

Erie County Legal Journal

June 28, 2013

Vol. 96 No. 26

USPS 178-360



96 ERIE 17 - 23

Landrich and Reigelman v. Dakas, 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

PLEASE NOTE: NOTICES MUST BE RECEIVED AT THE ERIE COUNTY BAR ASSOCIATION OFFICE BY 3:00 P.M. THE FRIDAY PRECEDING THE DATE OF PUBLICATION.

All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser. The Erie County Bar Association will not assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content.

The *Erie County Legal Journal* makes no representation as to the quality of services offered by an advertiser in this publication. Advertisements in the *Erie County Legal Journal* do not constitute endorsements by the Erie County Bar Association of the parties placing the advertisements or of any product or service being advertised.

INDEX

NOTICE TO THE PROFESSION	4
OPINION	6
COURT OF COMMON PLEAS	
Change of Name Notice	13
Dissolution Notice	13
Fictitious Name Notices	13
ORPHANS' COURT	
Audit List	16
Estate Notices	17
CHANGES IN CONTACT INFORMATION FOR ECBA MEMBERS	22

ERIE COUNTY LEGAL JOURNAL (ISSN 0730-6393) is published every Friday for \$57 per year (\$1.50 single issues/\$5.00 special issues, i.e. Seated Tax Sales). Owned and published by the Erie County Bar Association (Copyright 2013©) 302 West 9th St., Erie, PA 16502 (814/459-3111). Periodical Postage paid at Erie, PA 16515. POSTMASTER: Send Address changes to THE ERIE COUNTY LEGAL JOURNAL, 302 West 9th St., Erie, PA 16502-1427.

Erie County Bar Association Calendar of Events and Seminars

TUESDAY, JULY 23, 2013

Senior Lawyer Event

Pontoon Boat Ride

Boarding at 10:00 a.m.

contact the ECBA for more details



Erie County Bar
Association



@eriepabar

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

2013 BOARD OF DIRECTORS

————— John M. Quinn, Jr., President

Edwin W. Smith, First Vice President

Richard A. Lanzillo, Second Vice President

Donald F. Fessler, Jr., Past President

Valerie H. Kuntz, Treasurer

Melissa H. Shirey, Secretary

Bradley K. Enterline

Lisa R. Ferrick

Craig A. Markham

Craig Murphey

Raymond A. Pagliari

Eric J. Purchase

Christopher J. Sinnott

Eugene C. Sundberg, Jr.

Adam J. Williams

Gregory P. Zimmerman

NOTICE OF PROPOSED TERMINATION OF DIVORCE CASE

Plaintiff : IN THE COURT OF COMMON PLEAS
 VS. : OF ERIE COUNTY, PENNSYLVANIA
 Defendant : FAMILY DIVISION

The Court intends to terminate this case without further notice because the docket shows no activity in the case for at least two years.

You may stop the Court from terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed should be filed with the Prothonotary's Office at the Erie County Courthouse, 140 West Sixth Street, Room 120, Erie, Pennsylvania 16501 on or before August 13, 2013.

The Statement of Intention to Proceed shall be in the following form:

(Caption)

Statement of Intention to Proceed

To the Court:

_____ (name) intends to proceed with the above captioned matter.

Date: _____ (Signature) _____
 Attorney for _____

If you fail to file the required Statement of Intention to Proceed, the case will be terminated.

Peter E. Freed, Deputy Court Administrator

PLAINTIFF	DEFENDANT	Docket #
MARCY SCHWEMER	ROBERT SCHWEMER	13162-2004
VICKIE DONAHUE	ROBERT R DONAHUE	13214-2004
DENISE UKASIK	CARL W. UKASIK	13250-2004
HEIDI BROZELL	ROBERT A BROZELL	13315-2004
REID WALKER	DEBORAH WALKER	13438-2004
BARBARA A. SAYARS	LOUIS C. SAYARS	13442-2004
MICHAEL DAVID GROUT	ROBIN LEE GROUT	13464-2004
LAURA M. CARNIEWSKI	GREGORY P. CARNIEWSKI	13568-2004
JOSEPH SISAK	STEPHANIE SISAK	13636-2004
CHRISTOPHER F. HOFMEISTER, JR.	COLLEEN HOFMEISTER	13670-2004
TAMMIE V. RENZ	THOMAS K. RENZ	13690-2004
DONNA HORTON	TIMOTHY HORTON	14033-2004
ALBERT J. SANSONE	KATHY S. SANSONE	14051-2004
JAMES T. SHAFFER	NICHOLE SHAFFER	14119-2004
AMEL AL-DARAJI	ALI AL-YASINI	14258-2004
DIANE BANKS	ERIC A. BANKS	14276-2004
CHRISTY L CASLER	MICHAEL G. CASLER	14411-2004
SALLY HOUGH	EUGENE HOUGH	14454-2004

ERIE COUNTY LEGAL JOURNAL
NOTICE TO THE PROFESSION

SEAN MICHAEL WAY	STACY JO WAY	14466-2004
MARILYN L. LEUSCHEN	JAMES H. LEUSCHEN	14514-2004
MARK TYLER	RALPH E. TYLER	14597-2004
CHANDRA P. STROKER	JACOB V. STROKER	14599-2004
GREG BUDNY	KRISTINE BUDNY	14613-2004
LISA M. HART	ROBERT A. HART	14671-2004
KELLY MAKELA	RENO MAKELA	14736-2004
MELVIN CATLEY	VERONICA CATLEY-FISHER	14737-2004
TERRANCE PORTER	RACHEL PORTER	14756-2004

Jun. 28

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**.*

SANDI LANDRICH and THOMAS REIGELMAN, her husband, Plaintiffs,
v.
JEFFREY L. DAKAS, M.D., RICHARD W. PETRELLA, M.D., and
UPMC HAMOT, Defendants

PLEADINGS / PRELIMINARY OBJECTIONS

When ruling on preliminary objections, a court must accept as true all well-pled facts which are relevant in material as well as all inferences reasonably deductible there from. To sustain preliminary objections, it must appear with certainty that based upon the facts pled, the plaintiff will be unable to prove facts legally sufficient to establish the right to relief.

PLEADINGS / GENERAL REQUIREMENTS

A complaint in a medical malpractice case which sets forth the date of the harm, the hospital at which the plaintiff was treated and the names of at least some of the individuals who treated the plaintiff is sufficiently specific to survive preliminary objections.

TORTS / UNFAIR COMPETITION

As a provider of medical services, a hospital is exempt from the Unfair Trade Practices and Consumer Protection Law with respect to allegations related to those medical services.

TORTS / CORPORATE NEGLIGENCE

A claim of corporate negligence against a hospital is properly pled when the claim is based upon a claim of professional negligence against physicians who treated the plaintiff at the hospital in question.

