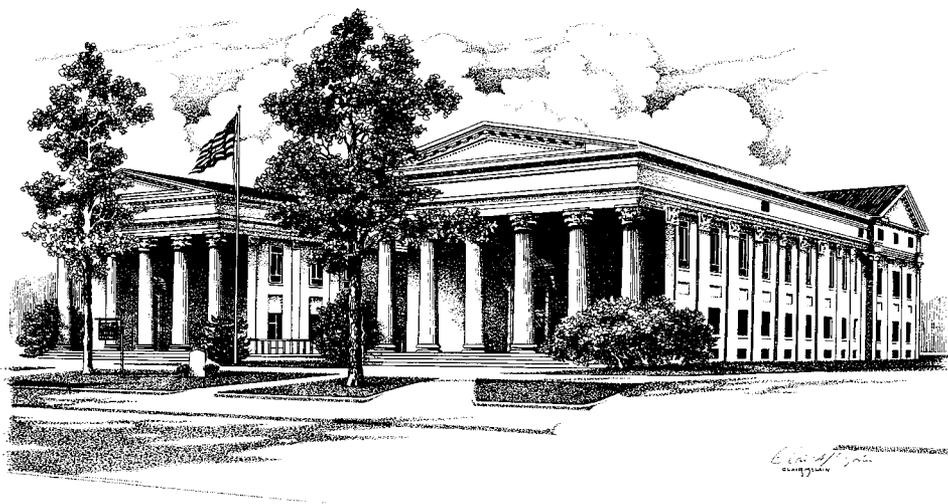


*Erie
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Legal
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May 18, 2018

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Rash v. Imerys Talc America, Inc., et al.

Erie County Legal Journal

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

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Erie County Bar Association

Calendar of Events and Seminars

MONDAY, MAY 21, 2018

ECBA Board of Directors Meeting
Noon
ECBA Headquarters

TUESDAY, MAY 22, 2018

Family Law Section Meeting
Noon
Judge Walsh's Courtroom

WEDNESDAY, MAY 23, 2018

Criminal Defense Meeting
Noon
ECBA Headquarters

MONDAY, MAY 28, 2018

Memorial Day Holiday
ECBA Office Closed
Erie County and Federal Courthouses Closed

THURSDAY, JUNE 7, 2018

ECBA Live Seminar
*Fundamentals of Understanding the Pennsylvania
Inheritance and Estate Tax Act*
Manufacturers & Business
Association Conference Center
8:30 a.m. - 12:15 p.m.
(8:15 a.m. registration/breakfast)
\$164 (ECBA members/their non-attorney staff)
\$210 (non-members)
3.5 hours substantive CLE/CJE credits

MONDAY, JUNE 11, 2018

Workers' Compensation Section Meeting
Noon
ECBA Headquarters

THURSDAY, JUNE 14, 2018

Flag Day Holiday
Erie County Courthouse Closed

THURSDAY, JUNE 14, 2018

AKT Kid Konnection Event
8:00 a.m. - 3:45 p.m.
Pymatuning Deer Park

MONDAY, JUNE 18, 2018

Bankruptcy Section Meeting
Noon
Calamari's

MONDAY, JUNE 18, 2018

Estates Leadership Committee Meeting
Noon
ECBA Headquarters

THURSDAY, JUNE 21, 2018

ECBA Annual Charity Golf Tournament
Venango Valley Inn & Golf
12:00 p.m. Shotgun Start



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on the ECBA website
<http://www.eriebar.com/public-calendar>

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**THERESA KOECH RASH, a/k/a THERESA SUE RASH,
Administratrix of the Estate of JOSEPH M. KOECH, Deceased, Plaintiff**

v.

**AMERICAN TALC COMPANY, AVON PRODUCTS, INC., COLGATE-
PALMOLIVE COMPANY, CYCTEC INDUSTRIES, INC., on behalf of Wyeth
Holdings, LLC, f/k/a Wyeth Holdings Corporation, f/k/a American Cyanamid
Company, successor-by-merger to Shulton, Inc., GIANT EAGLE, INC., IMERYS
TALC AMERICA, INC., JOHNSON & JOHNSON CONSUMER, INC., RITE-AID
CORPORATION, SHULTON, INC., THE PROCTOR & GAMBLE COMPANY,
WHITTAKER CLARK & DANIELS, INC., Defendants**

APPEALS / PETITION FOR PERMISSION TO APPEAL

Where the lower court declines to amend its interlocutory order to include the language set forth in 42 Pa.C.S. § 702(b), upon the filing of a petition for review, the appellate court must determine whether the case is so egregious as to justify prerogative appellate correction of the exercise of discretion by the lower tribunal.

APPEALS / PETITION FOR PERMISSION TO APPEAL INTERLOCUTORY ORDER

Pennsylvania Superior Court denied defendant's petition for review challenging lower court's refusal to amend interlocutory order, which sustained personal jurisdiction over defendant, to include language contained in 42 Pa.C.S. § 702(b) and Pa.R.A.P. 311(b)(2).

*PLEADINGS / PRELIMINARY OBJECTIONS /
BURDEN OF PROOF AS TO JURISDICTION*

In evaluating a moving party's challenge to personal jurisdiction, the moving party initially bears the burden of supporting its objection to jurisdiction, but once the moving party supports its objections to personal jurisdiction, the burden of proving personal jurisdiction is upon the party asserting it.

JURISDICTION / PERSONAL JURISDICTION / MINIMUM CONTACTS

To determine whether Pennsylvania has personal jurisdiction over a defendant, the trial court must determine whether, under the Due Process Clause of the U.S. Constitution, the defendant has certain minimum contacts with Pennsylvania such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice.

JURISDICTION / PERSONAL JURISDICTION / MINIMUM CONTACTS

Pennsylvania courts may exercise either specific or general personal jurisdiction over a defendant, where a finding of general jurisdiction requires that a defendant be present in the state either because the defendant is a resident, has consented to be sued here, or regularly does business here.

JURISDICTION / PERSONAL JURISDICTION / MINIMUM CONTACTS

Where a foreign corporation registers to do business in Pennsylvania, said foreign corporation is said to purposefully avail itself to the privilege of conducting activities within Pennsylvania, thus invoking the benefits and protections of Pennsylvania law. Therefore, in Pennsylvania, courts may assert general personal jurisdiction over a foreign corporation if the foreign corporation is authorized to do business in Pennsylvania pursuant to 42 Pa.C.S. § 5301(a). *See Bors v. Johnson & Johnson*, 208 F.Supp.3d 648 (E.D. Pa. 2016).

CONSTITUTIONAL LAW / DOCTRINE OF UNCONSTITUTIONAL CONDITIONS

Under the unconstitutional conditions doctrine, the government may not coerce individuals

into giving up their constitutionally enumerated rights in exchange for the government granting a benefit.

