the 'C,' and I probably would have been able to look a little bit further." *Mot. for Summ. J. Ex. 2, 45:5-9* (emphasis added).

<sup>18</sup> *See, e.g., Mathis v. Phila. Newspapers, Inc.*, 455 F. Supp. 406, 416 (E.D. Pa. 1978) (finding that, by representing that the photographs released were "photographs of the two men taken into custody," the police department "issued an informal report concerning the likeness of a criminal suspect").

<sup>19</sup> *See Mathis*, 455 F. Supp. at 417; *McDonald v. Raycom TV Broad., Inc.*, 665 F. Supp. 2d 688, 691 (S.D. Miss. 2009); *Martinez v. WTVG*, 2008 Ohio 1789, P31 (Ohio App. 6d Apr. 11, 2008)

identifying information, Saulsbery could not possibly have made any representation that the photograph was one of the recently-arrested Gary Wiley; he would have had no indication Hahn wanted that specific information. Without such a representation, Defendant was not entitled to rely on the accuracy of the prison's report because the prison was not making any such report as to the likeness of a particular criminal suspect.<sup>20</sup>

Defendant argues it accurately published the information reported by the prison and that "[t]he point here is that the information that was released [by the prison] was not accurate." *Reply Br. in Supp.* 7 n.2. Defendant is correct that, when a law enforcement agency reports on an official action, like an arrest, a publisher is entitled to rely on that report without needing to independently verify the accuracy of the report issued by the agency.<sup>21</sup> Had Saulsbery been representing that the photograph he released was one of Gary C. Wiley, specifically, Defendant would have been entitled to rely on the accuracy of that report.<sup>22</sup>

However, if Hahn requested no other identifying information, as Plaintiff contends, the prison was not releasing the mug shot as a representation that the man depicted was the Gary Wiley who had just been arrested. Instead, all the prison was representing was that the photograph was one of Gary Wiley - which it was. In such a case, the prison issued no report, and inaccurately linking Plaintiff to Wiley's arrest was not the prison's mistake but

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<sup>20</sup> This disputed question of fact distinguishes the instant case from the other mug shot cases on which Defendant relies, as it was determined in those cases that the law enforcement agencies made specific representations about the identities of the individuals in the photographs. See *McDonald v. Raycom TV Broad., Inc.*, 665 F. Supp. 2d 688, 689 (S.D. Miss. 2009) (media specifically "requested a photograph of the Paul McDonald who was wanted by the Jackson Police Department"); *Mathis v. Phila. Newspapers, Inc.*, 455 F. Supp. 406, 416 (E.D. Pa. 1978) (finding the police department represented that the photographs provided to the media were "photographs of the two men taken into custody"); *Martinez v. WTVG*, 2008 Ohio 1789, P4 (Ohio App. 6d Apr. 11, 2008) (reporter requested the mug shots "by stating the name of each suspect and by mentioning the rape indictments"); *Freedom Comm'ns, Inc. v. Sotelo*, 2006 Tex. App. LEXIS 5132, 4 (Tex. App. June 15, 2006) (photographs provided were declared to be "two mug shots to match Odessa Police Dept's press release re: Sec [O]ffenders Compliance").

<sup>21</sup> See *Yohe v. Nugent*, 321 F.3d 35, 43-44 (1st Cir. 2003) (dismissing plaintiff's claim that defendant newspapers were "negligent and failed to conduct an independent investigation . . . [because] accuracy for fair report purposes refers only to the factual correctness of the events reported and not to the truth about the events that actually transpired.") (internal quotations omitted); *Lami v. Pulitzer Publishing Co.*, 723 S.W.2d 458, 460 (Mo. App. 1986) ("[T]he privilege which the defendant enjoyed was to report the information from the computer printout compiled by the Department [of Revenue]. . . . [D]efendant's obligation was to publish a fair and accurate account of the record. There was no concomitant duty to investigate the truth or the falsity of the information contained in the record."); *Goss v. Houston Cmty. Newspapers*, 252 S.W.3d 652, 656 (Tex. App. 2008) ("[The plaintiff] argues the privilege does not apply here because by relying solely on the press release instead of conducting an independent investigation, the story was biased and inaccurate . . . . However, in reporting on this police action, [the defendants] had no duty to investigate.")