DAMAGES / PUNITIVE DAMAGES

When pleading facts relevant to the remedy of punitive damages, a plaintiff must allege the defendant's willful or wanton conduct and this state of mind may be averred generally.

TORTS / MEDICAL PROFESSIONAL NEGLIGENCE

To demonstrate medical professional negligence, plaintiff must allege and prove (1) the duty owed by physician to patient, (2) a breach of that duty, (3) that the breach of duty was the proximate cause of, or a substantial factor in, bringing about the harm suffered by the patient.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
 CIVIL DIVISION No. 12926-2012

Appearances: Brendan B. Lupetin, Esq., Attorney for Plaintiffs
 Peter W. Yoars, Jr., Esq., Attorney for Defendant UPMC Hamot
 Thomas M. Lent, Esq., Attorney for Defendants Jeffrey Dakas and
 Richard Petrella

OPINION

Connelly, J., May 8, 2013

The matter before the Court is pursuant to two sets of Preliminary Objections, the first by UPMC Hamot (hereinafter "Defendant Hamot") and the second filed jointly by Jeffrey Dakas, M.D., (hereinafter "Defendant Dakas") and Richard Petrella, M.D., (hereinafter "Defendant Petrella"). Both sets of Preliminary Objections are in response to the Complaint

filed by Sandi Landrich (hereinafter "Plaintiff Landrich") and her husband Thomas Reigelman (hereinafter "Plaintiff Reigelman") and thus will be addressed together.

Statement of Facts

On August 30, 2010, Plaintiff Landrich experienced dizzy spells and arrived at Hamot Hospital for evaluation. *Pl. Compl.* ¶ 13. The next day, August 31, 2010, she underwent an echocardiogram ordered by Defendant Dakas. *Id.* at ¶¶ 17-18. Following the echocardiogram, she underwent a catheterization procedure performed by Defendant Petrella. *Id.* at ¶ 24. Following the catheterization, but before the effects of anesthesia had worn off, Plaintiff Landrich was awakened and told she needed an implantable cardioverter defibrillator (ICD). *Id.* at ¶ 26. When Plaintiff Landrich expressed she did not want an ICD, she and Defendant Dakas discussed the ICD, and under the belief she would die without one, Plaintiff Landrich signed a consent form to undergo the procedure. *Id.* at ¶¶ 27-32. Plaintiff alleges Defendant Dakas did not explain the procedure or the side effects relative to the ICD. *Id.* at ¶ 33. Defendant Dakas then performed a single-chamber ICD on Plaintiff Landrich. *Id.* at ¶ 34. Plaintiff Landrich avers the ICD was not necessary and the surgery to implant it caused her harm. *Id.* at ¶¶ 35-44.

Procedural History

On September 17, 2012, Plaintiffs filed their Complaint and served it on all Defendants. On October 16, 2012, Defendant Hamot filed its Preliminary Objections and its Brief in Support. On October 18, 2012, Defendants Dakas and Petrella filed their Joint Preliminary Objections and their Brief in Support. On November 15, 2012, Plaintiffs filed their Responses to both Preliminary Objections and their Briefs in Support.¹

Analysis of Law

The Pennsylvania Rules of Civil Procedure state "any party to any pleading" may file preliminary objections. *Pa. R.C.P. 1028(a)*. When ruling on preliminary objections, a court must accept as true all well-pled facts which are relevant and material, as well as all inferences reasonably deducible therefrom. *Bower v. Bower*, 611 A.2d 181, 182 (Pa. 1992). To sustain preliminary objections, it must appear with certainty, or be "clear and free from doubt" based on the facts as pleaded, "that the pleader will be unable to prove facts legally sufficient to establish his right to relief." *Id.*

I. Defendant Hamot argues Paragraph 5 of Plaintiffs' Complaint should be stricken, or, in the alternative, be pled more specifically.

Defendant Hamot argues Paragraph 5 of Plaintiffs' Complaint is factually insufficient. *Def. Hamot's Br. In Supp.* 5. Defendant Hamot contends the phrase "including, but not limited to" is overbroad as "virtually any possible employee, agent and/or servant of [Defendant Hamot] can later be encompassed in the Complaint." *Id.*

Plaintiffs assert Paragraph 5 is not overly broad and the negligence allegation mirrors similar complaints commonly accepted across the state. *Pls. Br. In Opp. to Def. Hamot's Prelim Objs.* 5. Further, Plaintiffs contend the agents responsible for the care of Plaintiff Landrich are

¹ Plaintiffs failed to serve a copy of their Briefs in Opposition upon the Court, a violation of Erie County Rules of Civil Procedure. "[W]ithin thirty (30) days of receipt of the objecting party's brief . . . the nonmoving party shall forward a copy of [their] brief to the assigned judge." *Erie L.R. 1028(c)(2)*.

identified later in the Complaint, specifically Certified Registered Nurse Practitioner Sharon Scully and medical technician Matthew W. Tierney. *Id.* at 6. Plaintiffs assert, if other agents are added later, Defendant Hamot can challenge the additions at that time. *Id.*

"The material facts on which a cause of action or defense is based shall be stated in a concise and summary form." *Pa. R.C.P. 1019(a)*. "The purpose of the pleadings is to place the defendants on notice of the claims upon which they will have to defend." *Yacoub v. Lehigh Valley Med. Assoc.*, 805 A.2d 579, 588 (Pa. Super. 2002), citing *McClellan v. Health Maint. Org. of Pa.*, 604 A.2d 1053 (Pa. 1992). "[O]n determining whether a particular paragraph in a complaint has been stated with the necessary specificity, such paragraph must be read in context with all other allegations in that complaint." *Yacoub*, 805 A.2d at 589.

For example, the Common Pleas Court of Northampton County found a paragraph which included "other physicians, nurses, technicians and others that cared for the plaintiff" was too broad where "[n]owhere in the complaint are there allegations which identify an agent by name or appropriate description, or describes the nature of the agency" *Spagnola v. Mehta*, 2009 Pa. D. & C. Lexis 442, *5 (September 23, 2009). However, when claims are alleged more precisely, courts are more likely to permit paragraphs which include other unnamed agents.

Here, Plaintiffs' claim stems from the events of August 31, 2010, and the agents for whom Hamot may be responsible are the nurses, doctors, and technicians who dealt with Plaintiff Landrich on that day and the days following. It is appropriate in a medical malpractice case to "give plaintiffs a reasonable period of discovery and amend the complaint accordingly" because the defendant usually has superior knowledge of the acts of those who provided the plaintiff's treatment. *Johnson v. Patel*, 19 Pa. D. & C.4th 305, 309 (Lackawanna 1993). At this point in the pleadings, Paragraph 5 is sufficiently specific to put Defendant Hamot on notice of the claims against it. Therefore, Defendant Hamot's First Preliminary Objection is overruled.