CONSTITUTIONAL LAW / COMMERCE / DORMANT COMMERCE CLAUSE

The dormant Commerce Clause under the U.S. Constitution prohibits states from engaging in economic protectionism and prevents states from enacting regulatory measures designed to benefit in-state economic interests by burdening out-of-state competitors.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA

CIVIL DIVISION

No. 12340 – 2017

Appearances: Jason T. Shipp, Esq. on behalf of Theresa Koech Rash a/k/a Theresa Sue Rash, Administratrix of the Estate of Joseph M. Koech, Deceased, Plaintiff
Angela M. Heim, Esq., on behalf of Imerys Talc America, Inc., Defendant

OPINION

Domitrovich, J.

March 14, 2018

This matter is before this Trial Court on Defendant Imerys Talc America, Inc.'s "Motion for Reconsideration of the December 20, 2017 Order or, in the Alternative, Motion to Amend the December 20, 2017 Order to Permit an Interlocutory Appeal as of Right Pursuant to Pa.R.A.P. 311(b) or, in the Alternative, Motion to Amend to Certify the December 20, 2017 Order to (sic) For Interlocutory Appeal by Permission Pursuant to Pa.R.A.P. 312, Pa.R.A.P. 1311(b), and 42 Pa.C.S. § 702(b)." Defendant Imerys Talc America, Inc.'s (hereinafter "Defendant Imerys") Motion for Reconsideration re-raises the issue of whether the courts of Pennsylvania may exercise personal jurisdiction over Defendant Imerys by virtue of Defendant Imerys' status as a corporation registered to do business in Pennsylvania pursuant to 42 Pa.C.S. § 5301(a). Defendant Imerys alternatively requests this Trial Court consider whether this Trial Court's Order dated December 19, 2017, raises a substantial issue of jurisdiction or, alternatively, whether said Order involves a controlling question of law as to which Defendant Imerys alleges is a substantial ground for difference of opinion for an immediate appeal from said Order which may materially advance the ultimate termination of the matter. This Trial Court provides the following analysis:

Theresa Koech Rash a/k/a Theresa Sue Rash, Administratrix of the Estate of Joseph M. Koech (hereinafter "Plaintiff") filed her Complaint on August 18, 2017 against Defendant Imerys and numerous Defendants for claims arising from Plaintiff's injurious exposure to asbestos-containing products. According to Plaintiff's Complaint, Plaintiff's decedent, Joseph M. Koech, was exposed to asbestos from the 1990s through 2004. (Complaint at ¶ 13-14). Ultimately, Plaintiff was diagnosed with mesothelioma on August 26, 2015, which caused Plaintiff's death on September 25, 2015. (Complaint at ¶ 15). Defendant Imerys filed Preliminary Objections to Plaintiff's Complaint and a Brief in Support on September 18, 2017. Therein, Defendant Imerys indicated Imerys Talc America, Inc. is incorporated in Delaware and has its principal place of business in California. (*See* Defendant Imerys' Preliminary Objections at ¶ 10).

Plaintiff filed a Brief in Opposition to Defendant Imerys' Preliminary Objections on

October 4, 2017. Defendant Imerys filed a Reply to Plaintiff's Brief in Opposition on October 16, 2017 and a Supplemental Reply to Plaintiff's Brief in Opposition on December 4, 2017. Argument was heard on Defendant Imerys' Preliminary Objections on December 6, 2017. By Order and Opinion dated December 19, 2017, this Trial Court overruled Defendant Imerys' Preliminary Objections since this Trial Court found and concluded Pennsylvania courts have general personal jurisdiction over Defendant Imerys.

On January 19, 2018, Defendant Imerys filed its Motion for Reconsideration and accompanying Motions alternatively requesting this Trial Court amend its Order dated December 19, 2017, to permit Defendant Imerys to appeal said Order. In response, on February 9, 2018, Plaintiff filed its Brief in Opposition to Defendant Imerys' various Motions. Defendant Imerys thereafter filed its Reply to Plaintiff's Brief in Opposition on February 14, 2018. An Argument on Defendant Imerys' Motion for Reconsideration and Motions requesting leave to appeal was held on February 28, 2018. At said Argument, Jason T. Shipp, Esq., appeared on behalf of Plaintiff, and Angela M. Heim, Esq., appeared on behalf of Defendant Imerys.

A trial court has the authority to reconsider its own judgments, and the question of whether to exercise that authority is for the sound discretion of the trial court. *Moore v. Moore*, 634 A.2d 163, 167 (Pa. 1993). For example, "a court has inherent power 'to amend its records, to correct mistakes of the clerk or other officer of the court, inadvertencies of counsel, or supply defects or omissions in the record' at any time." *Manufacturers & Traders Tr. Co. v. Greenville Gastroenterology, SC*, 108 A.3d 913, 921 (Pa. Super. 2015) (quoting *Manack v. Sandlin*, 812 A.2d 676, 680 (Pa. Super. 2002)).

Moreover, in evaluating a moving party's challenge to personal jurisdiction, the moving party initially bears the "burden of supporting its objection to jurisdiction." *King v. Detroit Tool Co.*, 682 A.2d 313, 314, 339 (Pa. Super. 1996) (the moving party must meet its burden of showing jurisdiction infirmities that are "clear and free from doubt"). However, once the moving party supports its objections to personal jurisdiction, the burden of proving personal jurisdiction is upon the party asserting it. *Barr v. Barr*, 749 A.2d 992, 994 (Pa. Super. 2000).

To determine whether Pennsylvania has personal jurisdiction over Defendant Imerys, this Trial Court must determine whether, under the Due Process Clause of the U.S. Constitution, Defendant Imerys has "certain minimum contacts with [Pennsylvania] such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice." *D'Jamoos ex rel. Estate of Weingeroff v. Pilatus Aircraft Ltd.*, 566 F.3d 94, 102 (3d Cir. 2009) (quoting *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S.Ct. 154, 158 (1945)). Pennsylvania courts may exercise either specific or general personal jurisdiction over a defendant, where a "finding of general jurisdiction requires that a defendant be present in the state either because he is a resident, has consented to be sued here, or regularly does business here," while "specific jurisdiction requires minimum contacts specifically related to the actions giving rise to the case." *Am. Fin. Capital Corp. v. Princeton Elecs. Products*, CIV. A. 95-4568, 1996 WL 131145, at *3 (E.D. Pa. Mar. 20, 1996); *Library Publications, Inc. v. Heartland Samplers, Inc.*, 825 F.Supp. 701, 703 (E.D. Pa. 1993).

General personal jurisdiction may be established through a party's expressed or implied consent. *Ins. Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 703, 102 S.Ct. 2099, 2105 (1982). In particular, a party may consent to jurisdiction through "state procedures which find constructive consent to the personal jurisdiction of the state

court in the voluntary use of certain state procedures.” *Id.* In Pennsylvania, courts may assert general personal jurisdiction over a foreign corporation if the foreign corporation is authorized to do business in Pennsylvania pursuant to 42 Pa.C.S. § 5301(a). *Bors v. Johnson & Johnson*, 208 F.Supp.3d 648, 652 (E.D. Pa. 2016) (citing *Bane v. Netlink, Inc.*, 925 F.2d 637, 641 (3d Cir. 1991)). Specifically, 42 Pa.C.S. § 5301 states, in pertinent part:

(a) General rule. – The existence of any of the following relationships between a person and this Commonwealth shall constitute a sufficient basis of jurisdiction to enable the tribunals of this Commonwealth to exercise general personal jurisdiction over such person, or his personal representative in the case of an individual, and to enable such tribunals to render personal orders against such person or representative:

(2) Corporations –

- (i) Incorporation under or qualification as a foreign corporation under the laws of this Commonwealth.
- (ii) Consent, to the extent authorized by the consent.
- (iii) The carrying on of a continuous and systematic part of its general business within this Commonwealth.