<sup>22</sup> This is true despite Plaintiff's argument that Hahn had never before met Saulsbery. Plaintiff does not dispute that Hahn had received photographs from the prison many times before, always following the same protocol and requesting the photographs from the warden or the warden's designees, who were usually lieutenants Hahn had never met before either. *Mot. for Summ. J. Ex. 1, Hahn Dep.* 22:2-15, 23:22-24:21, 25:2-4 [hereinafter "Ex. 1"]. Plaintiff also does not dispute that these photographs had always been accurate in the past. *Id. at Ex. 1*, 22:6-8. Given his prior dealings with the prison, then, Hahn would have had no reason to doubt the accuracy of the photograph Saulsbery provided when Hahn was doing what he had always done and requesting the photograph from the warden or, in this case, the warden's designee. The question is whether, under the facts and circumstances existing at the time the reporter receives his information, the reporter is made aware or placed on guard as to possible error. That is, the reporter should not rely on information from a source which he knows, or which he should reasonably believe, is suspect or unreliable.

*Bates v. Times-Picayune Pub'g Corp.*, 527 So. 2d 407, 411 (La. App. 1988). See also *Binder v. Triangle Publ'ns, Inc.*, 275 A.2d 53, 58 (Pa. 1971) ("[Reporter] did not act unreasonably [in relying on prosecutor's summary], for he had found [the prosecutor] to be a reliable source in the past."). Thus, because Hahn was following protocol and doing what he had always done, it is irrelevant whether he had ever met Saulsbery before.



Defendant's, as Defendant's use of the mug shot was an embellishment or addition to its own report about Wiley's arrest.

If a publisher is reporting on an official action based solely on its own information and not relying on a law enforcement agency's report of the official action, the publisher must "do what is reasonably necessary to insure that [its] report is accurate and complete or a fair abridgment" of the official action. *Restatement (Second) of Torts § 611 cmt. b.* There exists a question of material fact relating to the manner in which Hahn requested Wiley's mug shot, and this issue must be submitted to a jury for resolution.<sup>23</sup> Furthermore, if a jury determines Hahn issued a generic request for a photograph of "Gary Wiley," in which case the prison would not have been issuing a report on Wiley's arrest, the Court concludes a jury could reasonably conclude that Defendant abused the fair report privilege by not verifying the accuracy of its own report of Wiley's arrest.<sup>24</sup> See *First Lehigh Bank v. Cowen*, 700 A.2d 498, 503 (Pa. Super. 1997) (noting that whether the fair report privilege has been abused is a question of fact for the jury unless "the evidence is so clear no reasonable person would determine the issue before the court in any way but one"); *Oweida v. Tribune-Review Pub'g Co.*, 599 A.2d 230, 238 (Pa. Super. 1991) ("[T]he issue for the determination of the jury was whether the privilege had been forfeited as a result of defamatory embellishments. This was clearly an issue to be resolved by the jury."). Defendant's Motion for Summary Judgment is therefore DENIED.

### ORDER

**AND NOW, TO-WIT**, this 30th day of October, 2012, for the reasons set forth in the foregoing **OPINION**, it is hereby **ORDERED, ADJUDGED, and DECREED** that Defendant's Motion for Summary Judgment is **DENIED**.

**BY THE COURT:**

/s/ **Shad Connelly, Judge**

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<sup>23</sup> Plaintiff also contends that a question of material fact exists regarding why Defendant published the wrong mug shot on the same day that another newspaper published the correct one. *Br. in Opp'n II*. However, there is no requirement that news media must gather information in a uniform manner. Thus, only Defendant's actions are relevant to the instant case.