II. Defendant Hamot argues Plaintiff's UTPCPL claim is legally insufficient.

Defendant Hamot contends via demurrer that Plaintiffs' Unfair Trade Practices and Consumer Protection Law (UTPCPL) claim is impermissible under Pennsylvania law.² *Def. Hamot's Br. In Supp.* ¶ 3. Preliminary objections in the form of demurrer may be filed for legal insufficiency of a pleading. *Pa. R.C.P. 1028(a)(4)*. "The question presented by the demurrer is whether, on the facts averred, the law says with certainty that no recovery is possible." *Eckell v. Wilson*, 597 A.2d 696, 698 (Pa. Super. 1991) (internal citations omitted). A demurrer should be sustained when "the plaintiff has clearly failed to state a claim on which relief may be granted." *Id.* If there is any doubt as to the adequacy of the plaintiff's complaint, a demurrer should not be sustained. *Id.*

The UTPCPL prohibits unfair methods of competition and deceptive practice in trade or commerce, specifically condemning misrepresentations and fraudulent conduct. 73 Pa. Cons. Stat. § 201-3. Defendant Hamot argues Pennsylvania courts have consistently ruled the UTPCPL does not apply to providers of medical services. *Def. Hamot's Br. In Supp.*

² Defendant Hamot also claims that because Plaintiffs reside in New York, the case should be tried under New York law, and Pennsylvania's UTPCPL should not apply. *Def. Hamot's Br. In Supp.* 5. As the events of the instant case took place in Pennsylvania, Pennsylvania has jurisdiction. Therefore, the UTPCPL can apply if it otherwise qualifies.

4-5. Plaintiffs argue UTPCPL protection applies only to physicians providing treatment, not to hospitals and other medical service providers which employ them. *Pls'. Br. In Opp. To Def. Hamot's Prelim. Objs. 4.*

In 1990, the Pennsylvania Superior Court first ruled on the applicability of the UTPCPL to the medical profession. *Gatten v. Merzi*, 579 A.2d 974 (Pa. Super. 1990). In *Gatten*, the plaintiff underwent an unsuccessful weight loss procedure and sued her surgeon under a variety of claims, including violations of the UTPCPL. *Id.* at 975. Specifically, the plaintiff alleged the surgeon's pre-surgery advice contained "misrepresentations regarding the operation's approval, standards, and possible results ." *Id.* at 974. The *Gatten* Court, affirming dismissal of the UTPCPL claim, stated [i]t is . . . clear that the legislature did not intend the [UTPCPL] to apply to physicians rendering medical services." *Id.* at 976; *See also Foflygen v. Zemel*, 615 A.2d 1345 (Pa. Super. 1992) (holding, in a case involving advice given before a stomach stapling procedure, that the UTPCPL was inapplicable to procedures of medical services.) The Superior Court found imposing the UTPCPL standards on physicians for advice given before medical procedures would make the physician liable for unsuccessful outcomes even without fault, and such a result "would be absurd." *Gatten*, 579 A.2d at 976.

Plaintiffs argue a physician's' exclusion from the UTPCPL for medical services does not extend to the entities that employ him, citing the persuasive authority of *Lebish v. Whitehall Manor Inc.* 57 Pa. D. & C. 4th 247 (Lehigh Co. 2002). *Lebish* involved a plaintiff living in a personal care facility, who was choked and punched, had money stolen from her, and was marred by several falls. The *Lebish* court refused to sustain a preliminary objection similar to Defendant Hamot's in the instant case as the caselaw "only addresses the inapplicability of the UTPCPL to physicians providing treatment." *Id.* at 256.

However, the Superior Court has ruled that the UTPCPL did not apply to "the processing, review, and analysis of reports" involving pap smears, explaining that as long as the provider of medical services was providing medical services and not "consumer-oriented, nonmedical activities" medical providers were exempt from UTPCPL. *Walter v. Mcgee Womens Hospital*, 876 A.2d 400 (Pa. Super. 2005).

In the instant case, Plaintiffs allege Defendant Hamot's agent, just after one procedure and before another, misled Plaintiff Landrich regarding the risks inherent with the second procedure. These facts clearly involve medical services rather than the falls and thefts which occurred in *Lebish*. Thus, as Defendant Hamot is a provider of medical services, and these allegations are related to medical services, it is therefore exempt from UTPCPL.³ Thus, Defendant Hamot's Third Preliminary Objection, as to the UTPCPL claim, is sustained.⁴

³ In their Brief in Opposition to Defendant Hamot's Preliminary Objections, Plaintiffs request "to amend their complaint in order to more specifically illustrate how defendant Hamot's fraudulent and deceptive conduct has created a cause of action under the UTPCPL." *Pls. Br. In Opp. 4.* These proposed amendments include the scheduling of a heart catheterization before an echocardiogram test to determine whether or not the catheterization was even necessary and unwarranted representations to Plaintiff Landrich. *Pls. Br. In Opp. 4-5.* Both of these claims involve medical services, and claims under the UTPCPL may not be permitted against providers of medical services for the medical services they offer. Hence, this claim cannot be pursued for any of the facts alleged.

⁴ Defendants Dakas and Petrella also filed a Preliminary Objection contesting Plaintiffs' pursuit of UTPCPL claim. *Def. Dakas and Petrella's Objs. ¶¶ 10-15.* Plaintiff does not object to this Preliminary Objection, and requests leave to withdraw Count VI from their Complaint as to Defendants Dakas and Petrella. *Pls. Br. In Opp. 4-5.*

III. Defendant Hamot argues Plaintiffs' corporate negligence claim is legally insufficient.

Defendant Hamot avers corporate defendants are immune from corporate negligence allegations stemming from Informed Consent claims against their physician employees. *Def. Hamot's Br. In Supp.* 6-8. Defendant Hamot argues "[i]t is obvious that Plaintiff's corporate negligence claims . . . are founded upon their theory of informed consent" and therefore any allegation of corporate negligence in the Complaint is legally insufficient. *Def. Hamot's Br. In Supp.* 7.

Plaintiffs are not permitted to pursue vicarious liability against hospitals based on a physician's alleged failure to obtain informed consent. *Valles v. Albert Einstein Med. Ctr.*, 805 A.2d 1232 (Pa. 2002) (holding that failure to gain informed consent occurs outside the scope of employment, the Court stated "the duty to obtain informed consent belongs solely to the physician.")