42 Pa.C.S. § 5301(a)(2). Where a foreign corporation registers to do business in Pennsylvania, said foreign corporation “purposefully avail[s] itself to the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws.” *Bane* 925 F.2d at 640. Therefore, by registering to do business in Pennsylvania, the foreign corporation consents to be sued in Pennsylvania courts. *Bors* at 655.

In *Bors*, Imerys Talc America, Inc. sought dismissal for lack of personal jurisdiction, arguing its registration as a foreign corporation does not constitute consent sufficient to permit the exercise of personal jurisdiction in view of the U.S. Supreme Court’s decision in *Daimler AG v. Bauman*, 134 S. Ct. 746 (2014).¹ *Id.* at 651. The Eastern District of Pennsylvania rejected Imerys Talc America, Inc.’s argument, concluding that, by registering to do business in Pennsylvania, Imerys Talc America, Inc. constructively consented to personal jurisdiction in Pennsylvania. *Id.* at 658. In particular, the Eastern District of Pennsylvania stated:

Pennsylvania’s statute specifically advises the registrant of the jurisdictional effect of registering to do business. In 2007, long after Pennsylvania enacted its specific notice statute and after our Court of Appeals confirmed personal jurisdiction based on registration, Imerys elected to register to do business in Pennsylvania as a foreign corporation. Imerys’ compliance with Pennsylvania’s registration statute amounted to consent to personal jurisdiction.

¹ In *Daimler*, the United States Supreme Court held a non-U.S. corporation cannot be sued in the United States when the conduct that caused the alleged injuries took place entirely outside of the United States. *See id.*, 134 S. Ct. at 748.

Id at 653. Moreover, the Eastern District of Pennsylvania expressly determined the “ruling in Daimler does not eliminate consent to general personal jurisdiction over a corporation registered to do business in Pennsylvania.” *Id* at 653, 655.

In the instant case, Defendant Imerys has conceded that Defendant Imerys is registered to do business in Pennsylvania. (See Pennsylvania Department of State Corporation Bureau Certification for Entity No. 3700348; Defendant Imerys’ Motion for Reconsideration at pg. 16). Thus, Defendant Imerys has consented to general personal jurisdiction in Pennsylvania by virtue of its registration to do business in Pennsylvania. 42 Pa.C.S. §5301(a)(2); *see also Bors* at 658. Nevertheless, Defendant Imerys additionally contends Pennsylvania courts cannot assert personal jurisdiction over Defendant Imerys based on the Dormant Commerce Clause and the unconstitutional conditions doctrine. Defendant Imerys alternatively contends a temporal limitation applies to deprive Pennsylvania courts of personal jurisdiction over Defendant Imerys notwithstanding Defendant Imerys’ status as a corporation registered to do business in Pennsylvania.

Under the unconstitutional conditions doctrine, the government may not coerce individuals into giving up their constitutionally enumerated rights in exchange for granting a benefit. *Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 606, 133 S.Ct. 2586, 2595 (2013) (“[T]he unconstitutional conditions doctrine forbids burdening the Constitution’s enumerated rights by coercively withholding benefits from those who exercise them.”). However, other courts have rejected the notion that the unconstitutional conditions doctrine prevents a state from asserting personal jurisdiction over a foreign corporation by virtue of a registration provision set forth in a state’s long-arm statute. *See McDonald AG Inc. v. Syngenta AG*, No. 14-md-2591-JWL, 2016 WL 1047996 (D.Kan. March 11, 2016); *McDonald AG Inc. v. Syngenta AG*, No. 14-md-2591-JWL, 2016 WL 2866166 (D.Kan. May 17, 2016) (denying motion for reconsideration and finding that jurisdiction based on consent given as a condition to do business does not violate the unconstitutional conditions doctrine); *see also Acorda Therapeutics Inc. v. Mylan Pharm. Inc.*, 817 F.3d 755, 770, n.1 (Fed. Cir. 2016) (noting that “the Supreme Court has upheld the validity of consent-by-registration statutes numerous times since the development of the unconstitutional conditions doctrine.”). In this case, similar to the Kansas District Court in *McDonald AG Inc.*, this Trial Court remains unpersuaded that personal jurisdiction over Defendant Imerys violates the unconstitutional conditions doctrine. In particular, Defendant Imerys has not cited any authority supporting its position that consent by registration violates the unconstitutional conditions doctrine. Thus, since the U.S. Supreme Court has continued to uphold consent by registration as a basis for personal jurisdiction, this Trial Court concludes the unconstitutional conditions doctrine does not prevent Pennsylvania courts from exercising personal jurisdiction over Defendant Imerys.

Next, the Dormant Commerce Clause of the U.S. Constitution prohibits states from engaging in economic protectionism and prevents states from enacting regulatory measures designed to benefit in-state economic interests by burdening out-of-state competitors. *Office Of Disciplinary Counsel v. Marcone*, 855 A.2d 654, 666 (Pa. 2004) (citing *New Energy Co. of Indiana v. Limbach*, 486 U.S. 269, 273, 108 S.Ct. 1803, 1807 (1988)). In this case, personal jurisdiction based on consent by registration results in foreign corporations being subjected to the jurisdiction of Pennsylvania courts in the same manner that resident corporations are subjected to the jurisdiction of Pennsylvania courts. *See McDonald AG Inc. v. Syngenta AG*,

No. 14-md-2591-JWL, 2016 WL 1047996 (D.Kan. March 11, 2016) (concluding that *Bendix Autolite Corp. v. Midwesco Enterp., Inc.*, 486 U.S. 888, 108 S.Ct. 2218 (1988) did not apply to invalidate a statute conferring personal jurisdiction through consent by registration). Thus, since foreign corporations are not treated different than resident corporations in this context, the consent provision of Pennsylvania's long arm statute does not violate the Dormant Commerce Clause.

Moreover, Defendant Imerys' reliance on *Davis v. Farmers' Co-op. Equity Co.*, 262 U.S. 312, 43 S.Ct. 556 (1923) and *McDonald AG Inc. v. Syngenta AG*, No. 14-md-2591-JWL, 2016 WL 2866166 (D.Kan. May 17, 2016) is misplaced. In *Davis*, a non-resident plaintiff sued a non-resident interstate carrier corporation in Minnesota state court for claims which did not arise in Minnesota. *Davis* at 314. Although the non-resident interstate carrier corporation was registered to do business in Minnesota, the U.S. Supreme Court held that a Minnesota registration statute, **as construed and applied**, violated the Commerce Clause since the statute "unreasonably obstruct[ed], and unduly burden[ed], interstate commerce." *Davis* at 318. In particular, the U.S. Supreme Court concluded that "orderly effective administration of justice clearly does not require that a foreign carrier shall submit to a suit in a state in which the cause of action did not arise, in which the transaction giving rise to it was not entered upon, in which the carrier neither owns nor operates a railroad, and in which the plaintiff does not reside." *Davis* at 317. Following this reasoning, the Kansas District Court in *McDonald AG Inc.* similarly concluded, **as applied to non-resident plaintiffs**, the Kansas registration statute was invalid under the Commerce Clause. *McDonald AG Inc. v. Syngenta AG*, No. 14-md-2591-JWL, 2016 WL 2866166 (D.Kan. May 17, 2016).