<sup>24</sup> If, however, a jury determines Saulsbery was aware Hahn was interested in Gary C. Wiley, specifically, Saulsbery's release of Plaintiff's mug shot was the prison's own report on Wiley's arrest and specifically represented that the photograph was one of Gary C. Wiley. Defendant therefore would not have been obligated to verify the accuracy of the prison's report, and Defendant would not have abused the privilege.



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**BANKRUPTCY NOTICE**

In re: J. William Pustelak, Inc.  
Case No. 09-12356-TPA  
Property to be Sold: Future Stream  
of Restitution Payments totaling  
\$78,180.52  
Sale Hearing to be held: April 18,  
2013, at 11:30 a.m.  
Before Chief Judge Thomas P.  
Agresti, U.S. Courthouse,  
Bankruptcy Court, 17 South Park  
Row, Erie, PA 16501  
Objections due by: April 2, 2013, or  
thereafter with court approval  
Initial Offer: \$7,500.00  
Higher and better offers will be  
considered at the hearing  
Hand Money Required: \$500.00  
Contact John C. Melaragno, Esq.  
in order to become a Qualified  
Bidder and to participate in the Sale  
Hearing: 502 West Seventh Street,  
Erie, PA 16502, (814) 459-5557,  
[johnm@mplegal.com](mailto:johnm@mplegal.com)  
For More Information: [www.pawb.uscourts.gov/electronic-access-sales-information-easi](http://www.pawb.uscourts.gov/electronic-access-sales-information-easi)

Mar. 22

**ACTION TO QUIET TITLE**

TO: Kern L. Miller, her heirs, executors, administrators, and assigns

Please take notice that Perry Properties, Inc., plaintiff, has filed an action against Kerri L. Miller, her heirs, executors, administrators, and assigns, defendants, in the Court of Common Pleas of Erie County, Pennsylvania, Civil Division, No. 13947-2012. Plaintiff is the owner of the described property situate in Harborcreek Township, County of Erie, and Commonwealth of Pennsylvania, being 1.061 acres of land, bearing Erie County Assessment Index No. (27) 30-26-37, being commonly known as 124 Shorewood Road, North East, Pennsylvania 16428. The defendant may have some interest in the above-described property. Plaintiff has filed this action to quiet title to the property and seeks to bar the defendant from ever asserting any right, title, interest, lien, or claim against the property.

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT, OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT

TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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Mar. 22

**ACTION TO QUIET TITLE**

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
 CIVIL ACTION - LAW  
 NO. 12980-2012  
 NORMAN A. SCHOLL and DIANE M. SCHOLL, Plaintiffs v. AGNES BOBROWICZ (DECEASED) and her heirs, executors, administrators and assigns, Defendant

**NOTICE TO: AGNES BOBROWICZ (DECEASED) and her heirs, executors, administrators and assigns**

The Plaintiffs, Norman A. Scholl and Diane M. Scholl, are the owner of that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, being commonly known as Erie 1410 East 8th Street, Erie, Pennsylvania and bearing Erie County Tax Index No. (14) 11-4-212. The Defendant may have an interest in the above described property. The Plaintiff filed this action to quiet the title to

the property and to forever bar the Defendant from asserting any right, title, interest, lien or claim against said property.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court within twenty (20) days from the date this Notice is published. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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 Knox McLaughlin Gornall & Sennett, P.C.  
 120 West Tenth Street  
 Erie, Pennsylvania 16501  
 tzieziula@kmgslaw.com  
 Attorneys for Plaintiffs, Norman A. Scholl and Diane M. Scholl

Mar. 22

**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 February 27, 2013, for a foreign corporation with a registered address in the state of Pennsylvania as follows:

Life Quotes, Inc.  
c/o Corporation Creations  
Network Inc.