Plaintiffs do not dispute that hospitals cannot be held directly liable through lack of informed consent claims against their agents. *Pl. Br. In Opp. to Def. Hamot's Prelim. Objs.* 7. Instead, Plaintiffs argue they seek corporate negligence against Defendant Hamot for the separate and distinct claim of professional negligence against Defendants Dakas and Petrella. *Id.* Professional negligence is a claim through which corporate negligence can be pursued. *See generally Scampone v. Highland Park Care Ctr.*, 57 A.3d 582 (Pa. 2012). Therefore, Plaintiffs may bring a corporate negligence claim based on the professional negligence claims against Defendants Dakas and Petrella. Thus, Defendant Hamot's Third Preliminary Objection, as to the corporate negligence claim, is overruled.

Defendant Hamot also filed a Preliminary Objection claiming Plaintiffs are not entitled to punitive damages. *Def. Hamot's Prelim. Objs.* ¶ 4. Plaintiffs have requested leave to withdraw their punitive damages claim against Hamot. *Pl. Br. In Opp. to Def. Hamot's Prelim. Objs.* 7. The Court grants Plaintiff leave to do so, thus Defendant Hamot's Fourth Preliminary Objection is moot.

IV. Defendants Dakas and Petrella argue Plaintiffs are not entitled to punitive damages.

Defendants Dakas and Petrella, in their First Preliminary Objection, contend Plaintiffs have failed to plead facts sufficient to show punitive damages are appropriate. *Def. Dakas and Petrella's Prelim. Objs.* ¶¶ 2-9. To pursue punitive damages in a medical malpractice case, Plaintiffs must show the "health care provider's willful or wanton conduct or reckless indifference to the rights of others." *MCARE Act*, 40 P.S. § 1303.505(a) (2012). "A showing of gross negligence is insufficient to support an award of punitive damages." 40 P.S. § 1303.505(b). Pennsylvania Courts of Common Pleas⁵ have held that "punitive damages are generally not recoverable in malpractice actions unless the medical provider's deviation from the applicable standard of care is so egregious as to evince a conscious or reckless disregard of patent risk or harm to the patient." *Lasavage v. Smith*, 23 Pa. D. & C.5th 334, 340 (Lackawanna 2011) (citations omitted). Determining whether malpractice rises to the level of willful, wanton, or recklessly indifferent conduct depends upon the "circumstances"

⁵ Due to the recent 2002 enactment of the MCARE ACT, no Pennsylvania Appellate Courts have yet to address the issue of punitive damages in a medical setting.

of the case. *Mellor v. O'Brien*, 2012 Pa. D. & C. Dec. Lexis 172 *9 (January 11, 2012) (citations omitted).

Plaintiffs argue the actor's state of mind is vital in determining whether punitive damages are appropriate. *Pl. Br. In Opp. to Def. Hamot's Prelim. Objs.* 3. Without further discovery and depositions, they cannot determine whether Defendants' conduct warrants the imposition of punitive damages. *Id.*

"Malice, intent, knowledge and other conditions of the mind may be averred generally." *Pa. R.C.P. 1019(b)*. The Pennsylvania Superior Court has held that wantonness and recklessness, as conditions of the mind, may also be averred generally. *Archibald v. Kemble*, 971 A.2d 513 (Pa. Super. 2009) (holding that wantonness and recklessness were similar to intent or knowledge.) In the pleading stage, Plaintiffs must allege Defendants' willful or wanton conduct, and this state of mind may be averred generally. Thus, Plaintiffs have averred sufficient facts to overcome demurrer at this time and Defendants' demurrer as to the punitive damages claim is overruled.

V. Defendants Dakas and Petrella argue Plaintiffs' negligence claim is legally insufficient.

Defendants Dakas and Petrella contend Plaintiffs are pursuing a negligence claim within an informed consent claim, which is impermissible under Pennsylvania law. *Def. Dakas and Petrella's Prelim. Objs.* ¶ 16. Defendants argue "[p]laintiffs are mixing claims for lack of informed consent with a claim for breach of the standard of care . . ." and have failed to plead a claim for negligence. *Def. Dakas and Petrella's Prelim. Objs.* ¶ 16. Plaintiffs argue that they are not overlapping their claims, but actually alleging two separate claims: one for lack of informed consent and one for negligence. *Pl. Br. In Opp. to Def. Dakas and Petrella's Prelim. Objs.* 5.

In the Complaint, Plaintiffs claim negligence occurred not through failing to gain informed consent, but by choosing to implant an ICD within Plaintiff Landrich which she did not allegedly need. *Pl. Compl.* ¶¶ 74-78. Plaintiffs allege this negligence claim is completely distinct from the battery of informed consent. *Id.*

"The informed consent doctrine requires physicians to provide patients with material information necessary to determine whether to proceed with the surgical or operative procedure or to remain in the present condition." *Sinclair v. Block*, 534 Pa. 563, 633 (1993) (citations omitted). If a physician performs a procedure without gaining informed consent from a patient, the patient has been unable to make an informed choice regarding whether to proceed, and the physician has committed a battery by touching the patient with consent that was not fully informed. *Morgan v. MacPhail*, 704 A.2d 617 (Pa. 1997). Hence, failing to gain informed consent, which is inherently a battery, is distinct from medical negligence. *Montgomery v. Bazaz-Sehgal, et al*, 798 A.2d 742 (Pa. 2002). "[Negligence claims and informed consent claims often co-exist in the same tort action . . ." *Id.* at 749. The existence of the negligence claim thus does not preclude the informed consent claim, nor vice versa.

To demonstrate medical professional negligence, Plaintiffs must establish (1) the duty owed by physician to patient, (2) a breach of that duty, and (3) that the breach of duty was the proximate cause of, or a substantial factor in, bringing about the harm suffered by the patient. *Thierfelder v. Wolfert*, 52. A.3d 1251, 1264 (Pa. 2012). Here, Plaintiffs have alleged Defendants Petrella and Dakas owed a duty to Plaintiff Landrich to provide

treatment in a manner consistent with applicable medical standards, that the Defendants breached that standard by implanting the ICD, performing a left heart catheterization, and failing to properly interpret cardiac testing, and that these breaches caused harm to Plaintiffs. *Pl. Comp.* ¶¶ 74-79. These allegations, if true, are sufficient for a professional negligence claim. Thus, Defendants Dakas' and Petrella's Third preliminary Objection seeking demurrer is overruled.

Defendants Dakas and Petrella also filed Preliminary Objections to strike Counts III and IV as being duplicative of Counts I and II, as well as to strike Paragraph 37 of Plaintiff's Complaint. *Def. Dakas and Petrella's Prelim. Objs.* ¶¶ 17-21. Plaintiffs, have requested leave to withdraw Counts I, II, and Paragraph 37. *Pl. Br. In Opp. to Def. Dakas and Petrella's Prelim. Objs.* 5-6. As Counts I and II and Paragraph 37 are withdrawn, Defendants Preliminary Objections are rendered moot.