In the instant case, unlike the plaintiffs in both *Davis* and *McDonald AG Inc.*, Plaintiff is a resident of Lake City, Pennsylvania, which is the state asserting personal jurisdiction over Defendant Imerys. Moreover, unlike the plaintiff in *Davis*, whose claims did not relate in any way to activities in the state in which the plaintiff brought suit, here Plaintiff alleges Plaintiff's claims arose from conduct which occurred in Pennsylvania. In particular, Plaintiff alleges "[d]uring the period [from 1990s through 2004], plaintiff-decedent was exposed to and did inhale asbestos dust contained in various talcum powder products, which caused the conditions as hereinafter set forth, resulting in plaintiff-decedent's impairment and death." (Complaint at ¶ 13-14). Plaintiff further alleges said exposure and inhalation caused Mr. Koech to develop mesothelioma, ultimately leading to Mr. Koech's death. (*Id.* at ¶ 14-15). Since Plaintiff is a resident of Pennsylvania and Plaintiff's claims against Defendant Imerys arose in Pennsylvania, both *Davis* and *McDonald AG Inc.* are distinguishable and therefore inapplicable to this instant case, and Pennsylvania's exercise of personal jurisdiction over Defendant Imerys does not violate the Commerce Clause.

Further, Defendant Imerys argues a temporal limitation should apply to prevent Pennsylvania from asserting personal jurisdiction over Defendant Imerys notwithstanding Defendant Imerys' status as a corporation registered to do business in Pennsylvania. In *In re Enterprise Rent-A-Car Wage & Hour Employment Practices Litig.*, 735 F.Supp.2d 277 (W.D. Pa. 2010), the plaintiff commenced an action against a foreign corporation in 2007 and asserted Pennsylvania had personal jurisdiction over the foreign corporation by virtue of the consent by registration provision in Pennsylvania's long-arm statute. *Id.* at 310. However, the foreign corporation did not register to do business with Pennsylvania until 2008 and

subsequently withdrew registration in 2009. *Id.* The Western District of Pennsylvania noted that “[t]he commencement of the action predates the time period in which defendant . . . was registered in Pennsylvania” and concluded that the actions underlying the suit must have taken place before the foreign corporation was authorized to do business in Pennsylvania. *Id.* Thus, the Western District held that consent by registration could not serve as a basis for personal jurisdiction. *Id.*

In the instant case, Defendant Imerys’ predecessor-in-interest, Luzenac America, Inc., registered to conduct business in Pennsylvania on January 11, 2007, and Defendant Imerys registered on March 9, 2016. (See Pennsylvania Department of State Corporation Bureau Certification for Entity No. 3700348). Unlike the plaintiff in *In re Enterprise*, however, here Plaintiff commenced his action on August 18, 2017, which is after Defendant Imerys registered to conduct business in Pennsylvania. Although the acts underlying this lawsuit (Plaintiff’s exposure to asbestos from 1990s through 2004) occurred before Defendant Imerys’ registered to conduct business in Pennsylvania (beginning in January 11, 2007), the commencement of Plaintiff’s action on August 18, 2017 does not predate the time period in which defendant was registered in Pennsylvania. Thus, this Trial Court concludes consent by registration in the instant case provides a basis for Pennsylvania to exercise personal jurisdiction over Defendant Imerys.

Further, Defendant Imerys requests this Trial Court to amend this Trial Court’s Order dated December 19, 2017, pursuant to Pa.R.A.P. 1311(b) and 42 Pa.C.S. § 702(b). Pennsylvania Rule of Appellate Procedure 1311(b) states, in pertinent part:

Unless the trial court or other government unit acts on the application within 30 days after it is filed, the trial court or other government unit shall no longer consider the application and it shall be deemed denied.

Pa.R.A.P. 1311(b); *see also Osborne v. Lewis*, 59 A.3d 1109, 1110 (Pa.Super.2012) (noting where the trial court did not rule on the motion for permission to file an interlocutory appeal pursuant to 42 Pa.C.S. § 702 within 30 days after the motion if filed, the motion was denied by operation of law). In this instant case, on January 19, 2018, Defendant Imerys filed its Motion to Amend to Certify the December 20, 2017 Order For Interlocutory Appeal by Permission Pursuant to Pa.R.A.P. 312, Pa.R.A.P. 1311(b), and 42 Pa.C.S. § 702(b). This Trial Court’s policy for scheduling hearing dates is for the Trial Judge’s assistant to contact counsel for all parties, as was done in this case, to schedule a mutually agreeable date for the subject motions to be argued. In the instant case, both counsel’s offices for Plaintiff and Defendant Imerys consented to the date of February 28, 2018 at 3:00 p.m. No attempt was made by Defendant Imerys to expedite the date of Argument. Thus, on February 28, 2018, this Trial Court heard argument on Defendant Imerys’ Motions. At Argument, counsel for Plaintiff contended Defendant Imerys’ Motion to Amend to Certify the December 20, 2017 Order For Interlocutory Appeal by Permission Pursuant to Pa.R.A.P. 312, Pa.R.A.P. 1311(b), and 42 Pa.C.S. § 702(b) was denied by operation of law on February 20, 2017. As such, pursuant to Pa.R.A.P. 1311(b), this Trial Court is unable to further entertain said Motion.

Nevertheless, assuming *arguendo* Defendant Imerys’ Motion was not denied by operation of law, “a trial court may issue an order stating that its interlocutory order involves a

controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal may materially advance the ultimate determination of the matter.” *Stone v. York Haven Power Co.*, 749 A.2d 452, 455, n.2 (Pa. 2000); 42 Pa.C.S. § 702(b). The standard for review on a petition for review from an order denying a request for amendment to include the 42 Pa.C.S. § 702(b) language is whether the case is “so egregious as to justify prerogative appellate correction of the exercise of discretion by the lower tribunal.” *See Hoover v. Welsh*, 615 A.2d 45, 46, n.2 (Pa.Super. 1992) (quoting Official Note to Pa.R.A.P. 1311).