This corporation is incorporated under the laws of Illinois. The address of its principal office under the laws of its jurisdiction in which it is incorporated is 8205 South Cass Ave, Suite 102, Darien, IL 60561. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

Mar. 22

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania  
Docket No. 10433-13

In re: Amir Faris Al-Awadi, a minor and Faris Abdulmir Al-Awadi  
Notice is hereby given that a Petition was filed in the above named Court requesting an order to change the names of Amir Faris Al-Awadi and Faris Abdulmir Al-Awadi to Amir Faris Al-Badri and Faris Abdulmir Al-Badri, respectively.

The Court has fixed the 8th day of April, 2013 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 petitioners should not be granted.

Mar. 22

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania  
Docket No. 10599-13

In re: Darryl June Tanner  
Notice is hereby given that a Petition was filed in the above named Court requesting an order to change the name of Darryl June Tanner to DeeDee Jasmin Tanner.

The Court has fixed the 23rd day of April, 2013 at 8:45 a.m. in

Courtroom H 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.

Mar. 22

**DISSOLUTION NOTICE**

Notice is hereby given that The Ophelia Project, Inc., a Pennsylvania nonprofit corporation with a place of business at 718 Nevada Drive, Erie, Pennsylvania 16505, and its registered office at 3801 Old State Road, Edinboro, Pennsylvania 16412, has passed a resolution to voluntarily dissolve the corporation and the corporation is now engaged in the process of winding up its affairs pursuant to Section 5975 of the Pennsylvania Nonprofit Corporation Law of 1988, as amended. Any claims should be sent to c/o Jenna Bickford, 100 State Street, Suite 700, Erie, PA 16507.

Mar. 22

**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. Fictitious Name: Bloom Cooperative
2. Address of the principal place of business, including street and number: 2185 W. 8th Street, Erie, PA 16505
3. The real name and address, including street and number, of the persons who are parties to the registration: Stairways Behavioral Health - 2185 W. 8th St., Erie, PA 16505
4. An application for registration of fictitious name under the Fictitious Names Act was filed on or about: March 12, 2013 with the Pennsylvania Department of State.

Mar. 22

**FICTITIOUS NAME NOTICE**

1. Fictitious Name: Whimsy
2. Address of the principal place of business: 4632 Kaylin Court, Erie, PA 16506
3. Name and address of the person who is a party to the registration: Kelly Wagner, 4632 Kaylin Court, Erie, PA 16506
4. An application for registration of a fictitious name under the Fictitious Names Act was filed with the Pennsylvania Department of State on or about February 11, 2013.

Mar. 22

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## 4. Anger



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

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

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **Monday, March 25, 2013** and confirmed Nisi.

**April 18, 2013** is the last day on which Objections may be filed to any of these accounts.

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

**2013 ESTATE**

**ACCOUNTANT**

**ATTORNEY**

- |     |                            |                                     |                                |
|-----|----------------------------|-------------------------------------|--------------------------------|
| 48. | Richard L. Johnson a/k/a   | Christopher Johnson and             |                                |
|     | Richard Leon Johnson ..... | Richard A. Johnson, Executors ..... | Elizabeth Brew Walbridge, Esq. |
| 49. | Audrey C. Hirt .....       | Laurel A. Hirt, Trustee .....       | Thomas J. Buseck, Esq.         |

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

Mar. 22, 29

**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**

**ANDERSON, MARY M., a/k/a MARY ANDERSON, deceased**

Late of the City of Erie, County of Erie, State of Pennsylvania  
*Executor:* Donald F. Anderson, 442 Gilfillan Street, Franklin, PA 16323  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**BULLERS, JOHN E., a/k/a JOHN BULLERS, a/k/a JOHN EDWIN BULLERS, deceased**

Late of the City of Erie, Erie County, Commonwealth of Pennsylvania  
*Administratrix C.T.A.:* Phyllis M. Brosius  
*Attorney:* Stephen J. Bushinski, Esq., Office of Chief Counsel, Commonwealth of Pennsylvania, Department of Military and Veterans Affairs, Building 7-36, Fort Indiantown Gap, Annville, PA 17003-5002