ORDER

AND NOW, TO WIT, this 8th day of May 2013, it is hereby **ORDERED, ADJUDGED & DECREED**:

- I. Defendant Hamot's First Preliminary Objection seeking to strike Paragraph 5 of Plaintiffs' Complaint is **OVERRULED**.
- II. Defendant Hamot's Second Preliminary Objection seeking more specificity as to Paragraph 5 of Plaintiffs' Complaint is **OVERRULED**.
- III. Defendant Hamot's Third Preliminary Objection is **OVERRULED** in part and **SUSTAINED** in part. The portion seeking to strike Count VI, the claim under Unfair Trade Practices/Consumer Protection Law (UTCPL), is **SUSTAINED**. The portion seeking to strike Count VII, the claim against Defendant Hamot under Corporate Negligence, is **OVERRULED**.
- IV. Plaintiffs have voluntarily withdrawn their claims of punitive damages against Defendant Hamot, and therefore Defendant Hamot's Fourth Preliminary Objection is rendered **MOOT**.
- V. Defendants Dakas and Petrella's First Preliminary Objection as to punitive damages in Counts III, IV, and IV is **OVERRULED**.
- VI. Plaintiffs have voluntarily withdrawn their UTCPL claim against Defendants Dakas and Petrella. Thus, their Second Preliminary Objection is rendered **MOOT**.
- VII. Defendants Dakas and Petrella's Third Preliminary Objection seeking to strike claims of medical negligence is **OVERRULED**.
- VIII. Plaintiffs have voluntarily withdrawn Counts I and II and therefore Defendants Dakas and Petrella's Fourth Preliminary Objection seeking to strike Counts III and IV is rendered **MOOT**.
- IX. Plaintiffs have voluntarily withdrawn Paragraph 37 of their complaint and therefore Defendants Dakas and Petrella's Fifth Preliminary Objection is rendered **MOOT**.

BY THE COURT:

/s/ **Shad Connelly, Judge**

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania

In re: Gail Matthews

No. 11720 - 2013

Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Gail Matthews to Gail Wheeler.

The Court has fixed the 30th day of July, 2013 at 9:00 a.m. in Courtroom B of the Erie County Court House as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if they have any, why the prayer of the petitioner should not be granted.

Jun. 28

DISSOLUTION NOTICE

Notice is hereby given that Landmark Psychological Services, L.L.C. (232 Connecticut Dr., Erie, PA 16505), a Pennsylvania corporation, is dissolved and its corporate existence ended as of March 29, 2013. All requirements pursuant to section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended, have been fulfilled.

Dr. Stephen M. Scrimenti
Ph.D. Licensed Psychologist
PS005886L (PA).

Jun. 28

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: Crossfit 814
2. Address of the principal place of business, including street and number: 6001 Pine Valley Lane, Fairview, PA 16415
3. The real name and address, including street and number, of entities who are parties to the registration: MKE 814, 6001 Pine

Valley Lane, Fairview, PA 16415

4. An application for registration of fictitious name under the Fictitious Names Act was filed on May 8, 2013.

Colleen R. Stumpf, Esquire

Quinn, Buseck, Leemhuis,

Toohey & Kroto, Inc.

2222 West Grandview Boulevard

Erie, PA 16506-4508

Jun. 28

FICTITIOUS NAME NOTICE

1. Fictitious Name: LCBA

2. Address of the principal place of business, including street and number: 8811 Peach Street, Erie, PA 16509

3. The real names and addresses, including street and number, of the persons who are parties to the registration: Loyal Christian Benefit Association, 8811 Peach Street, P.O. Box 13005, Erie, PA 16505

4. An application for registration of fictitious name under the Fictitious Names Act was filed on or about June 10, 2013 with the Pennsylvania Department of State.

Jenna Bickford, Esq.

MacDonald, Illig, Jones

& Britton, LLP

100 State Street, Suite 700

Erie, PA 16507-1459

Jun. 28



Helping Victims of Medical Malpractice

Experience
MATTERS.

Birth injuries are devastating, especially when they could have been prevented. When healthcare providers' negligence causes a child's developmental delay, life-long disability, or even death, they should be held responsible.

Nurenberg Paris is considered one of the top medical malpractice firms in Ohio. With a full-time nurse with litigation experience on staff, we offer our clients and referring attorneys in-depth medical insight into their cases.

IF YOU HAVE A CLIENT WHO HAS BEEN A VICTIM OF MEDICAL NEGLIGENCE OR A BIRTH INJURY, CALL NURENBERG PARIS TO REVIEW THE CASE.



NURENBERG ■ PARIS
— INJURY LAWYERS —

CALL JEFFREY LEIKIN, ESQ.
Licensed to practice in Pennsylvania

(216) 694-5203

email: JLeikin@nphm.com

www.NPHM.com

Cleveland, Ohio

MEDICAL MALPRACTICE CASES WE HANDLE:

WRONGFUL DEATH | BIRTH TRAUMA | MISDIAGNOSIS | SURGICAL OR MEDICATION ERROR
FAILURE OR DELAY TO DIAGNOSE | DELAYED SURGERY

The Five Stages of the *Typical* e-Discovery Experience



It Doesn't Have to be Like This...

Let RVM Show You e-Discovery Done Right!

1. Know What to Expect

Are you on the edge of your seat during your e-Discovery projects, not knowing what to expect? For each project, RVM's consultants prepare a detailed workflow. We ensure that we are on the same page as our clients. No surprises.

2. Effective Project Management

Not hearing back from your e-Discovery partner leaves you feeling anxious and neglected. RVM's premier project managers proactively communicate with our clients. Likewise, when clients reach out to us, we respond right away.

3. Innovative Solutions

Tired of countless exceptions in your e-Data processing projects? Off the shelf e-Data processing tools cannot handle the ever changing data sets. That's why RVM developed Revelation™, our proprietary e-data processing tool with enhanced functionality to handle challenging data sources such as Bloomberg and Lotus Notes where others fall short.

- Litigation Needs Analysis Consulting
- ESI Sources
- Forensics (Data Collection & Analysis)
- e-Data Processing
- Online Hosting & Review
- Enterprise Content Management Solutions



4. Unparalleled Client Service

Does it take getting angry for you to get a response from your e-Discovery partner? At RVM our clients come first. Our dedicated staff carry out RVM's commitment to client satisfaction on every single aspect of each project.

5. Repeat Performance

At the end of the project life-cycle, you're left with the impression of your experience. After working with RVM you may feel regret—but only for not having turned to us sooner.