In the instant case, a controlling question of law does not exist since Pennsylvania courts may assert personal jurisdiction over Defendant Imerys based on *Bors v. Johnson & Johnson*, 208 F.Supp.3d 648, 652 (E.D. Pa. 2016), which determined that *Daimler AG v. Bauman*, 134 S.Ct. 746 (2014) did not eliminate consent to general personal jurisdiction over a corporation registered to do business in Pennsylvania. *See Bors* at 653. Moreover, no substantial ground for difference of opinion exists since, as noted above, the Eastern District of Pennsylvania in *Bors* squarely addressed the issue. Lastly, an immediate appeal from this Trial Court’s Order dated December 19, 2017 will not materially advance the ultimate termination in this matter. To grant Defendant’s Motion would needlessly delay the ultimate termination of this matter and would be unfair to the other numerous Defendants in this case. Thus, under these circumstances, this Trial Court declines to certify for appeal this Trial Court’s Order dated December 19, 2017.

Finally, Defendant Imerys argues this Trial Court’s Order dated December 19, 2017 should be amended or certified so that Defendant Imerys can immediately appeal said Order since said Order presents a “substantial issue of jurisdiction.” Pennsylvania Rule of Appellate Procedure 311(b) states:

(b) Order sustaining venue or personal or in rem jurisdiction.—An appeal may be taken as of right from an order in a civil action or proceeding sustaining the venue of the matter or jurisdiction over the person or over real or personal property if:

(1) the plaintiff, petitioner, or other party benefiting from the order files of record within ten days after the entry of the order an election that the order shall be deemed final; or

(2) the court states in the order that a substantial issue of venue or jurisdiction is presented.

Pa.R.A.P. 311(b). Thus, an interlocutory appeal of right only exists where the trial court order sustains personal jurisdiction if the trial court’s order states a substantial issue of jurisdiction is presented. *MacNeal v. I.C.O.A., Inc.*, 555 A.2d 916, 918 (Pa.Super. 1989). In the instant case, as noted above, Pennsylvania’s exercise of personal jurisdiction over Defendant Imerys by virtue of Defendant Imerys’ status as a corporation registered to do business in Pennsylvania squarely falls under the Eastern District of Pennsylvania’s holding in *Bors v. Johnson & Johnson*, 208 F.Supp.3d 648, 652 (E.D. Pa. 2016) (“Imerys’ compliance with Pennsylvania’s registration statute amounted to consent to personal jurisdiction”). Given this, personal jurisdiction over Defendant Imerys does not conflict with *Daimler* in such a

way as to raise a “substantial issue of jurisdiction.” *See id.* at 653, 655 (“Consent remains a valid form of establishing personal jurisdiction under the Pennsylvania registration statute after *Daimler*.”). Accordingly, this Trial Court finds and concludes that a substantial question of jurisdiction does not exist and enters the following Order:

ORDER

AND NOW, to-wit, this 14th day of March, 2018, upon consideration of oral arguments on February 28, 2018 regarding Defendant Imerys Talc America, Inc.’s Motion for Reconsideration and accompanying Brief in Support, as well as the Motion to Amend the December 20, 2017 Order to Permit an Interlocutory Appeal as of Right Pursuant to Pa.R.A.P. 311(b) and Motion to Amend to Certify the December 20, 2017 Order For Interlocutory Appeal by Permission Pursuant to Pa.R.A.P. 312, Pa.R.A.P. 1311(b), and 42 Pa.C.S. § 702(b), filed on January 19, 2018 by and through counsel, John C. McMeekin II, Esq.; and after review of said Motions as well as Plaintiff’s Brief in Opposition and Defendant Imerys’ Reply to Plaintiff’s Brief in Opposition; and after thorough review of relevant statutory and case law, it is hereby **ORDERED, ADJUDGED AND DECREED** that Defendant Imerys’ Motion for Reconsideration of the December 20, 2017 Order or, in the Alternative, Motion to Amend the December 20, 2017 Order to Permit an Interlocutory Appeal as of Right Pursuant to Pa.R.A.P. 311(b) or, in the Alternative, Motion to Amend to Certify the December 20, 2017 Order to (sic) For Interlocutory Appeal by Permission Pursuant to Pa.R.A.P. 312, Pa.R.A.P. 1311(b), and 42 Pa.C.S. § 702(b) are **DENIED**.

BY THE COURT

/s/ **Stephanie Domitrovich, Judge**

**THERESA KOECH RASH, A/K/A TERESA SUE RASH, ADMINISTRATRIX
OF THE ESTATE OF JOSEPH M. KOECH, DECEASED**

v.

**IMERYS TALC AMERICA, INC. AND AMERICAN TALC COMPANY,
AVON PRODUCTS, INC., COLGATE-PALMOLIVE COMPANY, CYCTEC
INDUSTRIES, INC., ON BEHALF OF WYETH HOLDINGS, LLC, F/K/A
WYETH HOLDINGS CORPORATION, F/K/A AMERICAN CYANAMID
COMPANY, SUCCESSOR-BY-MERGER TO SHULTON, INC., GIANT EAGLE,
INC., JOHNSON & JOHNSON CONSUMER, INC., RITE-AID CORPORATION,
SHULTON, INC., THE PROCTOR & GAMBLE COMPANY, AND WHITTAKER
CLARK & DANIELS, INC.**

PETITION OF: IMERYS TALC AMERICA, INC.

IN THE SUPERIOR COURT OF PENNSYLVANIA
WESTERN DISTRICT
No. 27 WDM 2018

ORDER

The Application for Relief filed April 9, 2018, is hereby **GRANTED**. Upon consideration of the Petition for Review, Respondent's answer and Petitioner's response, it is hereby ordered that the Petition for Review is **DENIED**.

PER CURIAM

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**BANKRUPTCY NOTICE
OF SALE**

IN RE: GREATER ERIE
INDUSTRIAL DEVELOPMENT
CORPORATION

BK Case No. 16-10389-TPA

Real property consisting of a vacant lot containing approximately 7.83 acres of land located at the Fairview Business Park (West) and known as Lot No. 1, bearing Erie County Tax Index Number (21) 88-99.0-6.05, the full legal description of which can be found in the deed recorded at the Erie County Recorder of Deeds in RB 1139, pg 1633

Sale to be held: June 7, 2018 at 11:30 a.m. at the U.S. Courthouse, Bankruptcy Court, 17 South Park Row, Erie, PA 16501

Objections due: May 27, 2018

Initial Offer: \$75,000.00

Higher and better offers will be considered at the hearing

AS IS; Contingencies: NONE

Contact: Joseph B. Spero, Trustee,
3213 West 26th Street, Erie, PA 16506, Phone 814-836-1011,
sperolaw@neohio.twcba.com

For Information, description, and photographs: www.pawb.uscourts.gov/easi.htm

May 18

LOOKING FOR ESTATE NOTICES

OR OTHER LEGAL NOTICES
REQUIRING PUBLICATION
IN A PA LEGAL JOURNAL?

Go to www.palegalads.org

This FREE site allows you to
search statewide to determine
whether a specific legal notice
has been published.