**CASTILE, LEXIE N., deceased**

Late of the City of Erie, County of Erie  
*Administratrix:* Laurie Holler, 12510 Blue Spruce Drive, Edinboro, PA 16412  
*Attorney:* Michael J. Koehler, Esquire, Nicholas, Perot, Smith, Koehler & Wall, P.C., 2527 West 26th Street, Erie, PA 16506

**DIANDREA, ANTHONY J., a/k/a ANTHONY J. D'ANDREA, a/k/a ANTHONY DANDREA, deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Thomas E. Kuhn, 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Thomas E. Kuhn, Esq., Quinn, Buseck, Leemhuis, Toohy & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**EISENBERG, RICHARD B., deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Emily E. Kuhn  
*Attorney:* Thomas J. Minarcik, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**HERMAN, ANTHONY J., deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Co-Executrices:* Barbara Schreiber and Detta Dahlkemper, c/o Elliot J. Segel, Esquire, Segel & Solymosi, 818 State Street, Erie, PA 16501  
*Attorney:* Elliot J. Segel, Esquire, Segel & Solymosi, 818 State Street, Erie, PA 16501

**KOMENDA, MARGARET A., deceased**

Late of the City of Corry, Erie County, Pennsylvania  
*Executrix:* Veronica Bailey, 521 Mean Avenue, Corry, PA 16407  
*Attorney:* William E. Barney, Esq., Attorney at Law, 200 N. Center St., Corry, PA 16407

**McINTIRE, MARY ANN, deceased**

Late of Harborcreek Township, Erie County, Commonwealth of Pennsylvania  
*Executor:* Vincent Coletta, c/o Leigh Ann Orton, Esq., 11 Park Street, North East, PA 16428  
*Attorney:* Leigh Ann Orton, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

**MYRICK, MARGARET E., deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508  
*Attorney:* Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**SCARVELL, ROBERT PETER, deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Susan Patton, 118 Heldon Dr., Moon Township, PA 15108  
*Attorney:* None

**SHAFFER, LAURA E., deceased**

Late of the Township of Millcreek, Erie County, PA  
*Executor:* PNC Bank, N.A., c/o Trust Division, 901 State Street, Erie, PA 16501  
*Attorney:* Christine Hall McClure, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**TURK, GARY L., deceased**

Late of the Township of Washington, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Katelyn J. Landis, 217 Hilands Avenue, Pittsburgh, Pennsylvania 15202  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**URBANIAK, THEODORE M., a/k/a THEODORE URBANIAK, deceased**

Late of the City of Erie, County of Erie, Pennsylvania  
*Executor:* Paul G. Urbaniak, c/o 6350 Meadowrue Lane, Erie, PA 16505-1027  
*Attorney:* Scott E. Miller, Esquire, 6350 Meadowrue Lane, Erie, PA 16505-1027

**VOGT, SHIRLEY S., a/k/a  
SHIRLEY VOGT,  
deceased**

Late of Erie County, Pennsylvania  
*Executrix:* Wendy V. Szallay,  
15321 Laughing Gull Lane,  
Bonita Springs, FL 34135  
*Attorney:* William T. Morton,  
Esquire, 3213 West 26th Street,  
Erie, Pennsylvania 16506

**SECOND PUBLICATION**

**BARCZYK, MAE S.,  
deceased**

Late of the Township of  
Fairview, County of Erie, State of  
Pennsylvania  
*Executrix:* Sandra E. Gill, 232 W.  
Columbus Ave., Corry, PA 16407  
*Attorney:* None

**GORNY, RICHARD J.,  
deceased**

Late of the City of Erie, County  
of Erie  
*Co-Executors:* Gregory R. Gorny  
and Peter J. Gorny, c/o 3131  
Zimmerly Rd., Erie, PA 16506  
*Attorney:* Donald J. Rogala, Esq.,  
3131 Zimmerly Rd., Erie, PA  
16506