Reliable • Versatile • Manageable Data

ediscoverydoneright.com



877.358.9180

New York • Chicago • Cleveland • Columbus

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, June 24, 2013** and confirmed Nisi.

July 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.

<u>2013</u>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
113.	Karen A. DeCarolis	David DeCarolis and Leonard DeCarolis, Co-Executors	Raymond A. Pagliari, Esq.
114.	Peter B. Ervin	Emily Trejchel, Executor	Darlene M. Vlahos, Esq.
115.	Frank P. Fava	John R. Falcone, Executor	John R. Falcone, Esq.
116.	Dorothy R. Stetson	Jack Snyder, Executor	Richard T. Ruth, Esq.

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

June 21, 28

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**DOBUZYNSKI, VERONICA P., deceased**

Late of the City of Erie, County of Erie, Pennsylvania
Executor: James M. Weaver, 544 Virginia Avenue, Erie, PA 16505
Attorney: Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

FELS, RAYMOND LEE, deceased

Late of the Township of Fairview
Administratrix: Joan L. Fels
Attorney: Joseph M. Walsh, III, Esq., Shapira, Hutzelman, Ely, Berlin, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

FREEMAN, HOWARD E., a/k/a HOWARD EARL FREEMAN, a/k/a HOWARD FREEMAN, deceased

Late of the Township of Lawrence Park, County of Erie and Commonwealth of Pennsylvania
Executrix: Dianne E. Russ, c/o Stephen A. Tetuan, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

HASNEY, MICHAEL, deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Nadine Schultz
Attorney: David J. Rhodes, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

LYON, GRACE B., a/k/a V. GRACE LYON, deceased

Late of Erie County, Pennsylvania
Executor: Kathleen Hull, 136 Preston Avenue, Erie, PA 16511
Attorney: Louis Pomerico, Esquire, 2910 Wilmington Rd., New Castle, PA 16105

MARKO, LOUIS L., deceased

Late of Wesleyville Borough
Administratrix: Susan L. Ewing, c/o Attorney Terrence P. Cavanaugh, 3336 Buffalo Road, Wesleyville, PA 16510
Attorney: Terrence P. Cavanaugh, Esq., 3336 Buffalo Road, Wesleyville, PA 16510

McCLOSKEY, ROSEMARY, deceased

Late of the City of Erie, Commonwealth of Pennsylvania
Administrator: Mark McCloskey, 344 East 27th Street, Erie, PA 16504
Attorney: Kevin W. Barron, Esquire, 821 State Street, Erie, PA 16501

RENSHAW, AMY M., a/k/a AMY M. KEITH, a/k/a AMY BAKER KEITH RENSRAW, deceased

Late of the Borough of North East, Erie County, Commonwealth of Pennsylvania
Co-Administrators: Michael V. Baker and John R. Renshaw, 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

SAKMAR, ANNA MARIE, a/k/a ANNA M. SAKMAR, deceased

Late of the City of Erie
Executor: Andrew R. Sakmar c/o Attorney Terrence P. Cavanaugh, 3336 Buffalo Road, Wesleyville, PA 16510
Attorney: Terrence P. Cavanaugh, Esq., 3336 Buffalo Road, Wesleyville, PA 16510

SARGENT, MARGARET ANN, deceased

Late of the Township of McKean, County of Erie and Commonwealth of Pennsylvania
Administratrix: Ruth A. Mason, c/o Norman A. Stark, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

SCHNEIDER, DIANA A., deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Co-Executrices: Susan Amendola and Patricia Rogers, c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

SOEDER, JOHN JOSEPH, deceased

Late of the City of Erie, County of Erie
Executor: Jean M. Bush, 8691 Rohl Road, North East, Pennsylvania 16428
Attorney: W. Richard Cowell, Esquire, Carney & Good, 254 West Sixth Street, Erie, Pennsylvania 16507

**SWEENEY, ANTHONY J., a/k/a
ANTHONY J. SWEENEY, SR.,
deceased**

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

Executrix: Geneva J. Weiss, 2224 Hackett Avenue, Easton, PA 18045-2256

Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**TRUCHANOWICZ, RICHARD,
deceased**

Late of Wesleyville Borough

Executrix: Karen Truchanowicz, c/o Attorney Terrence P. Cavanaugh, 3336 Buffalo Road, Wesleyville, PA 16510

Attorney: Terrence P. Cavanaugh, Esq., 3336 Buffalo Road, Wesleyville, PA 16510

**WICKHAM, MARY ANN,
deceased**

Late of Erie County, Pennsylvania
Executors: Timothy J. Wickham and Jeanne M. Frey, c/o E. James Lucht, Esquire, 1001 State Street, Suite 303, Erie, PA 16501

Attorney: E. James Lucht, Esquire, 1001 State Street, Suite 303, Erie, PA 16501

SECOND PUBLICATION

**ARDUINI, CARMELLA B., a/k/a
CARMELLA ARDUINI,
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Executrix: Arlene T. Briggs, 13270 Old Route 19N, Waterford, PA 16441

Attorney: Rebecca Herman, Esq., Herman & Herman, LLC, 412 High Street, Waterford, PA 16441

**BECKETT, DAVID L.,
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania
Executor: Keith D. Beckett

Attorney: Edward P. Wittmann, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**CARLSON, DONALD
LAWRENCE, a/k/a
DONALD L. CARLSON,
deceased**

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

Executor: Mark L. Carlson, 1334 West 18th Street, San Pedro, California 90732

Attorneys: MacDonald, Illig, Jones & Britton, LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**CHARCALLA, GARY L.,
deceased**

Late of Greenfield Township, Erie County

Executrix: Brenda L. Charcalla, P.O. Box 757, North East, PA 16428

Attorney: Jeffrey A. Pribanic, Esquire, Pribanic & Pribanic, 1735 Lincoln Way, White Oak, PA 15131

**FILIPPI, ANGELA R.,
deceased**

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

Executors: David A. Filippi & Darlene M. Stone, c/o 504 State Street, Suite 200, Erie, PA 16501

Attorney: Richard E. Filippi, Esquire, 504 State Street, Suite 200, Erie, PA 16501

**IOANNIDIS, DIMITRIOS,
deceased**

Late of Millcreek Township, County of Erie and State of Pennsylvania

Administratrix: Margaret Ioannidis, c/o Denis W. Krill, P.C., 309 French Street, Erie, Pennsylvania 16507

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

**KREGER, MARY GRACE,
deceased**

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

Co-Executors: Stephen Kreger and Mark Kreger, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

Attorney: Valerie H. Kuntz, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**LEONARD, RAYMOND F., JR.,
deceased**

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

Administratrix: Paula M. Leonard, c/o Joan M. Fairchild, Esq., 132 North Center Street, Corry, Pennsylvania 16407