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**.*

ACTION TO QUIET TITLE

Court of Common Pleas
Erie County, PA
No. 10286-2018

Complaint To Quiet Title

Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP, c/o PennyMac Loan Services, LLC, Plaintiff vs. James W. Pyle, Jr., Tonya Pyle & Advanta National Bank USA, Defendants

To: Advanta National Bank USA, Defendant, whose last known addresses are 9152 Shaddock Road, McKean, PA 16426 and c/o 16875 West Bernardo Drive, San Diego, CA 92127: TAKE NOTICE THAT Plaintiff has filed an action Quiet Title on 9152 Shaddock Road, McKean, PA 16426, as captioned above. **NOTICE: IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSES OR OBJECTIONS WITH THE COURT. 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 NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.** Erie County Bar Assn., 429 W. 6th St., Erie, PA 16507, 814.459.3111. Matthew J. McDonnell, Atty. for Plaintiff, Powers Kirn & Assoc., LLC, 8 Neshaminy Interplex, Ste. 215, Trevese, PA 19053, 215.942.2090.

May 18

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: Millennial Entertainment
2. Principal business address: 2656 East 33rd Street, Erie, PA 16510
3. Name and address of the persons who are party to the registration: Donald J. Smith, 2656 East 33rd Street, Erie, PA 16510
4. An application for registration of the Fictitious Name was filed with the Department of State under the Fictitious Names Act on or about 3/25/18.

May 18

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with the Department of State for EAL Breads Inc, a corporation organized under the Pennsylvania Business Corporation Law of 1988.

May 18

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with the Department of State for J&S Bread Distributors Inc, a corporation organized under the Pennsylvania Business Corporation Law of 1988.

May 18

INCORPORATION NOTICE

Notice is hereby given that Lake Haven Estates Homeowners Association, Inc. has been incorporated as a non-profit corporation under the provisions of the Pennsylvania Business Corporation Law of 1988. Michael A. Agresti, Esquire, 300 State Street, Suite 300, Erie, Pennsylvania 16507.

May 18

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with the Department of State for Madelyn & Matt Inc, a corporation organized under the Pennsylvania Business Corporation Law of 1988.

May 18

INCORPORATION NOTICE

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, for a business corporation which has been incorporated under the provisions of the Business Corporation Law of 1988. The name of the corporation is The Catholic Deposit and Loan Fund of Northwest Pennsylvania.

Colleen R. Stumpf, Attorney
Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc.

2222 West Grandview Boulevard
Erie, Pennsylvania 16506-4508

May 18

LEGAL NOTICE

**SEMIR BEGANOVIC V.
ALISHA LINDSTROM
IN THE COURT OF COMMON
PLEAS OF ERIE COUNTY,
PENNSYLVANIA**

**DOCKET NO. 12902 - 2017
ATTENTION: ALISHA
LINDSTROM**

Semir Beganovic has filed a Complaint for Custody against you. You are ordered to appear in person at Courtroom B #208, Erie County Courthouse, 140 West Sixth Street, Erie, Pennsylvania on June 28, 2018 at 11:00 a.m. for a custody trial. You are warned that, if you fail to appear, an order for custody may be entered against you or the court may issue a warrant for your arrest.

You should take this paper to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced or no fee.

Lawyer Referral &

Information Service
 P.O. Box 1792, Erie, PA 16507
 (814) 459-4411

May 18

LEGAL NOTICE

ATTENTION: EMMANUEL FOX, SR.

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD N.M.F. DOB: 10/05/2001 BORN TO: ERICKA ARRINGTON 33 IN ADOPTION, 2018

If you could be the parent of the above-mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Senior Judge Shad Connelly, Court Room No. B-208, City of Erie on June 8, 2018 at 1:30 p.m. and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

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

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

Family/Orphan's Court Administrator

Room 204 - 205
 Erie County Court House
 Erie, Pennsylvania 16501
 (814) 451-6251

NOTICE REQUIRED BY ACT 101 OF 2010: 23 Pa. C.S §§2731-2742. This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact or communication following an adoption between an adoptive parent, a child, a birth parent and/or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the court. The agreement must be signed and approved by the court to be legally binding. If you are interested in learning more about this option for a voluntary agreement, contact the Office of Children and Youth at (814) 451-7726, or contact your adoption attorney, if you have one.

May 18

LEGAL NOTICE

In the Court of Common Pleas for Erie County, Pennsylvania
 Civil No. 11006-18

Maria Bentz, Plaintiff, vs. The Unknown Heirs of Marie Holquist, the Unknown Heirs of Betty Marie Holquist Carpenter, the Unknown Heirs of Paul L. Carpenter, Debra Lee Carpenter Albert, and Gary Paul Carpenter, Defendants.

NOTICE TO DEFEND

You have been sued in Court.

If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by an 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 amended complaint or for any other claim or relief requested by the plaintiff. You may lose money 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.

Lawyer Referral & Information Service
 P.O. Box 1792
 Erie, PA 16507
 Tel. 814-459-4411

Mon. – Fri. 8:30 a.m. – Noon;
 1:15 p.m. – 3:00 p.m.

David J. Barton, Esq., Bentz Law Firm, P.C., Attorneys for Plaintiff, 680 Washington Road Ste. 200, Pittsburgh, PA 15228, 412-563-4500

May 18

LEGAL NOTICE

NOTICE OF ACTION IN MORTGAGE FORECLOSURE

Michael C. Mazack, Esquire
 Pa. I.D. #205742

Tucker Arensberg, P.C.
 1500 One PPG Place
 Pittsburgh, PA 15222
 412-566-1212

Attorney for PNC Bank, National Association, Plaintiff

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
 10441-18

PNC BANK, NATIONAL ASSOCIATION, Plaintiff,
 vs.

JAMIE L. LOPATYNSKI AND KRISTIN M. ISAACSON, SOLELY IN THEIR CAPACITY AS KNOWN HEIRS OF LYNNE A. JOHNSON, AND ALL UNKNOWN HEIRS OF LYNNE A. JOHNSON, Defendants

TO: ALL UNKNOWN HEIRS OF LYNNE A. JOHNSON, Defendant
 You are hereby notified that on February 22, 2018, PNC Bank, National Association, filed a Complaint in Action of Mortgage Foreclosure, endorsed with a Notice to Defend, against the above Defendants at the above number. Property Subject to Foreclosure: 927 Potomac Avenue, Erie, PA 16505

NOTICE

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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral and Information Service
P.O. Box 1792
Erie, Pennsylvania 16507
Telephone: (814) 459-4411
Mon - Fri
8:30 a.m. - Noon;
1:15 p.m. - 3:00 p.m.

May 18

LEGAL NOTICE
COURT OF COMMON PLEAS
ERIE COUNTY
No.: 2018-10233
Nationstar Mortgage LLC d/b/a
Mr. Cooper, Plaintiff

Vs.

Justin Pfadt, known heir of
Thomas Pfadt a/k/a Thomas
J. Pfadt, Deceased; Unknown
heirs, successors, assigns and all
persons, firms, or associations
claiming right, title or interest
from or under Thomas J. Pfadt,
Deceased, Defendants

TO: Unknown heirs, successors, assigns and all persons, firms, or associations claiming right, title or interest from or under Thomas J. Pfadt, Deceased

TYPE OF ACTION: CIVIL ACTION/ COMPLAINT IN MORTGAGE FORECLOSURE PREMISES SUBJECT TO FORECLOSURE: 8950 Cypress Waters Boulevard, Coppell, TX 75019

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing to the court. 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 NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral Service & Information
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Erie, PA 16507
814-459-4411

MILSTEAD & ASSOCIATES, LLC
By: Bernadette Irace, Esquire
Attorney ID#3130081
1 E. Stow Road
Marlton, NJ 08053
Attorney for Plaintiff
(856) 482-1400

May 18



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**AUDIT LIST
NOTICE BY
KENNETH J. GAMBLE**

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 **Wednesday, May 9, 2018** and confirmed Nisi.