**HANNAH, KAREN LEE,  
deceased**

Late of the City of Erie, County  
of Erie  
*Co-Executors:* Terri Lynn  
Overbay, 4860 Hartley Lane,  
Erie, Pennsylvania 16505;  
Shelley Marie Umphress, 5321  
Loomis St., Lot 204, North East,  
PA 16428; and Jake Daniel Eller,  
187 Carroll Court, McKean, PA  
16426  
*Attorney:* John Mir, Esquire,  
2530 Village Common Dr., Suite  
B, Erie, Pennsylvania 16506

**HARRISON, DAVID F.,  
deceased**

Late of the Borough of  
Edinboro, County of Erie and  
Commonwealth of Pennsylvania  
*Administratrix:* Cory D. Harrison,  
2222 West Grandview Blvd.,  
Erie, PA 16506  
*Attorney:* Thomas E. Kuhn,  
Esq., Quinn, Buseck, Leemhuis,  
Toohey & Kroto, Inc., 2222 West  
Grandview Blvd., Erie, PA 16506

**HUGHES, LAVINA C., a/k/a  
LAVINA CATHERINE HUGHES,  
deceased**

Late of the City of Erie, County  
of Erie  
*Executrix:* Debra J. Backus, c/o  
3131 Zimmerly Rd., Erie, PA  
16506  
*Attorney:* Donald J. Rogala, Esq.,  
3131 Zimmerly Rd., Erie, PA  
16506

**JACKSON, VIRGINIA R., a/k/a  
VIRGINIA S. JACKSON,  
deceased**

Late of the Borough of Lake  
City, County of Erie, State of  
Pennsylvania  
*Executrix:* F. Elaine Jones, 4513  
Bramley Drive, Mantua, OH  
44255  
*Attorney:* James R. Steadman,  
Esq., 24 Main St. E., P.O. Box 87,  
Girard, PA 16417

**JANSEN, PAUL R.,  
deceased**

Late of the City of Corry, County  
of Erie, Commonwealth of  
Pennsylvania  
*Executrix:* Irene Platt, 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

**KOMENDA, MARGARET A.,  
deceased**

Late of the City of Corry, Erie  
County, Pennsylvania  
*Executrix:* Veronica Bailey, 521  
Mead Avenue, Corry, PA 16407  
*Attorney:* William E. Barney,  
Esq., 200 N. Center St., Corry,  
PA 16407

**LONG, MARCINE R.,  
deceased**

Late of the Township of Millcreek,  
Erie County, Pennsylvania  
*Executrix:* Marla Bell, 2917  
Westwood Estates Drive, Erie,  
PA 16506  
*Attorney:* Christine Hall McClure,  
Esq., Knox McLaughlin Gornall  
& Sennett, P.C., 120 West Tenth  
Street, Erie, PA 16501

**McKAY, ALVENA R.,  
deceased**

Late of the Township of  
Harborcreek, County of Erie,  
State of Pennsylvania  
*Administrator:* Charles N.  
McKay, 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

**PARMARTER, VELMA M.,  
deceased**

Late of the Township of North  
East, County of Erie, State of  
Pennsylvania  
*Administrator:* Theodore J.  
Parmarter, 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

**PINETTI, VIRGINIA J., a/k/a  
VIRGINIA PINETTI,  
deceased**

Late of the City of Erie  
*Executor:* Joseph Pinetti  
*Attorney:* Michael G. Nelson,  
Esquire, Marsh, Spaeder, Baur,  
Spaeder & Schaaf, LLP, 300  
State Street, Suite 300, Erie,  
Pennsylvania 16507

**ROSE, BETTY JANE CULP,  
a/k/a BETTY J. ROSE,  
deceased**

Late of the Township of North  
East, Erie County, Pennsylvania  
*Executrix:* Deborah A. Esterline,  
c/o Bernard Stuczynski &  
Barnett, 234 West Sixth Street,  
Erie, PA 16507-1319  
*Attorney:* Adam E. Barnett,  
Esquire, Bernard Stuczynski &  
Barnett, 234 West Sixth Street,  
Erie, PA 16507-1319