Attorney: Joan M. Fairchild, Esq., 132 North Center Street, Corry, Pennsylvania 16407

**LONGNECKER, CARL G., SR.,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executor: Carl G. Longnecker, Jr., c/o The McDonald Group, L.L.P., 456 West Sixth Street, Erie, PA 16507-1216

Attorney: Thomas J. Buseck, Esq., The McDonald Group, L.L.P., 456 West Sixth Street, Erie, PA 16507-1216

**NACULICH, JUSTINE T.,
deceased**

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

Executor: Stephen G. Naculich, c/o 504 State Street, Suite 300, Erie, PA 16501

Attorney: Michael J. Nies, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**PEEPLES, DONALD D.,
deceased**

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

Executor: Ellen L. Osborn, c/o The McDonald Group, L.L.P., 456 West Sixth Street, Erie, PA 16507-1216

Attorney: James D. McDonald, Jr., Esq., The McDonald Group, L.L.P., 456 West Sixth Street, Erie, PA 16507-1216

**SCHERMERHORN, JOHN W.,
deceased**

Late of North East Township, Erie County, Commonwealth of Pennsylvania

Co-Executors: Christine L. Porter, Carol A. Meehl and Melinda S. Slaughenhaupt, 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

**WEILAND, NORMA JEAN,
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania

Administratrix: Michelle M. Alaskey, c/o PO Box 624, 203 W. Third Ave., Warren, PA 16365

Attorney: Michelle M. Alaskey, Esquire, Alaskey & Busch, PLLC, PO Box 624, 203 W. Third Ave., Warren, PA 16365

THIRD PUBLICATION

**ABBOTT, FREDERICK W., SR.,
a/k/a FRED W. ABBOTT, SR.,
deceased**

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

Executor: Frederick W. Abbott, 4841 Pearce Street, Unit A, Huntington Beach, CA 92649

Attorney: Grant M. Yochim, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

**CHAMBERS, EDNA M.,
deceased**

Late of Harbortcreek Township, Erie County, Pennsylvania

Co-Executors: Stewart B. Chambers, Jr. and Terry J. Chambers, c/o Robert J. Jeffery, Esq., 33 East Main Street, North East, Pennsylvania 16428

Attorneys: Orton & Jeffery, P.C., 33 East Main Street, North East, Pennsylvania 16428

**GHAMO, ROMEO J., a/k/a
ROMEO JOSEPH GHAMO,
deceased**

Late of the City of Erie, Erie County, Pennsylvania

Executrix: Sandra L. Taccone
Attorney: James J. Bruno, Esq., 3820 Liberty Street, Erie, Pennsylvania 16509

**HIMROD, WILLIAM R.,
deceased**

Late of Waterford, Erie County, PA

Administrators: Sandra H. Graham and William R. Himrod, c/o Mary Alfieri Richmond, Esquire, 900 State Street, Suite 215, Erie, PA 16501

Attorney: Mary Alfieri Richmond, Esquire, 900 State Street, Suite 215, Erie, PA 16501

**HINTZ, MARY LOU,
deceased**

Late of the City of Erie, Erie County, Pennsylvania

Executor: Charles Lee Hintz and Leroy M. Hintz, 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

**HIRSCH, DAVID N.,
deceased**

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

Executor: Carolyn R. Schroeter, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

Attorney: Valerie H. Kuntz, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**KLING, DAVID P., a/k/a
DAVID KLING,
deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania

Executor: Kimberly Litz, c/o P. Bowman Root IV, Esq., 120 West Tenth Street, Erie, PA 16501

Attorney: P. Bowman Root IV, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**KRILL, MARGARET IRMA,
deceased**

Late of Millcreek Township, County of Erie and State of Pennsylvania

Executor: Thomas J. Krill, c/o Denis W. Krill, P.C., 309 French Street, Erie, Pennsylvania 16507

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

**LACY, DAVID ROBERT, a/k/a
DAVID R. LACY, a/k/a
DAVID LACY, a/k/a
DAVE LACY,
deceased**

Late of the City of Erie, County of Erie, Pennsylvania
Administrator: Gerald E. Lacy, 567 Bonnie Brae, Erie, PA 16511
Attorney: Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**LUKE, LEWIS J.,
deceased**

Late of the Township of North East, County of Erie, State of Pennsylvania
Executrix: Cynthia A. Luke, 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

**MAURANA, RAYMOND J.,
deceased**

Late of North East Bureau, Erie County, Pennsylvania
Executor: Cheryl Bales, 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

**MEHLER, RICHARD J.,
deceased**

Administrator: Paula Clements, 430 Sunville Road, Franklin, PA 16323
Attorney: Joseph H. Keebler, Jr., Esquire, Dale Woodard Gent Law Firm, 1030 Liberty Street, Franklin, PA 16323

**MENNECKE, DOREEN L.,
deceased**

Late of the City of Erie, County of Erie
Administratrix: Nicholas Mennecke, 120 Goodrich Street, Erie, PA 16508
Attorney: Michael J. Koehler, Esquire, Nicholas, Perot, Smith, Koehler & Wall, P.C., 2527 West 26th Street, Erie, PA 16506

**OSBORN, THORA E.,
deceased**

Late of the Township of Washington, County of Erie, State of Pennsylvania
Executor: Gerald E. Osborn, 1436 Cronin Road, Waterford, PA 16441
Attorney: Grant M. Yochim, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

**ROBERTS, ANITA R.,
deceased**

Late of Lawrence Park Township, Erie County, Pennsylvania
Administratrix: Theresa M. Holdsworth, c/o Robert J. Jeffery, Esq., 33 East Main Street, North East, Pennsylvania 16428
Attorneys: Orton & Jeffery, P.C., 33 East Main Street, North East, Pennsylvania 16428

**ROGERS, NORMA L., a/k/a
NORMA LOIS ROGERS
deceased**

Late of the Township of Millcreek, County of Erie, Pennsylvania
Executor: Glenn A. Rogers, c/o 6350 Meadowrue Lane, Erie, PA 16505-1027
Attorney: Scott E. Miller, Esquire, 6350 Meadowrue Lane, Erie, PA 16505-1027

**SCHAAF, NANCY, a/k/a
NANCY A. SCHAAF,
deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania
Executor: Robert G. Dwyer, 120 West Tenth Street, Erie, PA 16501
Attorney: Robert G. Dwyer, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**SCHIAVONE, MARIAN M.,
deceased**

Late of Millcreek Township
Executor: Raymond C. Reade, c/o 332 East 6th Street, Erie, PA 16507-1610
Attorney: Evan E. Adair, Esq., 332 East 6th Street, Erie, PA 16507-1610