June 20, 2018 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>2018</u>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
132.	Virginia E. Stull.....	Lisa M. Bair, Executrix	Robert J. Jeffery, Esq.
133.	Ronald R. Salhoff	Brent Salhoff, Executor	Melissa L. Larese, Esq.
134.	Ralph M. Suscheck..... a/k/a Ralph Michael Suscheck	David J. Suscheck, Executor	Grant M. Yochim, Esq.

KENNETH J. GAMBLE
Clerk of Records
Register of Wills &
Orphans' Court Division

May 18, 25

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

**CHRISTOPH, DOROTHY M.,
a/k/a DOROTHY MOGNET
CHRISTOPH,
deceased**

Late of Millcreek Township, Erie County Pennsylvania
Executrix: Attorney Elizabeth Brew Walbridge, 1001 State St., Suite 1400, Erie, PA 16501
Attorney: Elizabeth Brew Walbridge, Esquire, 1001 State St., Suite 1400, Erie, PA 16501

**COYLE, JAMES ARTHUR, a/k/a
JAMES A. COYLE,
deceased**

Late of Springfield Township, Erie County, Pennsylvania
Administrator: Todd A. Coyle, c/o Mary Alfieri Richmond, Esq., Jones School Square, First Floor, 150 East 8th Street, Erie, PA 16501
Attorney: Mary Alfieri Richmond, Esq., Jones School Square, First Floor, 150 East 8th Street, Erie, PA 16501

**CURTIS, PATRICIA A., a/k/a
PATRICIA CURTIS, a/k/a
PATRICIA ANN CURTIS,
deceased**

Late of the Township of Springfield, County of Erie, State of Pennsylvania
Executrix: Deborah L. Lawson, 13168 West Lake Road, East Springfield, PA 16411
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**DONIKOWSKI, RICHARD F.,
a/k/a RICHARD DONIKOWSKI,
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania
Executrix: Mary L. Madsen, c/o Richard A. Vendetti, Esquire, 3820 Liberty Street, Erie, Pennsylvania 16509
Attorney: Richard A. Vendetti, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**FROST, WILLIAM C.,
deceased**

Late of the Township of Harborcreek, County of Erie, Commonwealth of Pennsylvania
Administratrix: Debra A. Woodel, c/o Quinn, Buseck, Leemhuis, Toohy & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohy & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**GANGEMI, DOMINIC C., a/k/a
DOM GANGEMI,
deceased**

Late of the City of Erie, Erie County, Commonwealth of Pennsylvania
Executrix: Janice M. Gangemi, c/o Thomas C. Hoffman, II, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**NIEDZIELSKI, ELLA R.,
deceased**

Late of City of Erie
Executrix: Carole A. Graml, c/o 246 West 10th Street, Erie, PA 16501
Attorney: Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

**PAPROCKI, CLARENCE J.,
deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania
Executrix: Gregory J. Paprocki, c/o Thomas C. Hoffman, II, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**RICHEY, EVANNA M.,
deceased**

Late of the Town of Ripley, Chautauqua County, New York
Executrix: Gayle Mowers, c/o 33 East Main Street, North East, Pennsylvania 16428
Attorney: Robert J. Jeffery, Esq., KNOX LAW, 33 East Main Street, North East, Pennsylvania 16428

**RUMBERGER, ANNA P.
KAUFMAN, a/k/a ANNA P.
FOSTER,
deceased**

Late of the Millcreek Township, Erie County, Pennsylvania
Executor: Gerald H. Kaufman, c/o 150 East 8th Street, Erie, PA 16501
Attorney: Gregory L. Heidt, Esquire, 150 East 8th Street, Erie, PA 16501

**TONELLI, LILLIAN,
deceased**

Late of the City of Erie
Executrix: Theresa Tonelli
Attorney: Edwin W. Smith, Esquire, Shapira, Hutzelman and Smith, 305 West 6th Street, Erie, PA 16507

**VOGT, MARY O.,
deceased**

Late of the Township of North East, County of Erie and Commonwealth of Pennsylvania
Executor: Rev. Joseph V. Wardanski, c/o Vlahos Law Firm, P.C., 3305 Pittsburgh Avenue, Erie, PA 16508
Attorney: Darlene M. Vlahos, Esq., Vlahos Law Firm, P.C., 3305 Pittsburgh Avenue, Erie, PA 16508

**WARREN, GLADYS M.,
deceased**

Late of Harborcreek Township, Erie County, Erie, PA
Administrator: Robert J. Jeffery, 33 East Main Street, North East, Pennsylvania 16428
Attorney: Robert J. Jeffery, Esq., KNOX LAW, 33 East Main Street, North East, Pennsylvania 16428

**WEIGEL, JOAN IRETA, a/k/a
JOAN I. WEIGEL,
deceased**

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

**WESCHLER, MARY A.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: David J. Rhodes
Attorney: Thomas J. Minarcik, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

SECOND PUBLICATION**BECKMAN, ELIZABETH S.,
deceased**

Late of Township of Millcreek, Erie County, Commonwealth of Pennsylvania
Executrix: Barbara R. Beckman, c/o 120 W. 10th Street, Erie, PA 16501
Attorney: Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

**BENZO, LAMONT C., a/k/a
TALIB C. BENZO, a/k/a
TALIB C. ABDULQUADIR,
deceased**

Late of City of Erie
Administratrix: Janette Benzo, 3418 Burton Ave., Erie, PA 16504
Attorney: None

**FIRCH, EDWARD LAWRENCE,
a/k/a EDWARD L. FIRCH, a/k/a
LARRY FIRCH,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: William Gerard Firch, 930 West 51st Street, Erie, PA 16509-2520
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**FURNAL, BEVERLY F.,
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Sarah M. Pochey, 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

**GOSSAGE, ELIZABETH
GRIFFIN, a/k/a ELIZABETH G.
GOSSAGE, a/k/a ELIZABETH
G. DALEY,
deceased**

Late of Lawrence Park Township, Erie County, Commonwealth of Pennsylvania
Administrator: Richard W. Perhaps, c/o Jerome C. Wegley, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**HIGHAM, WENDY LEE,
deceased**

Late of City of Erie, Erie County, Commonwealth of Pennsylvania
Executrix: Lisa L. Frampton, c/o 120 W. 10th Street, Erie, PA 16501
Attorneys: Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

**KELLER, JAMES ELMER, SR.,
a/k/a JAMES E. KELLER, SR.,
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania
Co-Executors: James Elmer Keller, Jr. and Michele Lin Ventrello, c/o Michael A. Agresti, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: Michael A. Agresti, Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP, Suite 300, 300 State Street, Erie, PA 16507