**SIMA, JOHN, JR., a/k/a  
JOHN SIMA,  
deceased**

Late of the Township of Millcreek, County of Erie, State of Pennsylvania  
*Co-Executors:* John Sima, 632 Seminole Drive, Erie, PA 16505 and Paul Sima, 175 Lakewood Parkway, Amherst, NY 14226  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**SPIEGEL, EDWARD P., a/k/a  
EDWARD PAUL SPIEGEL,  
deceased**

Late of the Township of Millcreek, City of Erie, Pennsylvania  
*Executrix:* Susan Jean Bixler, 5798 E. Dusty Coyote Circle, Scottsdale, Arizona 85266  
*Attorney:* John F. Mizner, Esq., 201 German Street, Erie, Pennsylvania 16507

**WELLS, OPAL M.,  
deceased**

Late of Corry Township, County of Erie and Commonwealth of Pennsylvania  
*Co-Executors:* Larry Wells and Marlene Bliley  
*Attorney:* Thomas J. Minarcik, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**WERNER, HARLEY E.,  
deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania  
*Executrix:* Roberta Lynn Wilbur, c/o Joseph A. Yochim, Esq., Yochim, Skiba & Nash, 345 West 6th Street, Erie, PA 16507  
*Attorney:* Joseph A. Yochim, Esq., Yochim, Skiba & Nash, 345 West 6th Street, Erie, PA 16507

**YEAGER, ERNEST, a/k/a  
ERNEST F. YEAGER,  
deceased**

Late of Millcreek Township, County of Erie and State of Pennsylvania  
*Executrix:* Shirley A. Yeager, 4559 West Lake Road, Erie, PA 16505  
*Attorney:* Aaron E. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**THIRD PUBLICATION**

**BAUGHMAN, DONNA R., a/k/a  
DONNA BAUGHMAN,  
deceased**

Late of the Township of Springfield, County of Erie, State of Pennsylvania  
*Executrix:* Roberta L. Bowden, 4651 Nash Road, East Springfield, PA 16411  
*Attorney:* Grant M. Yochim, Esq., 24 Main Street E., P.O. Box 87, Girard, PA 16417

**BEHRENDT, KATHERINE A.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Co-Administrators:* Cynthia L. Noyer and Robert L. Ring  
*Attorney:* Tibor R. Solymosi, Esquire, Segel & Solymosi, 818 State Street, Erie, Pennsylvania 16501

**BOGDAN, DAVID A.,  
deceased**

Late of the Township of Girard, County of Erie and Commonwealth of Pennsylvania  
*Administratrix:* Jeanne M. Bogdan  
*Attorney:* Tibor R. Solymosi, Esquire, Segel & Solymosi, 818 State Street, Erie, Pennsylvania 16501

**CARAVAGLIA, KURT T., a/k/a  
KURT THOMAS CARAVAGLIA,  
deceased**

Late of Erie, Erie County, Pennsylvania  
*Administrator:* Santangelo B. Caravaglia, c/o Dan W. Susi, Esquire, 714 Sassafras Street, Erie, PA 16501  
*Attorney:* Dan W. Susi, Esquire, 714 Sassafras Street, Erie, PA 16501

**DANLOFF, MARGARET,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Matthew Gregoroff, c/o 504 State Street, Suite 300, Erie, PA 16501  
*Attorney:* Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**DeDAD, DOROTHEA LUCILLE,  
a/k/a DOROTHEA L. DeDAD,  
deceased**

Late of the Township of Millcreek, Erie County, Pennsylvania  
*Executrix:* Polly DeDad, 1944 West 34th Street, Erie, PA 16508  
*Attorney:* Gary J. Shapira, Esq., 305 West Sixth Street, Erie, PA 16507