**SHERIDAN, PEARL D.,
deceased**

Late of North East Township, Erie County, Pennsylvania
Co-Executors: Julia A. Sheridan and Margaret M. Sheridan, c/o Edward Orton, 33 East Main Street, North East, Pennsylvania 16428
Attorneys: Orton & Jeffery, P.C., 33 East Main Street, North East, Pennsylvania 16428

**SMITH, ROBERT R.,
deceased**

Late of Millcreek Township
Executrix: Colleen A. Wilwohl, c/o 332 East 6th Street, Erie, PA 16507-1610
Attorney: Evan E. Adair, Esq., 332 East 6th Street, Erie, PA 16507-1610

**SOLOMONE, CECILIA K.,
deceased**

Late of the Borough of Wesleyville, Erie County, Pennsylvania
Executor: Lois DePippo, 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

**SONTAG, FLORENCE M.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Mary T. Bissell
Attorney: Thomas J. Minarcik, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**SWANSON, WILLIAM K., JR.,
deceased**

Late of McKean Township
Executor: William K. Swanson, III, c/o 332 East 6th Street, Erie, PA 16507-1610
Attorney: Evan E. Adair, Esq., 332 East 6th Street, Erie, PA 16507-1610

**WELLS, EDWARD S., a/k/a
EDWARD STANLEY WELLS,
deceased**

Late of the Township of
Fairview, County of Erie, State of
Pennsylvania

Executrix: Doris A. Wells, 3463
Curtze Drive, Fairview, PA 16415

Attorney: Grant M. Yochim,
Esq., 24 Main St. E., PO Box 87,
Girard, PA 16417

**ZERO, DOLORES J., a/k/a
DOLORES ZERO,
deceased**

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

Executor: David E. Briggs, 2022
Enfield Lane, Erie, PA 16509

Attorney: James R. Steadman,
Esq., 24 Main St. E., PO Box 87,
Girard, PA 16417

Renaissance Centre

CALL TODAY FOR YOUR
PERSONAL TOUR
814.451.1110

www.pdainc.us

At Renaissance Centre, location and amenities combine to create a business environment that is professional, resourceful and convenient.

- Custom-designed suites from 100 sq. ft. to 10,000 sq. ft.
- Elegant lobby with casual dining and retailers
- Adjacent parking via the skyway connection
- On-site management and security
- Business services, high speed internet conference rooms

MOVE UP TO ERIE'S PREMIER OFFICE AND RETAIL
SUITES AT THE CORNER OF 10TH AND STATE

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

Our programs include:

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



Contact us today at
(800) 327-1550
or visit our website at
www.usiaffinity.com



CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

ANTHONY J. SCIARRINO ----- (814) 838-4400
PO Box 3988
Fort Pierce, FL 34948 ----- tony@sciarrinolaw.net

ANDREW M. SCHMIDT ----- (814) 833-2222
Quinn, Buseck, et al. ----- (814) 833-6753
2222 West Grandview Blvd.
Erie, PA 16506 ----- aschmidt@quinnfirm.com

DEREK A. CANDELA ----- (386) 313-4300
Office of the State Attorney, R.J. Larizza ----- (f) (386) 586-2143
1769 East Moody Blvd., Building 1, 3rd Floor
Bunnell, FL 32110 ----- candelaD@sao7.org

CHANGE TO E-MAIL ADDRESS

ROBERT F. SKWARYK ----- rfsnglo314@earthlink.com

INTERESTED IN JOINING THE ERIE COUNTY BAR ASSOCIATION?
GO TO OUR WEBSITE AT WWW.ERIEBAR.COM AND COMPLETE THE ONLINE
APPLICATION OR CALL (814) 459-3111 AND AN APPLICATION WILL BE MAILED TO YOU

ADDRESS CHANGE?
PLEASE CONTACT THE LEGAL JOURNAL OFFICE AT (814) 459-3111
OR ADMIN@ERIEBAR.COM. THANK YOU.

The Erie County Bar Foundation and its Justice Samuel J. Roberts Scholarship Fund
continue to be in need of contributions to support this scholarship program.

Have you made your tax deductible contribution yet?

If not, you can find information about the scholarship and make an online contribution at
www.eriebar.com or contact the ECBF at 459-3111.

LOOKING FOR A LEGAL AD PUBLISHED IN ONE OF PENNSYLVANIA'S LEGAL JOURNALS?

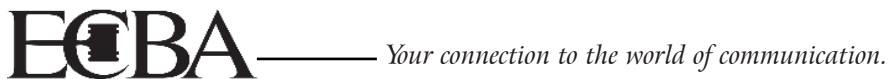


- Look for this logo on the Erie County Bar Association website as well as Bar Association and Legal Journal websites across the state.
- It will take you to THE website for locating legal ads published in counties throughout Pennsylvania, a service of the Conference of County Legal Journals.

LOGIN DIRECTLY AT WWW.PALEGALADS.ORG. IT'S EASY. IT'S FREE.

Erie County Bar Association

Videoconferencing Services



WHAT IS VIDEOCONFERENCING?

Videoconferencing, sometimes called teleconferencing, brings together people at different locations around the country and around the world. Our videoconferencing site can connect with one location or with multiple locations, providing an instantaneous connection to facilitate meetings, interviews, depositions and much more.

WHY USE VIDEOCONFERENCING?

Business can be conducted without the expense and inconvenience of travel, overnight accommodations and time out of the office.

WHAT ARE SOME OF THE COMMON USES OF VIDEOCONFERENCING?

Depositions, employment interviews, seminars, training sessions - the list of possibilities is endless.

I'M NOT FAMILIAR WITH VIDEOCONFERENCING.

CAN I SEE HOW IT WORKS?

Certainly. Call us for a free demonstration.

HOW DO I SCHEDULE THE USE OF THE ECBA'S VIDEOCONFERENCING SERVICES?

It's very easy. Just call the ECBA at 814-459-3111 or email sbsmith@eriebar.com. We will check availability of our space and handle all of the details for you, including locating convenient sites in the other location(s) you wish to connect with - all included in our hourly rate.

WHAT DOES IT COST?

RATES:

Non-ECBA Members:

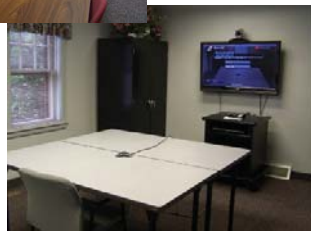
\$185/hour - M-F, 8:30 a.m. - 5:00 p.m.

\$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



*Quality...Experience...Results...
It's what your clients deserve.*

Medical Malpractice • Auto Accidents • Personal Injury



GISMONDI
& ASSOCIATES

412-281-2200 • www.gislaw.com • 700 Grant Bldg., 310 Grant St., Pgh., PA 15219