**KUHL, MARGARET J., a/k/a
MARGARET KUHL, a/k/a
MARGARET JANE KUHL,
deceased**

Late of the Township of Greene, County of Erie and Commonwealth of Pennsylvania
Executrix: Judith A. Kosterman
Attorney: Thomas J. Minarcik, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

**LITTLE, JOHN MICHAEL, a/k/a
JOHN M. LITTLE,
deceased**

Late of Township of Summit, County of Erie, and Commonwealth of Pennsylvania
Executor: Bonnie Jean Swackhamer, 8181 Timberwood Lane, Erie, PA 16509
Attorney: Thomas S. Kubinski, Esquire, The Conrad - F.A. Brevillier House, 502 Parade Street, Erie, PA 16507

**MACERATA, IGINO J., a/k/a
IGINO MACERATA, a/k/a
GINO MACERATA,
deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania
Executrix: Domenica Macerata, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Melissa L. Larese, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**ORE, VINCENT H.,
deceased**

Late of Summit Township, Erie County, Commonwealth of Pennsylvania
Executor: Stephen J. Ore, c/o Jeffrey D. Scibetta, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**PACANSKY, PETER P.,
deceased**

Late of the Township of Fairview, County of Erie and Commonwealth of Pennsylvania
Executor: David P. Pacansky, c/o Eugene C. Sundberg Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: Eugene C. Sundberg Jr., Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

**ROSE, GARY R.,
deceased**

Late of Harborcreek Township, City of Erie
Administratrix: Rebecca Rose
Attorney: John F. Mizner, 311 West Sixth Street, Erie, PA 16507

**SCHMITTLE, S. JAMES, SR.,
a/k/a S. JAMES SCHMITTLE,
deceased**

Late of the City of Erie, County of Erie, State of Pennsylvania
Executor: S. James Schmittle, Jr., 4680 Noland Blvd., Williamsburg, VA 23188
Attorney: James R. Steadman, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**TURNER, ALMA E.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Darlene F. Dick, c/o James E. Marsh Jr., Esquire, Suite 300, 300 State Street, Erie, PA 16507
Attorney: James E. Marsh Jr., Esquire, MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

THIRD PUBLICATION

**ALLEN, MARGARET G.,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executor: Anthony Dufala, c/o Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507
Attorney: Gary H. Nash, Esq., Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

**ANDERSON, KAY D.,
deceased**

Late of the City of Erie
Executrix: Theresa K. Anderson, 715 E. 31 St., Erie, PA 16504
Attorney: None

**BARNES, GAIL M.,
deceased**

Late of the City of Erie, County of Erie
Administratrix: Mary A. New, 1343 West 23rd Street, Erie, PA 16502
Attorney: Nicholas, Perot, Smith, Koehler & Wall, P.C., Michael J. Koehler, Esquire, 2527 West 26th Street, Erie, PA 16506

**BEALS, RODNEY M.,
deceased**

Late of the Township of Waterford, County of Erie, Commonwealth of Pennsylvania
Executrix: Courtney C. Ansell, 71 Mohawk Drive, Greensburg, PA 15601
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**BEEBE, JUNE M.,
deceased**

Late of the City of Corry, County of Erie, Commonwealth of Pennsylvania
Executrix: Gertrude Whitney, 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

**COOK, THOMAS J., JR.,
deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania
Executor: Lynda A. Cook
Attorney: The McDonald Group, L.L.P., Thomas J. Buseck, Esquire, 456 West Sixth Street, Erie, PA 16507-1216

**KEIM, JAMES W., JR.,
deceased**

Late of Millcreek Township, County of Erie, Commonwealth of Pennsylvania
Executor: Michael D. Keim, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508
Attorney: Colleen R. Stumpf, Esquire, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**KLAUS, THOMAS C., a/k/a
THOMAS KLAUS, a/k/a
THOMAS C. KLAUS M.D.,
deceased**

Late of Millcreek Township, Erie County, Pennsylvania

Executrix: Nancy Klaus, c/o Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

Attorney: Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**KULKA, MARTHA A.,
deceased**

Late of the City of Kane, McKean County, Commonwealth of Pennsylvania

Co-Executors: Patricia M. Maljovec and Joseph J. Maljovec, c/o Jerome C. Wegley, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**McARAW, MARY M.,
deceased**

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

Executor: Thomas G. McArAw, c/o 333 State Street, Suite 203, Erie, PA 16507

Attorney: Damon C. Hopkins, Esquire, 333 State Street, Suite 203, Erie, PA 16507

**MIR, DAVID J., M.D., a/k/a
DAVID J. MIR,
deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania

Executor: John Mir, c/o Jerome C. Wegley, Esq., 120 West Tenth Street, Erie, PA 16501

Attorney: Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**MOGEL, DENNIS J.,
deceased**

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania
Executor: Andrew Botelho, c/o Quinn, Buseck, Leemhuis, Toohy & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Melissa L. Larese, Esq., Quinn, Buseck, Leemhuis, Toohy & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**MORGAN, CONSTANCE D.,
a/k/a CONNIE D. MORGAN,
deceased**

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

Administratrix: Katelynn Morgan, c/o James E. Marsh, Jr., Esquire, Suite 300, 300 State Street, Erie, PA 16507

Attorney: James E. Marsh, Jr., Esquire, MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP, Suite 300, 300 State Street, Erie, PA 16507

**ROGALA, DONALD J.,
deceased**

Late of the Township of Millcreek, Erie County

Executrix: Allison R. Rogala, 6205 Fauvette Lane, Holly Springs, NC 27540

Attorney: Charbel G. Latouf, Esquire, 246 West Tenth Street, Erie, PA 16501

**SCUPSKI, FLORENCE, a/k/a
FLORENCE A. SCUPSKI,
deceased**

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

Administratrix: Marie Scupski, c/o Vlahos Law Firm, P.C., 3305 Pittsburgh Avenue, Erie, PA 16508

Attorney: Darlene M. Vlahos, Esq., Vlahos Law Firm, P.C., 3305 Pittsburgh Avenue, Erie, PA 16508

**URBAN, ROBERT B., a/k/a
ROBERT BARRY URBAN, a/k/a
BARRY URBAN,
deceased**

Late of the Township of Millcreek, Erie County, Pennsylvania

Executor: Richard A. Urban, 8725 Red Brook Drive #202, Las Vegas, Nevada 89128

Attorney: Raymond A. Pagliari, Esq., 510 Cranberry Street, Suite 301, Erie, Pennsylvania 16507

**WEBER, BETTY LOU
LaFONTAINE, a/k/a BETTY LOU
WEBER,
deceased**

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

Executrix: Deidre L. Brown, c/o Jerome C. Wegley, Esq., 120 West Tenth Street, Erie, PA 16501

Attorney: Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**ZIMMERLY, JACK W., SR.,
V.M.D.,
deceased**

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

Executrix: Elizabeth Z. Weldon, 143 West Second Street, Waterford, PA 16441

Attorney: Richard T. Ruth, Esq., 1026 West 26th St., Erie, PA 16508

CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

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