**DILLON, AGNES H.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executor:* Charles H. Dillon, 1136 Appletree Lane, Erie, PA 16509  
*Attorney:* Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**FIGUEIRA, ARLENE K.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Denise A. Johnston, c/o 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Thomas E. Kuhn, Esquire, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**IRVINE, PATRICIA A., a/k/a  
PAT A. IRVINE,  
deceased**

Late of Millcreek Township,  
Erie County, Commonwealth of  
Pennsylvania  
*Executor:* Jean I. Kindland, 3604  
Crestwood Dr., Erie, PA 16510  
*Attorney:* None

**KARLE, THOMAS E.,  
deceased**

Late of Erie, PA, Erie County, PA  
*Executrix:* Constance M. Karle,  
c/o Gregory A. Karle, Esq., 900  
State Street, Suite 103, Erie, PA  
16501  
*Attorney:* Gregory A. Karle,  
Esquire, 900 State Street, Suite  
103, Erie, PA 16501

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

Late of Millcreek Township,  
County of Erie, and State of  
Pennsylvania  
*Executor:* Michael Gary Smith,  
1122 Guetner Avenue, Erie, PA  
16505  
*Attorney:* Aaron E. Susmarski,  
Esq., 4030 West Lake Road, Erie,  
PA 16505

**LANCE, GLENN R., a/k/a  
GLENN LANCE,  
deceased**

Late of the Borough of Girard,  
County of Erie, State of  
Pennsylvania  
*Executor:* Dennis L. Lance, 10622  
Ridge Road, Girard, PA 16417  
*Attorney:* James R. Steadman,  
Esq., 24 Main St. E., P.O. Box 87,  
Girard, PA 16417

**MAZZA, ASSUNTA,  
deceased**

Late of the Borough of North East,  
Erie County, Commonwealth of  
Pennsylvania  
*Executor:* Anthony Mazza, c/o  
James S. Bryan, Esq., & Leigh  
Ann Orton, Esq., 11 Park Street,  
North East, PA 16428  
*Attorney:* James S. Bryan, Esq.,  
& Leigh Ann Orton, Esq., Knox  
McLaughlin Gornall & Sennett,  
P.C., 11 Park Street, North East,  
PA 16428

**RYAN, ELIZABETH M.,  
deceased**

Late of Millcreek Township, Erie  
County, Pennsylvania  
*Executrices:* Kelly E. Haist and  
Melinda A. Favata, 5612 Carla  
Way, Erie, PA 16509  
*Attorney:* Jerome C. Wegley,  
Esq., Knox McLaughlin Gornall  
& Sennett, P.C., 120 West Tenth  
Street, Erie, PA 16501

**SAWDEY, HARRIET LEE,  
deceased**

Late of the Township of Millcreek  
*Executrix:* Rebecca C. Himrod,  
201 Halley Street, Erie, PA 16511  
*Attorney:* Michael A. Fetzner,  
Esq., Knox McLaughlin Gornall  
& Sennett, P.C., 120 West Tenth  
Street, Erie, PA 16501

**SEKULA, JOSEPH P.,  
deceased**

Late of the Township of  
Lawrence Park, Commonwealth  
of Pennsylvania  
*Executor:* Larry R. Sekula, 310  
Halley Street, Erie, Pennsylvania  
16511  
*Attorney:* Joseph P. Vendetti,  
Esq., Vendetti & Vendetti, 3820  
Liberty Street, Erie, PA 16509

# *Erie County Bar Association*

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### WHAT DOES IT COST?

#### RATES:

##### Non-ECBA Members:

*\$185/hour - M-F, 8:30 a.m. - 5:00 p.m.*

*\$235/hour - M-F, All other times; weekends*

##### ECBA Members:

*\$150/hour - M-F, 8:30 a.m. - 5:00 p.m.*

*\$200/hour - M-F, all other times, weekends*



## CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

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### NEW FAX NUMBER

LARRY D'AMBROSIO ----- (f) (814) 864-9033

The Erie County Bar Foundation and its Justice Samuel J. Roberts Scholarship Fund  
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Have you made your tax deductible contribution yet?

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